



ATTACKS & THREATS AGAINST HUMAN RIGHTS DEFENDERS IN CAMBODIA

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BRIEFING PAPER
December 2006



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LICADHO

CAMBODIAN LEAGUE FOR THE
PROMOTION AND DEFENSE OF HUMAN RIGHTS

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CAMBODIAN LEAGUE FOR THE PROMOTION
AND DEFENSE OF HUMAN RIGHTS

Cambodian League for the Promotion and Defense of Human Rights (LICADHO)

LICADHO is a national Cambodian human rights organization. Since its establishment in 1992, LICADHO has been at the forefront of efforts to protect the rights in Cambodia and to promote respect for civil and political rights by the Cambodian government and institutions. Building on its past achievements, LICADHO continues to be an advocate for the people and a monitor of the government through wide ranging human rights programs from its main office in Phnom Penh and 12 provincial offices.

LICADHO pursues its activities through its seven program offices:

- The Documentation and Resources Office compiles case files into a central electronic database, so that accurate information can be easily accessed and analyzed.
- The Human Rights Education Office provides training courses to target groups such as government officials, students, monks and provides dissemination sessions to the general public.
- The Monitoring Office investigates human rights violations and assists victims in the legal process. Specially trained staff also monitors 18 prisons to assess prison conditions and ensure that pre-trial detainees have access to legal representation.
- The Medical Office provides medical assistance to prisoners and prison officials in 12 prisons and provides medical care and referrals to hospitals for victims of human rights violations.
- Project Against Torture provides comprehensive rehabilitation services to victims of torture and conducts advocacy against torture.
- The Children's Rights Office educates the public on children's rights, creates child protection networks at the grassroots level, and investigates children's rights violations.
- The Women's Rights Office educates the public about women's rights, investigates women's rights violations and advocates for social and legal changes.

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Executive Summary

2006 has been a bad year for human rights defenders in Cambodia. On January 1, two of the country's most prominent human rights activists woke up in Prey Sar prison, following their arrest the previous day on charges of defaming the government. Days later a third activist was also arrested and detained. Others went into hiding, victims of a crackdown on free expression that threatened to paralyze Cambodia's vibrant yet vulnerable civil society.

While international outrage helped to secure the release of the three jailed activists by the end of January, the arrests set the scene for one of the worst years for human rights defenders in recent memory. Although this report covers only the first ten months of 2006, there have been many more serious attacks on human rights defenders during this period than in the whole of 2005.

There are also changes evident in the pattern of such threats and attacks. Staff members of national human rights organizations continue to be the target for harassment, intimidation and other obstructions to their work. However, the most serious attacks – such as physical assault or arrest and imprisonment – are increasingly being directed against community activists, trade union leaders and other representatives of marginalized and vulnerable groups. Reflecting an increase in conflicts over land and other natural resources, as well as worsening labor conditions, this is a trend which is unlikely to be reversed in the near future. The most serious threats are often aimed at those human rights defenders, particularly those in remote rural areas and those who do not have formal organizations behind them, who have the least protection.

The international community has done little to mitigate the increasing level of threats against human rights defenders. With the exception of the well-publicized defamation arrests, condemnation by the influential international donor community of such attacks has been conspicuous by its absence. When the donors met the government at the annual Consultative Group meeting in March, there was no space on the agenda for human rights – let alone attacks on human rights defenders.

This briefing paper offers an analysis of the increasing threats to human rights defenders in Cambodia between January and October 2006. The paper is based on investigations and other information compiled by the Cambodian League for the Promotion and Defense of Human Rights (LICADHO) with the additional support of the United Nations Cambodia Office of the High Commissioner for Human Rights (UNCOHCHR) and a wide range of Cambodian human rights and community-based organizations.

This paper makes no claim to be comprehensive. LICADHO is aware that many cases of threats against human rights defenders go unreported, and that many activists face intimidation and harassment on a daily basis. In particular, the cases described here of threats and assaults against community activists and trade union leaders represent only the tip of the iceberg, and in reality such cases are reaching epidemic proportions. LICADHO believes that urgent action on the part of both the Cambodian authorities and the international community is essential if this shameful trend is to be reversed.

I. Introduction

Human Rights Defenders – Who Are They?

Human rights defenders are people who, individually or with others, act to promote or protect fundamental human rights in a non-violent manner. They may be members of formal national or international rights organizations, or may work within their local communities. They are often NGO staff, trade union representatives, community leaders, journalists, teachers or students, but can be anyone, irrespective of their usual profession. Today, Cambodia has an increasingly active community of human rights activists and organizations that plays a crucial role in the promotion and defense of human rights.

In determining whether a case constitutes a threat to a human rights defender, LICADHO considers it important to establish whether the victim has undertaken action that genuinely defends or promotes human rights, as set out in the Universal Declaration of Human Rights and guaranteed by international law such as the International Covenant on Civil and Political Rights. Such actions should also be undertaken, in whole or part, on behalf of others, and a clear link should be established between the activities undertaken to defend human rights and the threat, harassment or intimidation that was received.

It should be noted that while politicians can, like anyone else, act as human rights defenders, governing authorities in countries with poor human rights records such as Cambodia often try to discredit neutral human rights organizations by associating them with the political opposition. To avoid such accusations of partisanship, and noting the alternative protections available to politicians under international human rights law, threats received by national politicians are not included in this report.

Legal Protection of Human Rights Defenders

In Cambodia, the 1991 Paris Peace Accords provided a legal framework for protecting human rights defenders, including the rights of freedom of association, assembly and expression. In 1992 the Cambodian government signed and ratified relevant international human rights legislation, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The provisions of these covenants and the Universal Declaration of Human Rights were incorporated into domestic law by the 1993 Constitution of Cambodia.

In 1998, on the occasion of the 50th anniversary of the Universal Declaration of Human Rights, the UN General Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.¹ The Declaration has become known as the ‘Declaration on Human Rights Defenders’.

The Declaration sets out rights and protections for human rights defenders to be upheld by UN member States, such as the rights to seek, obtain, receive and hold information relating to human rights or to criticize a government’s non-compliance with human rights standards. The Special Representative of the Secretary-General on Human Rights Defenders noted that the Declaration was based on legally-binding principles and rights already enshrined in existing international human rights standards, and that since “the Declaration was adopted by consensus by the General Assembly...[it] therefore represents a very strong commitment by States to its implementation.”²

¹ United Nations, Reference: A/RES/53/144. Released 8 March 1999.

² See Annex 2: UN Declaration on Human Rights Defenders.

II. Background

Human Rights in Cambodia

In a speech to the UN General Assembly on September 15, 2005, Prime Minister Hun Sen claimed that human rights in Cambodia were “fully protected”.³ Few would agree with this assessment.

Human Rights Watch believes that 2005 represented a “sharp reversal in progress” that Cambodia had made in observing human rights and developing political pluralism since the 1991 Paris Peace Accords, noting that: “The political opposition was effectively dismantled with the arrest or threat of arrest of opposition parliamentarians. Activists and journalists speaking out about fraudulent confiscation of farmers’ land, illegal logging, or a controversial border treaty with Vietnam were arrested, physically attacked, threatened with death, or prosecuted and imprisoned on spurious charges of defamation.”⁴ Amnesty International reported that peaceful criticism of the government was curtailed, human rights defenders and opposition politicians faced threats and that restrictions on freedom of assembly continued to be imposed. It attacked Cambodia’s “corrupt and weak judicial system”, breaches of the 1951 Refugee Convention, and government-granted land concessions that continue to “dispossess and impoverish” Cambodians.⁵

The US State Department also observed that in 2005 the Cambodian government’s human rights record worsened, reporting “extrajudicial killings; impunity of security forces; abuse of detainees, often to extract confessions; harsh prison conditions; arbitrary arrest and prolonged pretrial detention; a weak judiciary and denial of the right to a fair trial; government control of or influence over the content of television and radio broadcasts; government interference with freedom of assembly; domestic violence and discrimination in the workplace against women; child abuse; trafficking in women and children; land disputes and lack of fair resolutions; antiunion activity by employers and non-enforcement of labor laws; and child labor.”⁶



Riot police are often mobilized to crack down on peaceful demonstrations

Fifteen years after the Peace Accords that ended Cambodia’s civil war, the country remains plagued by abuses of human rights, and the operating environment for those who seek to take action remains difficult and dangerous.

The Crackdown on Civil Society

As the year 2006 began, Cambodian civil society was in disarray. Two of Cambodia’s most prominent human rights defenders, Kem Sokha of the Cambodian Center for Human Rights (CCHR) and Yeng Virak of the Community Legal Education Center (CLEC) had been thrown in prison on New Year’s Eve 2005, charged with defaming the government. A few days later, Pa Ngoun Teang (also of CCHR) would be similarly arrested and jailed. In Prey Sar prison they joined prominent journalist Mam Sonando and trade union leader Rong Chhun, both arrested in October 2005 on defamation and related charges. Many other civil

³ Address by Samdech Hun Sen, Prime Minister of the Royal Government of Cambodia, at the United National General Assembly, New York, September 15, 2005.

⁴ Human Rights Watch World Report 2006, HRW, New York, January 2006.

⁵ AI Report 2006, Amnesty International, May 24, 2006.

⁶ Country Reports on Human Rights Practices 2005, Bureau of Democracy, Human Rights, and Labor, March 8, 2006.

society leaders had fled the country, fearing arrest. Opposition leader Sam Rainsy was in exile following the removal of his parliamentary immunity in February 2005 and subsequent 18-month prison sentence for defamation, while opposition MP Cheam Channy was serving a 7-year sentence in a military prison for supposedly creating an illegal army. None of the arrests, charges or sentences was justified.⁷

Thankfully, the detentions were relatively short-lived, as domestic and international pressure swiftly mounted. On January 11 Yeng Virak was released on bail, and six days later Kem Sokha and Pa Ngoun Teang, along with Mam Sonando and Rong Chhun, also walked free. Yet the releases remained conditional, with bail “guaranteed” by the Prime Minister himself; an act described as a “gift” to a visiting senior US official on the opening of the new US embassy. The Prime Minister made it clear in subsequent public announcements that any of the activists who acted “arrogantly” could be re-arrested, and at time of writing, the charges against them had still not been dropped. Despite the fact that legally they can no longer be tried⁸, in effect the accused men remain under indefinite threat. Similar tactics were to be used against numerous human rights defenders across Cambodia in the months to follow.

