

Joint Media Release – Phnom Penh, 30 January 2018

CSOs call for charges against NGO leaders to be dropped and for an end to ongoing harassment of civil society

We, the undersigned civil society organizations (“CSOs”), call for the charges against three of Cambodia’s most prominent civil society leaders – Mr. Pa Nguon Teang, Venerable But Buntenh, and Mr. Moeun Tola – to be immediately dropped.¹ These baseless charges are clearly a form of intimidation and harassment, aimed at further silencing Cambodian civil society and human rights defenders.

Pa Nguon Teang, But Buntenh and Moeun Tola were charged on 4 January 2018 by the Phnom Penh Municipal Court with “breach of trust” under Articles 391 and 392 of the Criminal Code of Cambodia, for allegedly misappropriating funds in relation to the funeral of the murdered political commentator, Dr. Kem Ley.² The charges follow a complaint filed by Cambodian Youth Party leader, Pich Sros, on 8 September 2017, which accused the funeral committee members of embezzling donations. If convicted, the three human rights defenders face between six months and three years in prison and a fine of up to six million Riel.³

Following Kem Ley’s death,⁴ a funeral committee was formed, which included the three charged persons among its members. The committee was responsible for logistical support, including organizing the funeral procession and related events. The three charged persons insist that their role did not involve the management of donations or any other funds. The charges are solely based on the unsubstantiated complaint filed by Pich Sros. Mr. Sros previously filed a complaint against the Cambodia National Rescue Party, leading to its dissolution by the Supreme Court in November 2017.⁵

No complaint was filed by Kem Ley’s family regarding the handling of donated funds and members of the family have publicly discredited the current lawsuit, calling it “*baseless*”. In Sros’s original complaint, he claimed to have inside information from Kem Ley’s family that

¹ All three charged persons are prominent civil society leaders. Pa Nguon Teang is the Director of the Cambodian Center for Independent Media; But Buntenh is the Founder of the Independent Monk Network for Social Justice; and Moeun Tola is the Executive Director of the Center for Alliance of Labor and Human Rights.

² Andrew Nachemson and Niem Cheng, ‘Three activists charged for allegedly misappropriating funds meant for Ley funeral’, *Phnom Penh Post*, (18 January 2018), <http://bit.ly/2rAvSIT>. See also: Khy Sovuthy, ‘Kem Ley funeral committee members charged’, *Khmer Times*, (18 January 2018), <http://bit.ly/2DBchaF>; ‘Court decides to accuse three individuals over Kem Ley’s fund’, *Fresh News Asia*, (18 January 2018), <http://bit.ly/2Duq9IX>.

³ Article 392 of the Criminal Code of Cambodia

⁴ Popular political commentator and social activist Dr. Kem Ley was murdered in Phnom Penh on 10 July 2016. Significant public outcry surrounded his death, and the deficiencies in the subsequent investigation and prosecution prompted calls for an independent Commission of Inquiry to be established to investigate further. See: IFEX, ‘Pressure mounts on Cambodia a year after Kem Ley’s killing’. Available at: <https://www.ifex.org/cambodia/2017/07/10/kem-ley-anniversary-killing/>

⁵ Andrew Nachemson and Soth Koemsoeun, ‘Cambodian Youth Party launches bid to end CNRP’, *Phnom Penh Post*, (5 October 2017), <http://bit.ly/2FrNEd7>

money for the funeral had been misappropriated. However, a family member who sat on the funeral committee has publicly rejected this statement, stating that he “*never supported the lawsuit*” and crucially, that the committee did not even handle the funds, which were controlled by Kem Ley’s relatives. Kem Ley’s sister-in-law has also rejected the suit, stating that the three leaders never managed the funds.⁶ These statements by Kem Ley’s family members suggest that this is, in fact, a politically-motivated prosecution.