The following month, pardons were issued to Cheam Channy and Sam Rainsy, with the former being released from prison and the latter returning to the country. To some observers, the events of early 2006 were evidence of a softening of the Cambodian government’s approach to dissent and its increased commitment to human rights. Some cynics, however, suggested that the release of human rights defenders and newfound rapprochement with the opposition might have more to do with a critical forthcoming meeting with the international donor community.⁹

The International Community

While many in the international community were vocal in their opposition to the arrest of Kem Sokha, Yeng Virak and Pa Ngoun Teang, most criticism stopped abruptly with their conditional release. International human rights organizations such as Amnesty International and Human Rights Watch continued to decry the Cambodian government’s failures on human rights and attacks against human rights defenders, but the influential international donor community went largely silent. When the government met donor community representatives at the Consultative Group meeting on 2-3 March, there were no discussions about human rights, according to co-chairman and Finance Minister Keat Chhon.¹⁰ Following the meeting, at which donor pledges increased from \$504 million in December 2004 to \$601 million, US Ambassador Joseph Mussomeli described the Prime Minister’s recent actions, such as the release of wrongfully-imprisoned human rights defenders, as “very dynamic and courageous”.¹¹

The Cambodian authorities have continued to demonstrate their contempt for those in the international community who *do* question Cambodia’s human rights record, with international human rights defenders subject to repeated public attacks by government officials. In March, the newly-appointed UN Special Representative for Human Rights in Cambodia, Professor Yash Ghai, criticized the centralization of power in Cambodia and lack of progress on human rights. In response, the Prime Minister described him as “rude” and a

⁷ For a more detailed examination of the crackdown, see LICADHO’s report *Threats to Human Rights Defenders in Cambodia 2005*.

⁸ Under Cambodia’s criminal code, accused persons must be brought to trial within six months of their arrest, regardless of whether or not they are held in pre-trial detention.

⁹ Guy de Launey, *Pardon for Cambodian Exile Rainsy*, BBC News, February 5, 2006.

¹⁰ Erik Wasson & Kay Kimsong, *Pledges Hit \$601 Million at CG*, The Cambodia Daily, March 4-5, 2006.

¹¹ Erik Wasson & Kay Kimsong, *Donors See Anti-Corruption Law as Test of Gov’t*, The Cambodia Daily, March 6, 2006.

“long-term tourist” who “comes without knowing anything”.¹² The Prime Minister, who has declined to meet with Ghai on his two visits to Cambodia, stated that he would now never do so, and called upon UN Secretary-General Kofi Annan to remove him. Minister of Information Khieu Khanarith claimed that Ghai had been misinformed by the staff of the Cambodia Office of the High Commissioner for Human Rights, calling them “the most lazy staff the UN has”.¹³

Legislative Obstacles

In the run-up to the Consultative Group meeting, the Prime Minister stated his intention to decriminalize defamation,¹⁴ and on May 26 the National Assembly passed a welcome amendment to the penal code that removed prison sentences for defamation. Yet defamation has *not* been decriminalized – it remains a criminal offence for which suspects can be arrested, and subject to fines of up to 10m riel (US\$2,500) – a sum which most Cambodians would have little chance of paying, thus facing the possibility of imprisonment for debt. Defamation charges continue to be pressed, for example against royal biographer Julio Jeldres, fined 8m riel (\$2,000) plus 10m riel compensation in September for allegedly defaming the Prime Minister. There is also evidence that the charge of disinformation, which still carries a prison sentence of up to three years, is replacing defamation as a means of imprisoning critics. For example, university lecturer Teang Narith was arrested on September 4, charged with disinformation for writing a book critical of government policy and is currently awaiting trial in Prey Sar prison.

A further threat is currently posed to human rights defenders by the government’s proposed *Law on Local Associations and Non-Governmental Organizations* (or “NGO Law”). The latest draft of the law includes vague and complicated registration procedures for NGOs, criminalizes unregistered NGOs, requires NGOs to inform local authorities of their activities and enables the government to monitor NGO program activities for unspecified “political interests”. Such provisions are directly contrary to the recommendations of the Special Representative of the UN Secretary-General on Human Rights Defenders, who has expressed concerns that governments are increasingly using such “NGO Laws” to restrict the activities of human rights organizations.¹⁵

¹² Chhim Sopheark & Erik Wasson, *PM Says UN Envoy Should Be Removed*, The Cambodia Daily, March 30, 2006.

¹³ Erik Wasson, *Annan Backs Embattled Human Rights Envoy*, The Cambodia Daily, April 1-2, 2006.

¹⁴ Yun Samean, *Hun Sen: Defamation Should Be Decriminalized*, The Cambodia Daily, February 15, 2006.

¹⁵ Hina Jilani, *Report of the Special Representative of the Secretary-General on Human Rights Defenders*, October 1, 2004, A/59/401, p2.

III. Threats to Human Rights Defenders January-October 2006

Victims and Perpetrators

A wide range of human rights defenders have been the victims of threats and attacks during the first ten months of 2006. Staff members of national human rights organizations continue to face threats and intimidation in their daily work, as well as systematic obstruction of their efforts to monitor serious cases such as evictions, demonstrations and strikes where excessive force has been applied and protestors injured and arrested. Ordinary citizens attempting to defend the human rights of others, such as villagers who assist asylum seekers, have also been the subject of repeated threats and harassment. However the victims of many of the most serious attacks – death threats, physical assaults, arrest and imprisonment – are increasingly community activists and representatives of affected groups in disputes over land and natural resources. Trade union representatives who are active in labor disputes have also been the victims of some of the most serious and systematic attacks reported this year, and journalists investigating human rights issues have been the victims of threats and assaults in a number of cases.

The perpetrators of threats and attacks against human rights defenders are equally diverse. Police, military and military police have all been involved in threats, assaults and arrests of human rights defenders, as have national and local government officials. Cases involving unlawful arrests and detentions of human rights defenders often involve a multitude of perpetrators, including those who file unwarranted complaints, the armed forces that carry out the arrests and the judicial authorities that charge, try and imprison the victims. In defending human rights, activists often find themselves in conflict with powerful Cambodian and foreign business interests, typically with close links to the authorities, who are frequently the instigators of malicious legal complaints and sometimes the sponsors of violence.

Human Rights NGOs

It is little surprise that threats to human rights workers most often occur in the context of controversial cases that they are attempting to monitor, particularly land disputes. In May, monitors from ADHOC, LICADHO and CCHR were detained and threatened at gunpoint by military police in Kampot province whilst investigating a land dispute. Later that month an ADHOC activist was handcuffed and her camera film destroyed whilst monitoring a land dispute in Koh Kong province, while ADHOC activists in Siem Reap and Ratanakiri provinces report repeated threats from district and provincial officials. In the most serious such case recorded so far in 2006, human rights monitors from two Cambodian NGOs were threatened at gunpoint, and one kicked in the stomach, by unidentified armed forces whilst monitoring a land dispute in Mondulkiri province.

Systematic attempts have been made to deny human rights monitors access to some cases of particular concern, most notably evictions and demonstrations. In June, both human rights NGOs and UN monitors were denied access to Sambok Chab in Phnom Penh during a violent eviction which included eight villagers being arrested. Later that month, rights workers were prevented from observing the eviction of the Monivong A-B community in Phnom Penh, and LICADHO monitors were barred from photographing and gathering information at the relocation site. In September, human rights monitors were turned away from a tense confrontation over a land dispute in Sre Ambel, Koh Kong province which had already seen multiple arrests, beatings and the shooting of a protestor.

NGO activists have also been targeted for promoting human rights and anti-corruption. In January, two CCHR activists were briefly detained and their materials confiscated whilst collecting signatures for a petition to free imprisoned CCHR leader Kem Sokha and his fellow human rights defenders. In September, a truck promoting CCHR's "black box" anti-corruption campaign was seized by police and impounded, while in October staff of the People's Centre for Development and Peace (PDP-Center) distributing "Clean Hand" anti-corruption materials were detained on three separate occasions in Phnom Penh.

Refugee Helpers

Throughout 2006, Montagnard hill tribe members from the central highlands of Vietnam continued to cross into Cambodia to seek asylum from political and religious persecution. There are credible reports that Cambodian authorities have apprehended and deported large numbers of Montagnard asylum seekers back to Vietnam, where they face the possibility of imprisonment and torture, in violation of Cambodia's obligations under the 1951 Refugee Convention. Authorities also continue to harass, intimidate and even arrest and imprison human rights defenders who assist Montagnards in their attempts to contact officials of the United Nations High Commissioner for Refugees (UNHCR).

On January 9, five indigenous minority people from the border province of Ratanakiri fled from their village after receiving a written death threat. They had previously been threatened over accusations that they provided food and shelter to Montagnard asylum seekers waiting for UNHCR to pick them up in the Cambodian jungle.

In Mondulakiri province, villagers living near the border reported that they continue to be threatened with arrest by police and local government officials if they help Montagnards. Those suspected of providing assistance to asylum seekers claimed to be kept under close surveillance by police and undercover government agents.¹⁶

In August, a dangerous precedent was set by the arrest of a Cambodian citizen who guided Montagnard asylum seekers to the office of UNHCR in Phnom Penh. Kong Sok was taken from the UNHCR office by Ministry of Interior police on August 31 after he escorted three Montagnards, who had entered Cambodia by themselves from Vietnam, to the office to claim asylum that day. He was arrested, charged with immigration violations by Phnom Penh Municipal Court and detained in Prey Sar prison. On December 1, as this briefing paper on threats to human rights defenders was being finalized, Kong Sok was convicted by the Phnom Penh court of "assisting or concealing" foreigners to illegally enter Cambodia, and he was sentenced to three months' imprisonment. His conviction – for assisting Montagnards who had already entered Cambodia to find the offices of UNHCR in order to apply for asylum – is ominous for other human rights defenders who seek to protect the rights of asylum seekers in Cambodia.

Labor Union Representatives

2006 has seen an explosion in cases of arrest, assault and other threats against trade unionists, particularly within the garment industry. This sudden increase reflects a decline in both labor and living standards for workers, following the expiry of a critical trade agreement and a minimum wage that has not kept pace with rising inflation. The resulting strikes and other protests led by the unions are increasingly dealt with by targeting union representatives for personal attacks.

¹⁶ Thet Sambath & Douglas Gillison, *Villagers Fear Arrest for Helping Asylum Seekers*, The Cambodia Daily, September 11, 2006.

The Multifiber Agreement (MFA), which expired on December 31, 2004, allocated textile quotas to developing nations for export to rich countries and was crucial in securing markets for the Cambodian garment industry. Some observers claim that following the expiry of the MFA, unscrupulous factory owners are exploiting the uncertainty over textile orders to drastically curtail worker's rights, particularly relating to wage levels and job security.¹⁷ Meanwhile the minimum wage in the garment industry was fixed at \$45 since the year 2000, despite a rate of inflation that averaged 5.8% in 2005.¹⁸ After an impasse in negotiations between unions and employers, the government decreed the minimum wage would increase to \$50 in October 2006 – for a fixed period until 2010 – but many unions say this is still far too low, and a potential cause for further strike action.¹⁹



On May 1st, 2006, police forces were deployed throughout the capital to block workers from holding a Labor Day march

While some strikes are tolerated, others have been met with violent crackdowns and unwarranted legal complaints and charges against union representatives accused of “inciting” them. A joint strike in February 2006 involving more than 10,000 workers from seven garment factories in Phnom Penh and Kandal province resulted in a criminal complaint being filed by owners of the Flying Dragon 3 garment factory against seven members of the Coalition of Cambodian Apparel Worker Democratic Union (CCAWDU). The seven were accused of three counts of incitement. While there was no evidence to support criminal charges, the summons received by the seven to appear at the Phnom Penh court proved sufficient for them to reduce their demands and

negotiate a settlement with the factory management.

Less fortunate were Free Trade Union (FTU) representatives Lach Sambo, Sal Kimsan and Yin Khun, from the Genuine garment factory in Kandal province, who have faced multiple legal charges during 2006. On June 12, they and five other activists were given one-year suspended prison sentences and order to pay 8m riel (\$2,000) on charges linked to a strike in 2004. After lodging an appeal against the verdict, they were suspended from work, resulting in another six-day strike at the factory. On July 3, they were arrested and charged with illegal confinement during the latest strike. Despite a lack of evidence to support the charge, they were convicted on August 7 and sentenced to time served, plus a further three years suspended sentence. At time of writing, they were reportedly facing a further civil lawsuit from the factory owners.

Labor union leaders have also been the victims of some of the worst physical attacks on human rights defenders in 2006. On July 4, Lay Chamroeun, FTU deputy for the Phnom Penh garment factory, was shot in the leg whilst driving home from work. Chamroeun was not able to identify the six men who followed and then opened fire upon him, but had little doubt that the attack resulted from his union activities in the preceding days. The case recalled those of Chea Vichea, the President of the Free Trade Union of Workers in the Kingdom of Cambodia who was gunned down on a Phnom Penh street in January 2004, and Ros Sovannareth, an FTU leader shot dead in May of the same year.²⁰

¹⁷ For more information see *Cambodia: increasing pressure on trade union rights - The impact of the ending of quotas on the textile industry*, International Confederation of Free Trade Unions, April 2005.

¹⁸ Asian Development Bank, *Asian Development Outlook 2006*.

¹⁹ Prak Chan Thul & Erik Wasson, *Unions Undecided on Wage Strike Action*, The Cambodia Daily, October 21-22, 2006.

²⁰ For further information see *Kingdom of Cambodia: The killing of trade unionist Chea Vichea*, Amnesty International, 3 December 2004.

Case Study: Free Trade Union leaders at Bright Sky and Suntex

Perhaps the most serious group of cases reported during the first 10 months of 2006 concern members of the Free Trade Union of Workers in the Kingdom of Cambodia (FTU) at the neighboring, and commonly-owned, “Bright Sky” and “Suntex” garment factories in Dangkor district of Phnom Penh. Throughout 2006 FTU representatives at the two factories have lobbied hard for improvements in employment conditions, particularly relating to contract periods. Their efforts have met with a series of serious threats and brutal physical assaults.

Whilst walking home from his nightshift on May 3, Chi Samon, President of the FTU of Bright Sky factory, was attacked and severely beaten by seven men just 30 meters from the factory. Nine days later, on the day Chi Samon returned to work, his colleague Yeng Vann Yuth was similarly attacked. On May 19 Chey Rithy, vice president of the FTU of Suntex factory, was attacked by two unidentified men who threw stones at him and his pregnant wife as they rode a motorbike home from the factory. On May 22 Chi Samon was again confronted as he left his nightshift, this time by around 20 people, but escaped them by hiding inside the factory until dawn. On June 8, Lem Samrith, FTU Treasurer of Bright Sky, was beaten by a group of men, and on September 19 Choy Chin, FTU Secretary General of Suntex, was attacked by two unidentified men who threw stones and beat him with a metal pipe.

Chi Samon identified one of the men who attacked himself and Yeng Vann Yuth as a member of a rival trade union with close links to the government, and gave the name to police and Phnom Penh court. No investigation is known to have taken place.

Despite the continuing attacks, a young female activist named Em Chhay Tieng agreed to take up an FTU Deputy position at Bright Sky in July. She immediately started receiving threats.

“They threatened me and Samon from the same phone number. They told us to stop being with the Free Trade Union and find another job... if you still continue, the end result will be death. I told them that I absolutely wouldn’t stop, I only just started. Before, this position was given to a woman who works on a dayshift, but she was threatened and beaten in the face. Then she resigned, she was afraid that she would be strangled and killed. And I replaced her. Ever since then I was threatened, as Samon and I worked at night together and when Samon wasn’t there I would replace him to help the workers... they come to me if Samon is absent or sick, they don’t go to other people.”

In early October, Bright Sky workers went on strike over a dispute about employment contract periods. As they returned to work for the nightshift on October 16, the police moved in to try to arrest union activists and violently attacked workers who decided to continue their strike in protest. Em Chhay Tieng was one of the victims.

“Samon arrived, and then military and policemen pointed at him and there were about 20 to 30 policemen who followed him. Then a worker told me that they were going to arrest him... It was 5pm and full of workers, but although they had inserted their cards already into the machine they didn’t start to work yet because they love the union representative. Then there was chaos as factory representatives said that they will arrest him, and so the workers didn’t go back to work but continued to strike... The policemen surrounded us as I led a workers’ march, and we said that we’ll march until morning. Then around 7:30pm we

arrived at one place and a policeman - I don't know his name - punched me in the face, in my nose. There was a lot of blood, and it needed several stitches.

"At nearly 9pm I was in front of Bright Sky factory, with workers on one side and us representatives on the other. Then I saw a car and about 30 policemen, who said 'Arrest that woman and put her into the car, arrest the men and kill them.' I was terrified and ran to look for Samon...Then I saw a worker being beaten in front of me, he was knocked out and I carried him, but many other workers pulled my arms and told me to run away... Then I saw policemen beating a pregnant woman, and I pulled her away to escape and ran away. The following day, that woman did not stay in the hospital, her parents took her back home and she suffered a miscarriage.

"As I tried to run away, police followed and tried to shoot at me, and one of the workers running behind me was shot through her belly."

The nightshift worked by Em Chhay Tieng, Chi Samon and other FTU representatives at Bright Sky has now been cancelled, forcing them to look for new work. According to Em Chhay Tieng, they have found, however, that defending labor rights in Cambodia can have far-reaching consequences.

"The company has sent our photos to every factory telling them not to accept us to work; together with other union leaders, a total of 16 people that other factories should not accept. Just this morning I went for a test at a factory; I was given a position of group chief... but after working half a day they took my CV and told me sorry, you are from Bright Sky, the boss cannot accept you. In some factories they don't display my photos but keep them in the offices, and at factories near Prey Sar they have my photos in a glass frame at the police post - I've seen this myself. They also have a stamp, from the Ministry of Labor, with a message saying that these people are not to be accepted to work, as they were strike leaders."

Land and Natural Resource Activists

Conflicts over land and natural resources are increasing at a shocking rate in Cambodia,²¹ and with them threats and attacks against community activists and representatives who have the courage to take action on behalf of their fellow citizens.

Attacks in these cases take many forms, from verbal threats and petty harassment, through to serious physical assaults, in particular during the course of violent evictions. But perhaps the most common strategy used by perpetrators in serious cases is to target representatives of affected communities for arrest and imprisonment on fraudulent criminal charges. In some cases these charges are based on the premise that the communities are violating property rights, when the dispute in question - and the key issue of who actually owns the land - has yet to be resolved by the courts. Examination of the criminal charges often reveals deliberate misapplication of laws such as the 2001 Land Law



Families of three individuals arrested during a violent eviction facing a roadblock in a demonstration to demand their release.

²¹ In 2003, LICADHO was involved in monitoring 25 land grabbing cases; in 2005, this had risen to 126 cases affecting a total of 9,832 families.

and 2002 Forestry Law. In other cases, the charges have little or no relation to the dispute at all. And even when activists are released on bail, charges against them are typically left pending at the courts indefinitely.²²

The clear intent of such prosecutions is to frighten affected communities into giving up their land or resources, and to punish individuals who try to defend them. Such threats have caused some communities to adopt new tactics, such as declining to identify specific representatives in order to protect them from arrest, insisting instead that all members are equally active. But despite the increased strength gained by such acts of solidarity, as well as increasingly effective networking and advocacy efforts by activists, the eventual fate of poor communities and their leaders continues to rest in the hands of the powerful.

During a meeting between Prime Minister Hun Sen and several opposition officials and NGOs on March 15, the Prime Minister agreed, in a surprise move, to release all villagers jailed over land disputes.²³ Several such villagers, including some human rights defenders, were indeed freed in the following weeks. Yet the threat has not gone away. In almost all cases, charges have not been dropped and remain hanging over the heads of released activists. Community representatives in other cases have continued to be arrested and imprisoned since the March 15 meeting. And while LICADHO welcomes the release of those imprisoned unjustly, it deplores a situation in which the freedom of Cambodian citizens is dependent on the orders of powerful individuals, rather than the impartial decisions of a competent and independent judiciary.

With land and natural resource disputes occurring in every part of Cambodia, it is little surprise that related attacks against human rights defenders have been recorded throughout the country in 2006. For example, in Ratanakiri province, two activists in a long-running land dispute were imprisoned in January, days after an activist in the same dispute was severely beaten by unidentified perpetrators; while the two men were released in March following the Prime Minister's pledge, the Ratanakiri court again imprisoned a land activist in September. In Kratie province, three ethnic minority villagers were arrested in February and imprisoned for two months after campaigning against the destruction of their community's traditional forests; they were eventually given suspended prison sentences as an effective threat against further activism. In Pailin municipality, nine community activists were jailed in March after protesting an illegal land grab, while the same month a monk in Kampot province was threatened with being defrocked for helping villagers protesting against a land concession affecting 1,020 families. In Kampong Speu province, two journalists were threatened at gunpoint and beaten in June after trying to take pictures of a land grab. In Kandal province, a community representative was jailed over a land dispute in August, leading to a violent conflict between authorities and villagers demanding his release. And in Phnom Penh, a journalist received a death threat in September after exposing land grabbing by powerful officials.