These unsubstantiated charges come amidst a severe government crackdown on dissent in Cambodia, which has dramatically diminished the space for human rights defenders and CSOs to operate. Examples include the suspension of Equitable Cambodia, the shutdown of the National Democratic Institute, the deregistration of Mother Nature Cambodia,⁷ the coerced closure of independent media outlets including the Cambodia Daily and Radio Free Asia (RFA)’s Cambodia bureau;⁸ as well as the politically-motivated prosecutions of human rights defenders such as land activist Tep Vanny, Mother Nature Cambodia activists Hun Vannak and Doem Kundy, and former RFA journalists Yeang Sothearin and Uon Chhin.⁹

We, the undersigned CSOs, call for the baseless charges against Pa Nguon Teang, But Buntenh and Moeun Tola to be dropped immediately. We further call upon the Cambodian authorities to immediately cease the persecution of CSOs, human rights defenders and activists who are undertaking legitimate and vital work that benefits Cambodia’s sustainable development. We urge the Cambodian government to respect the Cambodian Constitution and international human rights law, and to enable a vibrant civil society to thrive without undue restrictions and harassment.

This statement is endorsed by:

1. Boeung Kak Community
2. Boeung Trabek Community
3. CamASEAN Youth’s Future (CamASEAN)
4. Cambodia Development People Life Association
5. Cambodian Center for Human Rights (CCHR)
6. Cambodian Center for Independent Media (CCIM)
7. Cambodian Committee for Cambodia (CCC)
8. Cambodian Food And Service Workers Federation (CFSWF)

⁶ Niem Cheng and Andrew Nachemson, ‘Brother of Kem Ley says suit against activists for swiping funeral funds is baseless’, *Phnom Penh Post*, (23 January 2018), <http://bit.ly/2nac4QZ>.

⁷ Although Mother Nature Cambodia’s deregistration was technically voluntary, one of the group’s co-founders stated it was “*prompted by constant harassment of two other co-founders*”. See: Mech Dara and Ananth Baliga, ‘Environmental NGO Mother Nature dissolved’, *The Phnom Penh Post*, 18 September 2017. Available at: <http://www.phnompenhpost.com/national/environmental-ngo-mother-nature-dissolved>

⁸ RFA’s closure of its Phnom Penh bureau was also voluntary; however, an RFA representative stated that the recent crackdown on independent media that has made it “*impossible*” to continue in the country. See: Ananth Baliga, Mech Dara and Niem Chheng, ‘RFA shuts down Cambodia operations amid media crackdown’, *The Phnom Penh Post*, 12 September 2017. Available at: <http://www.phnompenhpost.com/national/rfa-shuts-down-cambodia-operations-amid-media-crackdown> (English)

⁹ Joint Statement, ‘CSO’s call for justice and respect for human rights’, (10 December 2017), <http://bit.ly/2E7qaKY>. See also: Say Mony, ‘Resist ongoing suppression of freedom, U.S. civil society tells Cambodian counterparts’, *VOA*, (23 January 2018), <http://bit.ly/2DzOnZ8>.

9. Cambodian Human Right and Development Association (ADHOC)
10. Cambodian Independent Teacher's Association (CITA)
11. Cambodian League for the Promotion and Defense of Human Rights (LICADHO)
12. Cambodian Volunteer for Society (CVS)
13. Cambodian Women's Crisis Center (CWCC)
14. Cambodian Youth Network (CYN)
15. Center for Alliance of Labor and Human Rights (CENTRAL)
16. Coalition for Integrity and Social Accountability (CISA)
17. Committee for Free and Fair Election in Cambodia (COMFREL)
18. Equitable Cambodia (EC)
19. Gender and Development for Cambodia (GAD/C)
20. Independent Democracy of Informal Economy Association (IDEA)
21. Indigenous Youth at Prome Community, Preah Vihear Province
22. Indradevi Association (IDA)
23. Khmer Kampuchea Krom for Human Rights and Development Association
24. Kuoy Ethnic Community, Prame Village, Preah Vihea province
25. Land Community, I Village Preah Sihanouk province
26. Land Conflict Community, Krenh Village, Pailin province
27. Minority Rights Organization (MIRO)
28. Mother Nature
29. Neutral and Impartial Committee for Free & Fair Elections in Cambodia (NICFEC)
30. Ponlok Khmer (PKH)
31. Railway Station, Tuol Sangkae A Community
32. Samakum Teang Tnaut (STT)
33. SOS International Airport Community, Phnom Penh
34. The Alliance for Conflict Transformation (ACT)
35. The Cambodian Defender Project (CDP)