One clear example of a community leader being targeted for land rights activism comes from Kampong Cham province, where a representative of 133 threatened families was imprisoned in August, days after taking their concerns to retired king Norodom Sihanouk.

²² The courts invariably ignore Cambodian criminal procedure, which requires that defendants be tried within six months of arrests, whether or not they are detained in the interim.

²³ Pin Sisovann, *Kem Sokha: PM To Free Land Dispute Prisoners*, The Cambodia Daily, March 16, 2006.

Case Study: Tann Heng and the Boeng Ket rubber plantation

An unresolved dispute over 431 hectares of former rubber plantation in Stung Trang district of Kampong Cham resulted in the imprisonment of a community representative, in a deliberate attempt to pressure villagers into abandoning their claims to the land. The land in question is claimed by the Boeung Ket rubber plantation company, which sent in bulldozers to clear the area, and by many local families who had planted potato and cashew crops there. The families claim that their long-standing occupation of the land gives them ownership rights under the Land Law.

Activist Tann Heng, who represents the affected families, was arrested on August 3, and is in little doubt as to the reason why:

"[I was arrested] because I was involved as the representative of 133 families. I had never done anything against anyone. I just sent letters to relevant authority offices, and then I sent letters to request intervention from the Council of Ministers, the National Assembly, Senate, the Inspection Department... I claimed the land for the poor people. I demanded the government give the land to people who are farmers, as Samdech's [Hun Sen's] statement said that farmers are to have land; and this land, the farmers occupied and used it from 1982 to 1997, more than 10 years duration, and according to the land law, the land becomes the legal property of the users..."

"The company filed a complaint to the court against the villagers, and the court invited the representatives of the villagers. I was one among others to appear in the court the first time, and then four or five days later, the court invited me again... But I had the court summons before I was arrested, and I went to Phnom Penh and met the former King in the Royal Palace... I appealed for help from Samdech Ta and Samdech Yeay; I held the court warrant in my hand, and said I would be arrested when I returned back..."²⁴

Three days later, Tann Heng appeared for the second time at the Kampong Cham provincial court. However, rather than questioning him regarding any alleged crime, the court used its power to threaten him on behalf of the rubber plantation company:

"The court clerk asked me 'Do you agree to let the company plough your crop away?' I answered 'I will not allow them to clear my crop; I am in debt and borrowed money to spend on planting the soy beans. If they clear our crops from the land, it will be like killing all of us, about 100 families.' Hence, I did not agree with them. I came from the court room... there were three or four police... they handcuffed me and detained me in police custody for one night. They told me to remove all my clothes except my underwear to stay in the cage. The following morning police asked me to make a report and sent me to Kampong Cham court one more time, where the court charged me with destruction of public property... but I did not destroy any public property, I only cleared land that all the villagers had claimed, and used, from 1982 to 1997."

"The arrest was done in order to threaten other villagers, to stop them standing up to claim the land. The court said that if all the villagers gave their thumbprints

²⁴ Tann Heng was one of several representatives from different rubber plantation areas who attended a July 31 meeting with retired king Norodom Sihanouk to raise concerns about problems they were facing; the retired king later said that meeting participants should not be punished.

on documents to agree not to claim, they would release me."

In the end, Tann Heng was forced to forfeit his claim to his own personal plot of land in order to secure his release from prison.

"I was in prison for about five or six days. About 60 villagers came to protest and asked for my release, and also national and international non-government organizations, media, human rights organizations supported me. They released me on Monday about 5pm. They told me... 'You have to stop claiming the land and you will be released -- you have to return the land to the company.' I had no choice because I was in prison. I said, 'Yes, I will not claim the land any more if you release me.' I forced myself to accept this... I need to take my children to study, I had no choice. They warned me again that if I still claimed the land they would not release me."

At time of writing, the property destruction charges remain against Tann Heng, and might be used at any time to put further pressure on the community.

Many similar arrest and intimidation cases have occurred in northwestern Cambodia, where large numbers of former soldiers have resettled on land of disputed ownership. One of the most serious ongoing threats against human rights defenders is taking place in Bavel district, Battambang province, where three community land activists remain detained awaiting trial.

Case Study: Chhea Ny and the Bavel land dispute

A long-standing land dispute between local officials and 3,170 families in Bavel district, Battambang province, came to a head in August 2006 when local activist Chhea Ny was arrested and sent to Battambang prison. His arrest saw chaotic scenes as villagers who tried to protect him were beaten and in some cases arrested for obstruction. Chhea Ny's wife Ouen Sarim explained why he was targeted:

"They were not happy with my husband, as he knew all the stories of local high-ranking officers who were connected with selling land. He was willing to help other people who had been in the resistance groups during the war and they had no land to cultivate after reintegration, so they are living on land which they believe was vacant... They think that we should ask the government to give this state land to the people, and let us live legally there. They needed a representative to help to raise their concerns to national and international organizations. That is why Chhea Ny became popular; he is just a simple person willing to help and act on behalf of poor people."

While the families believe the land to be state-owned vacant forest land, several military officers claimed that they in fact owned the land and had sold it on to businesspeople. The families disputed this, and Chhea Ny helped to organize petitions to the government asking that the land be given to them as a social land concession. On August 1, villagers from throughout the affected area gathered in Boeung Pram village in Ampil Pram Daeum commune, in the hope of meeting a Ministry of Interior inspection team investigating the dispute. Instead, a mixed force of police, military and military police arrived in the village to arrest Chhea Ny.

"The district governor ordered the arrest of my husband to suppress the community; the local authorities do not want top officials to visit the area where

the local authorities are connected to the selling of land. If the Ministry of Interior is aware that this land is vacant bamboo forest, they will give it as a land concession to the people... So Chhea Ny was arrested in order to obstruct the process of [Ministry of Interior] inspection.

"During the arrest they beat people, including myself. I tried to stop them from arresting him and asked them to solve the problem according to the law. I told them not to use violence in my house and not to arrest without a court warrant, that they could not violate civil rights. They said that they did not care – they said they must arrest Chhea Ny and they said it was the luckiest day of his life because they would not shoot him. The people used tables [to barricade Chhea Ny's house], to try and protect my husband and stop them from arresting him... but they got beaten with gun butts and kicked. They fired three times [in the air] to break down the villagers' defense. I was in the house with my husband and brother... My brother and my sisters were beaten with gun butts, and I was hit on my left hand."

Another of those who tried to protect Chhea Ny was fellow villager Dim Ann:

"[The people] had bare hands, no sticks or knives... but they wanted to stop the arrest when they saw what the authorities were doing. I was accused of intervening to stop the arrest of Chhea Ny. They beat me with a gun butt and kicked me two times, and then I was arrested. Many armed forces were standing outside the house. They pointed guns and ordered me to sit down. I followed their order. One soldier told me to stand up and ordered me to walk ahead with my hands up... I came to a villager named Chey Nith and the soldiers told me to sit with him. They tied us up hand to hand. Then I looked back and saw Chhea Ny arrested, with handcuffs on and a rope around his neck in order to pull him, and he was being beaten from behind. They escorted us about three kilometers away from the village, and then they put us in on a truck to Bavel district.

"When we arrived at the district compound, they told us to step down from the truck, Chhea Ny and myself tied to Chey Nith. They put handcuffs on us – you can still see the marks – and took us to Battambang Provincial Police Commissariat for a night and a day. About 3pm, they sent me for interrogation in one room and then back to police custody; after that they shackled me and sent to court. The court interrogated me and I answered. The interrogation process was not fair to me, it seemed designed to put pressure on me.

"After the interrogation, they told me that I would be temporarily released, and said that when I returned back home I should not stay in the area, I must move from the area with my wife and children, and not live in Boueng Pram any more."

While Dim Ann and Chey Nith were released on bail on August 2, Chhea Ny was sent to Battambang provincial prison. On September 4 he was joined there by fellow activists Hem Lack and Mou Sabb, also accused in the Bavel land case. Ouen Sarim spoke about 78-year old Mou Sabb, who is now seriously ill in prison after contracting beriberi:

"He's respected by the villagers; he is a senior villager with experience and knowledge and can give advice to the younger people. He is aware of legal procedures and he encouraged villagers to have solidarity in the community. He motivated the community to write letters to the government... He always made

suggestions and had good ideas, not to use violent ways that cause fighting and bloodshed. If the villagers acknowledge the law and legal procedures, it upsets the powerful people here. His ideas contrast with the powerful people in this area, who prefer to use illegal acts against the vulnerable villagers. They do not need to understand the legal ways, and as a consequence, they made serious accusations against him."

Arrest warrants have been filed against two more activists, who currently remain at large. Says Ouen Sarim of the criminal charges:

"I wonder why the court issued arrest warrants for only five people -- there are many villagers living in this land, so what were these five villagers doing wrong? The district governor said that this land is the property of the state.... Chhea Ny lived on the state land ... so why was Chhea Ny accused of violating private property rights?"

Chhea Ny was charged with *infringement against private ownership* under article 253 of the 2001 Land Law, which provides for up to 2 years imprisonment and fines of up to 25m riel. This article, however, covers only instances where violence is used, of which there is no suggestion at all in Chhea Ny's case. The charge has therefore been "linked" to article 248 of the Land Law, a general article that covers non-violent occupation, but provides no penalties. There is no legal basis for such a linkage, but the same tactic has been observed in many other unlawful prosecutions of land rights activists.

Chhea Ny was additionally charged with *infringement of individual rights* under article 57 of the UNTAC Penal Code, which carries a prison sentence of up to five years. This article covers only "public agents, including police or military agents, who deliberately infringe upon rights of physical integrity and the inviolability of the home", and applies to specific acts such as torture, illegal arrest or detention, and illegal searches – none of which Chhea Ny could be said to have committed. Ny was charged as a former soldier whose name still appears on an outdated military list. It is particularly shocking that a law intended to prosecute impunity by state actors is instead used to prosecute a human rights defender threatened by powerful officials.

On November 13, the appeal court heard Chhea Ny's application for bail. In a largely meaningless decision, the court found that he could be granted pre-trial release on the individual rights charge – but not on the private ownership charge. At time of writing, Chhea Ny, Hem Lack and Mou Sabb remain in prison.

Banteay Meanchey province has perhaps the highest incidence of serious threats to land activists. In June, three community representatives in Poipet commune who organized a petition by villagers afraid of losing land were charged with incitement of a crime; the charge related to an unrelated demonstration held three months earlier, and there was no evidence of any crime having been committed. In March, three villagers were threatened and one detained by soldiers after representing 255 families in a land dispute in Malai district. The same month, in Samrong district, a community representative was imprisoned after representing 128 families in a land dispute with the military; he was later released after a mass demonstration in front of the courthouse, but the charges against him remain.

While the authorities may file charges against community advocates, they are usually far less willing to do so against the perpetrators of threats or attacks against such human rights

defenders. A case in point is that of a disabled villager who was badly beaten and threatened with arrest after he tried to raise villagers' concerns about the pumping of water away from their village, in O'Chrov district of Banteay Meanchey.

Case Study: Choeung Rithy, a spontaneous Human Rights Defender

In January, villagers in Raksmei Samakee village, Nimith commune of O'Chrov district grew concerned about a looming water shortage. An outside company, with the help of a local man, was pumping water out of a communal water pond which was used by the villagers, and those in two neighboring villages, to irrigate their crops. As the pond level dropped, the villagers did not know who to turn to for help to stop the company taking the water. One of people they approached for help was a fellow villager, Choeung Rithy, a 41-year-old former soldier who lost one leg to a landmine during Cambodia's civil war and now works as a freelance deminer in the area.

"I hadn't helped the people so much before. I just helped them to be able to farm, because the land in this area needed to be demined, so I demined it for them for a low fee. I helped them to demine it and plough it... [So] the people came to tell me about the water. They said 'Please help to stop those people who are pumping the water – this is the water that we use, and we will have no more water'... The people came to tell me, maybe because I am a person trusted by them. They trust I'm an honest person who never cheated anyone or the property of the community."

Rithy decided to go and talk to the local man, Kuor Keng, who, on the company's behalf, was involved in pumping the water from the pond.

"I only went and asked him 'Hey Keng, why do you pump the water?' I only said a few words... Then he jumped down from his house, pushed over my motorcycle and started to beat me. He beat me many times."

After being punched repeatedly in the face, with his left eye completely closed from bruising, Rithy fled and went straight to report the assault to the then village chief. Rather than help him, the village chief threatened to arrest him if he pursued a complaint against Kuor Keng. Subsequently, Rithy filed a complaint of physical assault to the provincial court, but there has been no prosecution in the case. Court officials told Rithy that there was no evidence of the assault, despite the fact that photos were taken of his badly-bruised face. Rithy and others in the village believe Kuor Keng is protected because he is a relative of the former provincial governor of Banteay Meanchey.

Eventually, the company stopped taking water from the pond. But should such a problem arise again, Rithy has no wish to repeat his experience as a spontaneous human rights defender.

"If they come to pump the water again, I will never protest – it is too difficult for me. We want equality, we want everyone to care about the common interest... But when I did something for the public interest, it caused a lot of problems for me, so I never want to do that again. The difficulty is that when we have a problem, we need the law. But the law cannot help us to find justice, to find out who is right and who is wrong..."

Human rights defenders throughout Cambodia have similar experiences of violence or intimidation for trying to represent the concerns of their communities. Some are deterred, but others, such as a young woman in Siem Reap province, refuse to be cowed by threats and aggression and are determined to struggle on.

Case Study: So Socheat and the Wat Bo Village community, Siem Reap

So Socheat is a 23-year-old resident of Wat Bo Village in Siem Reap town, where 49 families are in a long-running dispute with the chief monk of the pagoda which the village is named after. The families claim to have lived in the area for decades, and have land titles given to them in 1990, while the chief monk has produced documents dated in 1995 to claim the villagers' land. Socheat, the youngest of four villagers nominated as community representatives, explained:

"We are not people who have just lived here one or two years. We lived here since 1979. I myself was born here. I'm fed up with this problem – I was born on this land, and they want to kick us off this land and we don't have any land to live on except this place..."

"The problem is the people here are full of fear. They have been pressured and threatened by the local authorities. That's why I stood up to advocate and to be a representative of these people, because I have some knowledge of law from listening to radio and watching TV, and they can't put pressure on me... I can raise arguments and talk with local authorities and officials from other institutions..."

Socheat and her fellow representatives organized petitions and wrote appeals to government bodies to protest the chief monk's claim to their land. In early May, after several eviction threats by local authorities, the villagers decided to gather in front of the pagoda and ask for local authorities to come and negotiate with them. For two days, they gathered peacefully outside the pagoda, waiting for commune, district or provincial officials to come to negotiate with them. No-one came. On the third day, May 3, about 40 armed police came.

"The deputy district governor was with them, and because I am a representative I went to meet him to negotiate about the land. But they didn't listen to us – instead, the police used violence against us... We were very sad when they beat and used electric batons to shock us – they beat and shocked even people fifty or sixty years old... I tried to help some unconscious people, but I was beaten myself and injured on my legs.

"I told the police 'If you are brave, arrest me but don't beat my people.' Then they handcuffed me and carried me away."

Socheat, unable to walk from being beaten on her legs, was first carried into the pagoda, where she said the chief monk watched police officers carry her to a motorcycle and take her away to be detained.

"A commune policeman told me to thumbprint a paper acknowledging that I had committed damage to someone's property. I refused because I had not committed anything... He ordered me to thumbprint and I refused. I said 'You say that I committed damage, so you can thumbprint it yourself – I won't thumbprint it at

all'."

After a night in jail, Socheat was released the next day following negotiations with the authorities by her fellow villagers and interventions by rights NGOs. However, she was charged by the court with property destruction, a charge which remains against her. Since her arrest, Socheat and the other community representatives have continued their efforts, sending appeals about their case to officials in Phnom Penh including the Prime Minister. The chief monk, who is supported by powerful officials including the Supreme Patriarch Tep Vong, continues to seek their eviction. There has been no resolution, but Socheat is determined not to give up.

"I have to be strong. I told the people that we all have to be strong, don't be weak... We all have to stand up and struggle because we have not stolen anyone's land; we live here legally – the village and commune chiefs, as well as the district and provincial governors, knew and recognized that we lived here [for many years]. Although I was jailed, I am still happy because I saw our people stand up and strive – holding hands and shoulder to shoulder – to show our strength... We want our case to be widely known, and for the district and provincial authorities to know that these people are not weak – we protest for the right to live."

IV. RECOMMENDATIONS

Given the increasing levels of threats against Human Rights Defenders in Cambodia, LICADHO believes that the Royal Government should take the following measures, and the international community should insist the government do so.

- Take immediate steps to investigate and prosecute all alleged perpetrators of violence and intimidation towards human rights defenders.
- Follow through with its pledge to fully decriminalize defamation, and also decriminalize disinformation.
- Suspend all attempts to enact the proposed *Law on Local Associations and Non-Governmental Organizations*, or any similar “NGO Law”, until judicial independence and competence in Cambodia can be guaranteed.
- Require that authorities at all levels cease obstruction of the activities of legitimate human rights organizations.
- Fully comply with its obligations under the 1951 Refugee Convention, and cease threats, harassment and intimidation of those who assist asylum seekers.
- Ensure the application of non-discrimination principles in the Labor Law, and that trade union representatives are not barred from employment or otherwise harassed on the basis of union activities.
- Insist that all laws relating to land and natural resources are applied in a fair, accurate and consistent manner by the Cambodian courts
- Ensure that parties in land and natural resource conflicts are not charged with property violations while the conflicts remain unresolved.
- Require that trials be held, or charges dropped, within six months of the arrest of suspects, according to Cambodian criminal procedure, and pay particular attention to violations of this procedure in cases relating to labor activism and land rights.

Annex 1: Table of incidents involving human rights defenders in Cambodia, January-October 2006

INCIDENTS INVOLVING HUMAN RIGHTS DEFENDERS IN CAMBODIA FROM JANUARY TO OCTOBER 2006	
January 4	Imprisonment of high-profile human rights worker in Phnom Penh²⁵ - Pa Ngoun Teang, radio director of the Cambodian Center for Human Rights (CCHR) was arrested in Stung Treng province, near the Laos border, in connection with a banner displayed on International Human Rights Day, December 10, 2005. - The legality of the arrest and detention has been questioned since no arrest warrant was produced and he was reportedly arrested on the orders of the Ministry of the Interior. - Teang was charged in court with defamation on January 5. He was detained in Phnom Penh's Prey Sar prison, where he joined fellow human rights defenders Kem Sokha of CCHR and Yeng Virak of the Community Legal Education Center (CLEC).
January 5	Two minority land activists imprisoned in Ratanakiri²⁶ - Chan Pheu and Khao Ry were charged with infringement of private property in connection with a land dispute in Aikepheap commune, O'Chum district. - Their lawyer noted that the men were taken from questioning at Ratanakiri court to prison without a detention warrant being signed or stamped by the prosecutor. - Court officials asked villagers to sign documents pledging to abandon the land on which they have farmed for years, and which is claimed by businessman Khit Sok Khay. Lawyers for the villagers claim that Khit Sok Khay failed in his legal obligations to maintain the land after being granted an agricultural concession in the mid 1990s, and hence the land reverted back to the state. - The previous week, a third activist in the same dispute was severely injured after being beaten with a log. - The two men were released on bail on March 17; however charges against them and six other villagers still remain.
January 7	CCHR activists detained whilst raising support for jailed leader Kem Sokha in Takeo²⁷ - Two CCHR officers briefly detained and questioned by provincial police whilst encouraging villagers to sign a petition to free Kem Sokha. - The police also confiscated hundreds of signature campaign documents and, according to CCHR, ordered people not to sign the petition until the government grants the organizers a permit.

²⁵ LICADHO briefing paper, *Threats to Human Rights Defenders in Cambodia 2005*, June 2006.

²⁶ Unpublished LICADHO monitoring report, January 6, 2006; see also Phann Ana, *R'kiri villagers Protest 'Illegal' Detentions*, The Cambodia Daily, January 7-8, 2006 and subsequent coverage on 11 and 23 January.

Kuch Naren, *Minority Villagers Caught In Land Claim Dispute*, The Cambodia Daily, January 11, 2006.

²⁷ *Two human rights activists briefly detained in connection with signature campaign*, SEAPA/IFEX report, January 11, 2006.

January 9	Villagers threatened for helping asylum seekers in Ratanakiri²⁸ - Five minority villagers left the province after a written death threat was left in a bag in their village. - All five had previously received serious threats after accusations that they provided assistance to Montagnard asylum seekers.
January 17 - 31	Intimidation of bailed human rights defenders in Phnom Penh²⁹ - Hun Sen acts as guarantor for the bail of activists Kem Sokha and Pa Nguon Teang, as well as Mam Sonando and Rong Chhun. Although enabling their release, it also means that he can withdraw his guarantee at any time so that they will be re-arrested. - Undermining the separation of executive and judicial power, Hun Sen suggests to the court that the running of these cases should be slowed down and said that the Government can keep the case “quiet”. However, any activists who behave “arrogantly” will be arrested, he said. - At time of writing, charges against all the activists were still pending at the Phnom Penh municipal court.
January 22	Villager beaten and threatened after protesting water shortage in Banteay Meanchey³⁰ - Choeung Rithy, a disabled man in Raksmei Samakee village, Nimit commune, O’Chrov district, was beaten by Kuor Keng, who is reportedly a brother-in-law of former Banteay Meanchey governor Thach Khorn (now Kampot governor). - Villagers asked Choeung Rithy to intervene to stop a company from pumping water out of a communal pond used by the villagers to irrigate crops. - When Choeung Rithy raised the issue with Kuor Keng, who was involved in the pumping on the company’s behalf, he was punched repeatedly in the face. - Choeung Rithy complained to then village chief Nai Hael, but instead of getting assistance he was threatened with imprisonment. - The victim filed a complaint to the court. To date, no prosecution has been taken against Kuor Keng.
February 6	Community forestry activist and family imprisoned in Kratie³¹ - Choun Chan Dach, an ethnic Stieng from Preikkdei village, was a member of the Community Forestry Committee and an indigenous people’s representative in Snoul commune. He was highly active in defending the traditional land rights of communities and in opposing illegal loggers connected to powerful local officials. - On February 6, Chan Dach, his wife Phun Sarun, their 15-year old son and their son-in-law were arrested without warrants. Their son was released on bail after two days, but the other 3 were sent to Kratie provincial prison. - They were charged with illegal forest clearance under the Forestry Law, after Chan Dach felled some trees on land that he had owned since 1979, and recently refused to sell to the owner of a neighboring plantation. - On March 31 the three imprisoned activists were given five-year suspended

²⁸ Unpublished LICADHO monitoring report, January 9, 2006.

²⁹ LICADHO briefing paper, *Threats to Human Rights Defenders in Cambodia 2005*, June 2006.

³⁰ Unpublished LICADHO monitoring report, July 14, 2006.

³¹ *Report on the Result of Investigation of the case of arrested community activist in Snoul district, Kratie province*, Indigenous Minority Rights Project, NGO Forum on Cambodia, March 2006; see also Phann Ana, *Activist Family Sentenced for Forest Clearing*, The Cambodia Daily, April 1-2, 2006.

	prison sentences and released, while Chan Dach's son was given a one-year suspended sentence. ▪ According to local villagers, illegal forest clearing increased after Chan Dach's arrest. They also report ongoing threats, harassment and surveillance related to community forestry activity.
Early March	Monk threatened after supporting protests against land concession in Kampot³² ▪ A monk at Phnom Chambok pagoda in Chhouk district was repeatedly threatened with being defrocked by local authorities for his involvement with villagers protesting a 9,800-hectare land concession that will allegedly displace 1,020 families in Trapaing Klaing commune. ▪ The monk had talked to villagers who asked his advice on the law and their land rights, and had permitted a meeting of affected families to be held at the pagoda. ▪ This threat receded after a mass demonstration in support of him, and intervention by NGOs.
March 1	Human rights workers and monk detained in Kampot³³ ▪ CCHR regional director Phan Soeun, one of his staff, and the chief monk of Koh Slar pagoda in Chhouk district were detained for several hours on order of provincial governor Thach Khorn, according to CCHR. ▪ CCHR said they were discussing venues for a public forum. ▪ Thach Khorn denied that the men had been detained; however then said that a "mission letter" allowing them to work had expired.
March 1	Trade union leader receives death threat during strike in Phnom Penh³⁴ ▪ Chi Samon, President of the Free Trade Union of Workers at the Bright Sky factory in Dangkor district, was threatened during a demonstration at the factory that was broken up by military police. ▪ The victim said an unidentified military policeman threatened to shoot him dead if he continued to lead demonstrations. ▪ Samon was the victim of further threats during 2006, including a serious assault on May 3.
March 3	Community representatives threatened, one arrested, after protesting land grab in Banteay Meanchey³⁵ ▪ In 2004, 255 families settled in an uncultivated area of Malai district and cleared the forest of bamboo to farm. A military official in the district then declared that the land was his own and that anyone continuing to live on it must buy it back from him. ▪ On March 3, six armed soldiers came to a meeting in Malai district and threatened four representatives of the 255 families. Three escaped but the fourth was arrested and held overnight. ▪ On his release, the representative was told that all families must leave the area. The same day, other soldiers confiscated wood cutting equipment belonging to the community and demanded 5,000 Baht (\$135) to return it.

³² Unpublished LICADHO monitoring report, November 15, 2006; see also Thet Sambath, *Monk Says He Was Warned Not To Speak Out*, The Cambodia Daily, March 10, 2006.

³³ Unpublished LICADHO monitoring report, November 15, 2006; see also Pin Sisovann, *CCHR Asks Official To Apologize for Detentions*, The Cambodia Daily, March 3, 2006.

³⁴ Unpublished LICADHO monitoring report, October 10, 2006.

³⁵ Unpublished LICADHO monitoring report, August 30, 2006.

March 9	Nine community activists imprisoned in Pailin land dispute³⁶ ▪ Nine activists, including an 81-year old man, were arrested during a violent eviction of 20 families living in front of the Phnom Preal market. The eviction, which began on March 8, was carried out by around 50 military, police and military police. ▪ According to reports, none of the nine arrested were responsible for any violent action during the eviction, but were themselves beaten with sticks, kicked, slapped and punched by the arresting officers. Nonetheless they were all charged with battery with injury against the armed forces, and sent to Battambang provincial prison. ▪ Six detainees were conditionally released on March 29, followed by the remaining three on April 11.
March 13	Community representative imprisoned in Banteay Meanchey land dispute³⁷ ▪ Bao Yorn represented 128 families in Samrong village and commune, O'Chrov district, engaged in a land dispute with military officers. ▪ He was arrested under a warrant issued in 2001 due to an allegedly malicious complaint of physical assault against him filed by a soldier of brigade 12 (this complaint related to a previous land dispute in which Yorn had assisted villagers, who insist that he did not assault the soldier). ▪ Following his arrest, villagers held a mass demonstration in support of him. ▪ Yorn was released on March 24, but charges remain against him.
March 14	Seven trade unionists subject of malicious legal complaint following strike in Phnom Penh³⁸ ▪ Nat Leang Seab, Keo Pov, Nat Sokna, Lorn Savan, Nat Leang Sat, Roeun Saveath, and Phung Sophea of the Coalition of Cambodian Apparel Workers Democratic Union (CCAWDU) were accused following a joint strike involving more than 10,000 workers from seven garment factories in Phnom Penh and Kandal province. ▪ The seven were accused by the owners of the Flying Dragon 3 garment factory of incitement leading to the commission of a crime, incitement <i>not</i> leading to the commission of a crime, and incitement to discrimination. ▪ The seven were immediately summoned to appear at the Phnom Penh court by prosecutor Ouk Savuth. Faced with this threat, they agreed a settlement with the factory management and the complaint was withdrawn.
May 1	Three union leaders detained during demonstration to promote labor rights³⁹ ▪ Chea Mony, President of the Free Trade Union of Workers, and two of his deputies, Yan Roth Keopeisei and Chea Vaneath, were detained by police for about two hours.

³⁶ Unpublished LICADHO monitoring report, October 20, 2006.

³⁷ Unpublished LICADHO monitoring report, October 6, 2006; see also Pin Sisovann, *Three More Land Dispute Detainees Are Freed*, The Cambodia Daily, March 27, 2006.

³⁸ Unpublished LICADHO monitoring report, August 10, 2006.

³⁹ Unpublished LICADHO monitoring report, May 1, 2006; see also Yun Samean, *Workers Rally for May Day Despite Gov't Ban*, The Cambodia Daily, May 2, 2006.

May 1	Community activists interrogated and threatened by police in Kampong Speu⁴⁰ ▪ Three people highly active in land and natural resources advocacy for indigenous minorities were summoned by police, questioned for nearly five hours about their activities and threatened not to speak out. ▪ One female activist was sexually threatened by a police officer. ▪ The activists continue to face serious threats and harassment in their work.
May 3	Trade union leader severely beaten in Phnom Penh⁴¹ ▪ Chi Samon, President of the Free Trade Union of Workers at the Bright Sky factory in Dangkor district, was attacked by about seven men as he left the factory following his nightshift. ▪ The victim was beaten repeatedly in the head, neck, arms and legs with sticks and iron poles. The perpetrators were then chased away by other workers leaving the factory. ▪ Chi Samon recognized one of the attackers as a member of a rival union at the factory, and reported this to the police and Phnom Penh court. To date, no progress has been reported in the case. ▪ He returned to work on May 12, despite still suffering from headaches. ▪ Samon had previously been the victim of intimidation, and on May 22 assailants tried to attack him again.
May 3	Community representative assaulted and arrested during land protest in Siem Reap town⁴² ▪ So Socheat, a 23-year old female activist, was arrested during a peaceful gathering by villagers in Wat Bo village, Sala Kamroeuk commune, to protest attempts to evict them. ▪ The chief monk of Wat Bo pagoda, supported by Supreme Patriarch Tep Vong, has claimed the villagers' land using title documents dated 1995; the villagers have land titles dated 1990. ▪ The villagers had gathered outside the pagoda for two days, waiting for local officials to come to negotiate with them. On the third day, May 3, the gathering was broken up by police armed with electric shock batons. Socheat was arrested as she tried to protect people from being beaten. ▪ Socheat was charged with property destruction based on a complaint by a policeman. She was released the following day, but charges against her remain.
May 4	Four human rights workers detained and threatened whilst monitoring land dispute in Kampot⁴³ ▪ Tep Naroeth and Nget Soseng from LICADHO, Try Chhuon from ADHOC and Chhim Savuth from CCHR were monitoring a land dispute between villagers and provincial authorities at Prey Peay village, Trapeang Plang commune in Chhouk district. ▪ The rights workers were prevented from entering the disputed area and gathering information about an alleged housing demolition. They were

⁴⁰ Unpublished LICADHO monitoring report, October 20, 2006

⁴¹ Unpublished LICADHO monitoring report, October 10, 2006; see also Saing Soenthrith, *Chea Mony: Union Member Beaten Outside Factory*, The Cambodia Daily, May 4, 2006 and ICFTU, *Freedom of Association: Case No 2318 (Cambodia) (Additional information)*, open letter to ILO, October 3, 2006.

⁴² Unpublished LICADHO monitoring report, November 15, 2006; see also Kuch Naren, *Woman Arrested for Inciting Violence at Pagoda*, The Cambodia Daily, May 8, 2006.

⁴³ Unpublished LICADHO monitoring report, May 10, 2006; see also Kuch Naren, *NGO Member Alleges Detention by Gov't Official*, The Cambodia Daily, May 9, 2006.

	then detained at gunpoint by around 30 police, military and military police, allegedly on the orders of the provincial agriculture department chief and forestry administration department chief. ▪ When Try Chhoun took photographs, her camera was confiscated and the pictures deleted. ▪ The four were held for around 30 minutes before being expelled from the area. ▪ ADHOC subsequently filed a complaint to the Kampot provincial court over the illegal detention. To date, no progress has been reported in the case.
May 12	Trade union activist beaten in Phnom Penh⁴⁴ ▪ Yeng Vann Yuth, an activist of the Free Trade Union of Workers at the Bright Sky factory in Dangkor district, was attacked, sustaining injuries to the head and ribs and requiring hospitalization. ▪ Factory union President Chi Samon believes that the perpetrators were the same group that assaulted him on May 3, and that this new attack may also have been intended for him.
May 14	Human rights workers threatened and assaulted in Monduliri⁴⁵ ▪ Two workers from the Human Rights Organization for Transparency and Peace (HROTP) and one from Human Rights Vigilance of Cambodia (HRVC) were threatened at gunpoint whilst monitoring a land dispute in Romonear commune, Sen Monorom district. ▪ When the monitors arrived to see huts that had been burnt down overnight, they were threatened by a group of eight armed men, who are believed to have arrived from Phnom Penh the previous day. ▪ When a HROTP worker took photographs of the men aiming guns at villagers, one pointed a gun to his head, said "if you take any more photos I will kill you", then kicked him in the stomach and took away his camera.
May 19	Trade union leader attacked in Phnom Penh⁴⁶ ▪ Chey Rithy, vice president of the Free Trade Union of Suntext garment factory, was attacked by two unidentified men who threw stones as he rode home from work with his pregnant wife. He suffered a bleeding head injury. ▪ The Suntext Garment Factory is adjacent to the Bright Sky factory, where FTU workers have suffered numerous threats and assaults during 2006, and is owned by the same proprietor.
May 22	Human rights worker arrested during housing dispute in Koh Kong⁴⁷ ▪ Tan Sokhom, an activist for the Cambodian Human Rights and Development Association (ADHOC), was arrested by a forestry patrol that included military police and staff of the international NGO WildAid. ▪ The victim was handcuffed for 20-30 minutes and film in her camera was destroyed after she photographed a confrontation between villagers and the patrol, which had earlier burned down three village houses claiming they were built in protected forest.

⁴⁴ ICFTU, *Freedom of Association: Case No 2318 (Cambodia) (Additional information)*, open letter to ILO, October 3, 2006.

⁴⁵ Information provided by ADHOC; see also Thet Sambath, *NGO: Armed Men Threatened Villagers Over Land*, The Cambodia Daily, May 17, 2006.

⁴⁶ ICFTU, *Freedom of Association: Case No 2318 (Cambodia) (Additional information)*, Open letter to ILO, October 3, 2006.

⁴⁷ Unpublished LICADHO monitoring report, October 10, 2006; see also Kuch Naren & Douglas Gillison, *Villagers Say Officials, NGO Burned Abodes*, The Cambodia Daily, May 25, 2006, and subsequent issues May 26 – June 2.

	▪ A WildAid representative later accused the activist of “leading a riot”, a charge which ADHOC denies. A complaint by ADHOC against WildAid was filed to the Koh Kong provincial court.
May 22	Trade union leader threatened in Phnom Penh⁴⁸ ▪ Chi Samon, President of the Free Trade Union of Workers at the Bright Sky factory in Dangkor district, was again threatened, this time by a group of around 20 men as he left the factory following his nightshift. ▪ He escaped by returning into the factory and waiting till it became light at dawn before leaving.
June 6	Human rights workers obstructed from monitoring violent eviction in Phnom Penh⁴⁹ ▪ Authorities systematically prevented monitoring of the forced eviction of Sambok Chab village. Police refused access to human rights NGOs, staff of the Office of the UN High Commissioner for Human Rights and news media. Police prevented observers from taking photos, and confiscated notepads from NGO workers. ▪ During the eviction, eight community members were arrested. One citizen from an adjacent village was briefly detained and questioned at the district police station for having allowed NGO workers to monitor the events from his roof.
June 7	Malicious criminal charges against three village representatives in Banteay Meanchey⁵⁰ ▪ Nuth Lay, Sath Samnieng and Heng Nauk, representatives of villagers in O’Russei village, Poipet, were falsely charged with incitement by the Banteay Meanchey provincial prosecutor. ▪ On March 23, the three had led a peaceful demonstration of around 100 people to demand the defrocking of a local monk accused of raping several young girls, and who they felt was being protected by village chief So Moeun. ▪ On June 1, the three sent a petition to local authorities asking them to proceed with plans to build a road on public land immediately next to their houses. The land, which was officially designated for a road which had never been built, had allegedly been sold to Banteay Meanchey provincial court judge Top Chansereyvuth by or with the knowledge of village chief. ▪ On June 2, So Moeun filed a criminal complaint against the three villagers over the March 23 demonstration. ▪ On June 7 the provincial court charged them with incitement leading to the commission of a crime relating to the March 23 demonstration, although there was no evidence of any crime being committed. (So Moeun later told the victims’ lawyers that he had suffered economically when the demonstration caused a low turn-out for a party he had organized.) ▪ On June 30, the three appeared for questioning – by judge Top Chansereyvuth – at the provincial court. Following intervention from Cambodian Defenders Project lawyers and the Office of the UN High Commissioner for Human Rights, they were not detained; however charges remain pending against them.

⁴⁸ ICFTU, *Freedom of Association: Case No 2318 (Cambodia) (Additional information)*, Open letter to ILO, October 3, 2006.

⁴⁹ CHRAC, HRTF & RNAF, *Joint Statement on the Eviction of Sambok Chab Village*, June 7, 2006; also unpublished LICADHO monitoring reports.

⁵⁰ Unpublished LICADHO monitoring report, November 18, 2006.

June 8	Trade union leader beaten in Phnom Penh⁵¹ ▪ Lem Samrith, Treasurer of the Free Trade Union of Workers at the Bright Sky factory in Dangkor district, was beaten by a group of around 20 men as he left the factory following his nightshift. ▪ Samrith was the third FTU official at Bright Sky to be assaulted within five weeks.
June 13	Conviction of labor union representatives in Kandal⁵² ▪ Lach Sambo, Yin Khun, Sal Kimsan and Heng Samnang, activists of the Free Trade Union of Workers at the Genuine Garment Factory in Ang Snoul district, were convicted of battery and property destruction charges by Kandal provincial court. They were each given one-year suspended prison sentences and fined 8m riel. ▪ The charges related to a strike that took place at the factory two years previously. Four other activists, who have since left the factory, were similarly charged and convicted. ▪ On June 17 the defendants appealed the convictions. Three days later they were suspended from their jobs, resulting in a protest strike and the imprisonment of three of them on fresh charges (see below).
June 17	Teachers' union activist assaulted in Phnom Penh⁵³ ▪ Em Pun Ny, a female teacher at Wat Mohamontrey primary school in Chamkar Mon district and member of the Cambodian Independent Teacher's Union (CITA), suffered head injuries after being beaten with a stone. ▪ The victim had been distributing information regarding a proposed CITA strike to demand increased salaries and improved working conditions. ▪ Em Pun Ny claimed that she was attacked by Yim Sokha, deputy director of the district education department, and filed a complaint to the Phnom Penh municipal court on June 21. To date, no progress has been reported in the case.
June 21	Assault on journalists covering land grab in Kampong Speu⁵⁴ ▪ Khem Cheam and Leng Saran, of the Federation of Journalists of Cambodia, were attacked whilst reporting on a land dispute in Chamkar Chek village, Treng Treyueng commune, Phnom Srouch district. ▪ The two men were beaten and kicked by police and private security guards, who also shot at the ground in front of them. Their camera, tape recorder and documents were confiscated, although the machines were returned the following day. ▪ The men filed a complaint to the Kampong Speu provincial court. To date, no progress has been reported in the case.
June 29	Human rights workers obstructed from monitoring violent eviction and relocation in Phnom Penh⁵⁵ ▪ Police barred human rights NGO workers and journalists from observing the forced eviction of 168 families living near Preah Monivong hospital.

⁵¹ ICFTU, *Freedom of Association: Case No 2318 (Cambodia) (Additional information)*, Open letter to ILO, October 3, 2006.

⁵² Unpublished LICADHO monitoring report, October 20, 2006.

⁵³ Unpublished LICADHO monitoring report, November 15, 2006; see also Yun Samean, *Teacher Said Injured in Fight with Education Official*, The Cambodia Daily, June 19, 2006.

⁵⁴ Unpublished LICADHO monitoring report, November 15, 2006; see also *Press Statement from FJC*, June 21, 2006, published in Kampuchea Thmei, June 23, 2006.

⁵⁵ *Concerns on Eviction of 168 Families in Preah Monivong Hospital*, Cambodian Human Rights Action Committee, June 29, 2006.

	Later the same day, two LICADHO monitors at the relocation site at Srae Ampel village, Snaor commune, Ansnoul district in Kandal, were briefly detained and questioned by police, and prevented from taking photographs.
July 3	Imprisonment of three union representatives in Kandal⁵⁶ - Lach Sambo, Yin Khun and Sal Kimsan, activists of the Free Trade Union of Workers at the Genuine Garment Factory in Ang Snoul district, were arrested at their homes by police. The following day they were charged with illegal confinement and sent to Kandal provincial prison. - The charges related to a strike that had taken place at the factory since June 23, in protest at the suspension from work of the three activists following their June 13 criminal convictions (see above) and subsequent appeals. - On August 7, the three were found guilty of illegal confinement despite a lack of evidence, sentenced to time served and released from prison, but also given additional three-year suspended sentences. They have not been reinstated in their jobs.
July 4	Union representative shot at in Phnom Penh⁵⁷ - Lay Chamroeun, deputy president of the Free Trade Union of Workers at the Phnom Penh City Garment factory, was injured in the leg by fragments of a bullet fired at him as he rode home from work. - The victim was approached by six young men on three motorbikes, one of whom drew a pistol and shot once at him. The bullet struck his motorbike beside his leg, and pieces of shrapnel entered his thigh. He reported that one of the unidentified men said “we always do like this” before riding away. - Chamroeun filed complaints to local police and the Phnom Penh municipal court the following day. To date, no progress has been reported in the case.
August 1	Arrest of community activists in Battambang land dispute⁵⁸ - Chhea Ny, a representative of 3,170 families in a long-running land dispute in Bavel district, was arrested by a mixed force of police, military and military police. He was charged with infringement of private property and violation of individual rights. - Two men who tried to protect Chhea Ny were also arrested. They were released the following day, but told that charges still pended against them. - At least seven other villagers, including Chhea Ny’s wife, were injured while trying to prevent his unlawful arrest. - On November 13, Chhea Ny’s appeal against his pre-trial detention was denied by the Appeal Court. At time of writing he remains in Battambang prison.
August 3	Community representative imprisoned in Kampong Cham land dispute⁵⁹ Tann Heng, a representative of 133 families in Stung Trang district, was charged with property destruction after writing letters to protest a rubber plantation company’s clearance of disputed land.

⁵⁶ Unpublished LICADHO monitoring report, October 20, 2006; see also Prak Chan Thul, *3 Strikers Charged With Detaining Chinese Staff*, The Cambodia Daily, July 5, 2006.

⁵⁷ Unpublished LICADHO monitoring report, July 5, 2006; see also Prak Chan Thul, *Union Activist Claims He Was Shot At, Injured*, The Cambodia Daily, July 6, 2006.

⁵⁸ Unpublished LICADHO monitoring report, October 23, 2006; see also *Case Study: Chhea Ny and the Bavel land dispute* in Section III of this report for more information.

⁵⁹ Unpublished LICADHO monitoring report, November 17, 2006; see also Prak Chan Thul, *Villagers Call For Release of Representatives*, The Cambodia Daily, August 5-6, 2006 and subsequent coverage, and the *Case Study: Tann Heng and the Boeng Ket rubber plantation* in Section III of this report.

August 5	▪ Days before his arrest, the victim had traveled to Phnom Penh to raise the villagers' concerns with retired King Norodom Sihanouk. ▪ He was released on August 7, along with a second villager imprisoned in the dispute, after being forced to thumbprint documents giving up any claim to his own plot of land. At time of writing, charges against him remain. Community representative imprisoned after protesting land grabbing in Kandal⁶⁰ ▪ In Seang, a community representative and opposition party activist in Punsang commune, Ang Snoul district, was arrested on a warrant from Kandal provincial court. He had previously led a group of villagers to protest a company setting up fences around disputed land. ▪ He was charged with violating private ownership and sent to Kandal prison. ▪ His arrest triggered a protest by some 300 villagers on August 7 in Phnom Penh, which was broken up by riot police with violence on both sides. ▪ He was released on October 6 after an intervention by an opposition member of parliament.
August 31	Community activists imprisoned after protesting in Banteay Meanchey land dispute⁶¹ ▪ Six community activists in Andoung Thmor village, Poipet commune, O'Chrov district were arrested and beaten by police and military police during the violent eviction of 27 families from land grabbed by military officers. ▪ Two were released after being detained for 48 hours; the other four were detained in prison, charged with infringement of private property. ▪ The remaining four were released on bail on September 12 following intervention by the Cambodian Human Rights Action Committee. Charges against them still stand.
August 31	Man imprisoned in Phnom Penh after assisting asylum seekers⁶² ▪ Kong Sok, a Cambodian citizen born in the Kampuchea Krom region of Vietnam who lives in Cambodia, was taken by Ministry of Interior police from the Phnom Penh office of the United Nations High Commissioner for Refugees (UNHCR). ▪ He was arrested and charged with immigration violations, after he had escorted three Montagnard asylum seekers (who had entered Cambodia by themselves from Vietnam) to the UNHCR office to apply for refugee status. ▪ On December 1, he was convicted by Phnom Penh Municipal Court of violating an Immigration Law provision against "assisting or concealing" foreigners to enter Cambodia illegally; he was sentenced to three months' imprisonment. ▪ His prosecution, which follows threats and harassment of other people suspected of helping Montagnard asylum seekers, sets a dangerous precedent of criminal charges against those who assist asylum seekers to contact UNHCR.

⁶⁰ Unpublished LICADHO monitoring report, August 7, 2006.

⁶¹ Unpublished LICADHO monitoring report, October 19, 2006.

⁶² Unpublished LICADHO monitoring report, October 20, 2006; see also Phann Ana, *Police Investigating Asylum Seeker 'Smuggling'*, The Cambodia Daily, August 9-10, 2006.

September 4	More community activists imprisoned in Battambang land dispute⁶³ ▪ Hem Lack and Mou Sabb, activists in the Bavel land dispute along with Chhea Ny (see arrest August 1), were arrested and detained in Battambang prison. ▪ At time of writing, the two remained in prison and appeals against their pre-trial detention had not been heard. ▪ Mou Sabb, a 78-year old villager, is now seriously ill in prison. ▪ A third man, Taem Toi, was also arrested but released shortly afterwards.
September 9	Journalist receives death threat after investigating corrupt officials⁶⁴ ▪ Soy Sopheap, a high-profile reporter for CTN television news, received a written death threat. An anonymous letter left for him at a journalists' café in Phnom Penh, read "I've had it in for you for a long time, dirty Soy Sopheap... Watch out for yourself when you criticize the stars [generals]; it means death." ▪ The victim attributed the threat to recent reports he had made exposing land grabbing and vehicle smuggling linked to powerful officials. ▪ On August 3, Sopheap's show "Kampuchea Today" had been abruptly cancelled after it was criticized by Prime Minister Hun Sen for covering an economic report on corruption in Cambodia.
September 19	Trade union leader attacked in Phnom Penh⁶⁵ ▪ Choy Chin, Secretary-General of the Free Trade Union of Suntex garment factory, was attacked by two unidentified men who threw stones and beat him with a metal pipe on his head and hand. ▪ The victim was the second FTU representative from Suntex to be assaulted in 2006, following the May 19 attack on Chey Rithy.
September 20	Human rights workers obstructed from monitoring violent land dispute demonstration in Koh Kong⁶⁶ ▪ Human rights NGOs were barred from monitoring a highly-volatile demonstration involving 300 community members in Chhouk village, Chikhor Leu commune, Sre Ambel district. ▪ Similar protests in the village the previous day had been violently dispersed, with one woman shot, four other protestors beaten and two arrested.
September 29	Community activist imprisoned in Ratanakiri land dispute⁶⁷ ▪ Touch Chhunly, a representative of 27 ethnic minority families in Laban Siek commune, Banlung district, was arrested by provincial police and detained in Ratanakiri provincial prison, charged with illegal land sale. ▪ The disputed land has been occupied by the families since 1986, but has also been claimed by the Cambodian People's Party, which plans to build a party meeting hall on the land. The 7-year-old dispute is still before courts. ▪ The charge against Chhunly relates to an incident in 2003, when the victim reportedly sold some of his own land in order to pay his medical costs after

⁶³ Unpublished LICADHO monitoring report, October 23, 2006; see also Pin Sisovann, *Seven Villagers Detained Over Land Disputes*, The Cambodia Daily, September 6, 2006 and *Case Study: Chhea Ny and the Bavel land dispute* in Section III of this report for more information.

⁶⁴ *Journalist gets death threats over corruption reports*, statement by Reporters Without Borders, September 12, 2006; see also Pin Sisovann, *Written Death Threat Delivered to TV Reporter*, The Cambodia Daily, September 12, 2006.

⁶⁵ ICFTU, *Freedom of Association: Case No 2318 (Cambodia) (Additional information)*, open letter to ILO, October 3, 2006.

⁶⁶ Unpublished LICADHO monitoring report, September 20, 2006.

⁶⁷ Interviews with Cambodian Defenders Project, November 21, 2006; see also Kuch Naren, *R'kiri Villager Charged With Unlawful Land Sale*, The Cambodia Daily, October 5, 2006.

	a road accident. At time of writing, the victim was still imprisoned. An appeal case against his detention is currently pending.
October 12	Human rights workers detained after distributing anti-corruption materials in Phnom Penh⁶⁸ - Staff members of the People's Centre for Development and Peace NGO (PDP-Center) were stopped by authorities at the KM6 market in Russei Keo whilst distributing materials for a PACT-sponsored "Clean Hand" anti-corruption campaign. - Taken first to the district office, and then to the district police office, they were detained for about four hours and required to promise to stop their activity before being released.
October 16	Trade union leader threatened and beaten during strike⁶⁹ - Em Chhay Tieng, deputy president of the Free Trade Union of Workers at the Bright Sky factory in Dangkor district, was punched in the face and threatened with arrest during a strike at the factory that was violently broken up by police. - During the crackdown on the strike, which was held in support of threatened factory FTU leader Chi Samon, numerous other workers were beaten and shocked with electric batons; one was shot through the stomach. - Following the strike and the loss of their jobs at Bright Sky, Em Chhay Tieng and Samon were blacklisted from work at other garment factories.
October 26	Human rights workers detained after distributing anti-corruption materials in Phnom Penh⁷⁰ - Staff members of the PDP-Center were stopped by police at Teuk Thla market in Russei Keo whilst distributing materials for the "Clean Hand" anti-corruption campaign. - They were taken to the market police office, detained for about 2 hours and the materials were confiscated.
October 29	Human rights workers detained after distributing anti-corruption materials in Phnom Penh⁷¹ - Staff members of the PDP-Center were stopped by police in Chaktomuk commune, Daun Penh district, whilst distributing materials for the "Clean Hand" anti-corruption campaign. - They were taken to the commune police post, detained for 2-3 hours and the materials were confiscated.

⁶⁸ Interviews with PDP-Center, November 14, 2006.

⁶⁹ Unpublished LICADHO monitoring report, November 3, 2006; see also Case Study: *Free Trade Union leaders at Bright Sky and Suntex* in Section III of this report for more information.

⁷⁰ Interviews with PDP-Center, November 14, 2006.

⁷¹ *ibid.*

ANNEX 2 - Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world, Reaffirming also the importance of the Universal Declaration of Human Rights² and the International Covenants on Human Rights Resolution 2200 A (XXI), annex. As basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfill, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfill this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, 2 the 23 International Covenants on Human Rights³ and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non- governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, *inter alia*:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non- governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all

human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.
2. Individuals, groups, institutions and non- governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.
3. Individuals, groups, institutions and non- governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non- governmental organizations contrary to the provisions of the Charter of the United Nations.