

JOINT STATEMENT: 5 March 2017

78 international and Cambodian civil society groups condemn the continued arbitrary detention of the #FREETHESKH detainees and call for an immediate end to ongoing judicial harassment and violence against human rights defenders in Cambodia

We, the undersigned international and Cambodian civil society organizations, strongly condemn the brazen attacks carried out against Cambodian human rights defenders (HRDs) over recent weeks, in what appears to be a deliberate strategy by the Cambodian authorities to punish and deter any expression of dissent ahead of the upcoming commune and national elections, scheduled for June 2017 and July 2018 respectively.

We are alarmed by the escalating severity of the government's crackdown on fundamental freedoms, which has seen HRDs targeted with threats, judicial harassment and even violence. HRDs play an essential role in holding those in power to account. Attacks on those who peacefully and legitimately carry out such work are unlawful, unacceptable, and must cease.

HRDs Mr. Ny Sokha, Mr. Yi Soksan, Mr. Nay Vanda, Ms. Lim Mony and Mr. Ny Chakrya (also known as the 'Khmer Five') have as of today spent 311 days in arbitrary detention in Phnom Penh.¹ In November 2016 the United Nations Working Group on Arbitrary Detention ("UNWGAD") concluded that they had been discriminated against on the basis of their status as human rights defenders and that this, along with violations of their right to a fair trial, renders their imprisonment arbitrary. The UNWGAD called on the Cambodian government to immediately release the five,² yet more than three months later, they remain behind bars with the investigation into the politically motivated charges still ongoing.³

On 23 February 2017, four of the five detainees appeared before the Court of Appeal to challenge their continued detention. For the sixth time, their release on bail was denied. Furthermore, on 27 February 2017, all five were scheduled to appear before the Supreme Court in a public hearing to challenge a decision made last year to extend their pre-trial detention for a further six months.⁴ However, the necessary order summoning the detainees to the court was not sent to any of the three different prisons where the five are being held, with the result that the hearing has been postponed.⁵

Last week also saw long-time land rights activist and HRD Ms. Tep Vanny convicted of 'intentional violence with aggravated circumstances' in a case dating back to 2013. The conviction came after over five months of pre-trial detention on a baseless charge that was suddenly reactivated following Ms. Tep Vanny's arrest in August 2016 while protesting for the release of the Khmer Five. In a clear attempt to silence one of the Cambodian authorities' most fearless and outspoken critics, Ms. Tep Vanny was sentenced to two years and six months' imprisonment, as well as a series of fines and compensation payments

¹ For more information see <https://freethe5kh.net/>

² See UNOHCHR Press Release "Cambodia: UN experts call for the immediate release of five human rights defenders" (25 January 2017) <http://bit.ly/2k2bdIH>

³ See Joint Statement "CSOs call for the immediate implementation of the decision of the UN Working Group on Arbitrary Detention #FREETHESKH" (21 January 2017) <http://bit.ly/2myiyqD>

⁴ See Joint Legal Analysis of the Pre-trial Detention of Mr. Ny Sokha, Mr. Yi Soksan, Mr. Nay Vanda, Ms. Lim Mony and Mr. Ny Chakrya (November 2016) <http://bit.ly/2gJNLte>

⁵ The rescheduled hearings have been split: the hearing for four of the five HRDs (Mr. Ny Sokha, Mr. Yi Soksan, Mr. Nay Vanda, Ms. Lim Mony) will take place on 6 March. The hearing for Mr. Ny Chakrya will take place on 24 March.

amounting to the equivalent of \$2250 USD. A group of Ms. Tep Vanny's supporters, who had peacefully gathered outside the court building, were also violently dispersed by police and security forces, leaving some in need of hospital treatment.⁶ These events follow on the heels of a September 2016 conviction of Ms. Tep Vanny and three other activists, on charges also reactivated in August 2016, for 'obstruction of a public official with aggravating circumstances' and 'insult of a public official' in relation to a 2011 protest, despite a lack of any credible evidence. The six-month sentence has been upheld on appeal but is yet to be enforced.

These developments have occurred in an increasingly hostile environment for human rights in Cambodia. In the last month alone, two human rights monitors were summoned for questioning under suspicion of committing 'intentional violence' during a protest at which they were victims of beatings by security guards.⁷ A human rights NGO was also publicly threatened with legal action in relation to their publication of research highlighting child labor and debt bondage in brick factories.⁸ In a further backlash against legitimate advocacy, 48 NGOs were threatened with legal action for 'putting pressure on the court' – a criminal offense that appears uniquely reserved for those critical of government - following their criticism of the conviction of three environmental activists.⁹

In addition, the characterisation of any form of protest as 'color revolutions' by leading government figures appears to be an attempt to delegitimize any form of peaceful protest and pre-emptively justify disproportionate and violent crackdowns on demonstrations.¹⁰ We are seriously concerned that such rhetoric may lead to an increasingly dangerous situation both for human rights defenders and for all individuals who wish to exercise their fundamental rights to freedom of opinion, expression, peaceful assembly, and association throughout the election period.

These attacks on HRDs are in violation of Cambodia's legally binding obligations under international human rights law. Additionally, the United Nations Declaration on Human Rights Defenders¹¹ explicitly restates the internationally-guaranteed right of all individuals to participate in peaceful activities against violations of human rights and fundamental freedoms, as well as the duty of each state to take all necessary measures to protect individuals against any violence, threats, retaliation, discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of this right.

The United Nations Human Rights Council is currently holding its 34th session in Geneva: the international community - in particular signatories to the Paris Peace Agreements who undertook to "promote and encourage respect for and observance of human rights and

⁶ See Joint Statement "Tep Vanny Convicted Again as Para-Police Attack Supporters" (23 February 2017) <http://bit.ly/2lcS2TL>

⁷ Hul Reaksmey, "Prominent Human Rights Activist Called to Court for Alleged Violence" (VOA, 9 February 2017) <<http://www.voacambodia.com/a/prominent-human-rights-activist-called-to-court-for-alleged-violence/3714786.html>>

⁸ Khuon Narim "Labor Minister Ups Ante Over Child Labor Claims, Warns of Jail" *The Cambodia Daily* (17 February 2017) <http://bit.ly/2ljzTEu>

⁹ Joint Press Release: CSOs call on Appeal Court to overturn wrongful conviction of Mother Nature activists (29 January 2017) http://cchrcambodia.org/media/files/press_release/649_ccoactoe_en.pdf

¹⁰ Touch Sokha and Leonie Kijewski "PM files lawsuit against analyst" *The Phnom Penh Post* (14 February 2017) <http://bit.ly/2I05Ina>

¹¹ United Nations General Assembly Resolution, 'Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms' (8 March 1999) UN Doc A/RES/53/144, <http://bit.ly/19w8LEm>

fundamental freedoms in Cambodia” – must join us in publicly condemning these violations and urge the Cambodian authorities to comply with international law.

We call on the Cambodian authorities to cease their unlawful attacks on HRDs and immediately release all those detained as a result of the legitimate exercise of their fundamental freedoms.

This joint statement is endorsed by:

1. *Afghanistan Journalists Center*
2. *Alliance for Conflict Transformation (ACT)*
3. *ARTICLE 19*
4. *Asia Democracy Network (ADN)*
5. *Asian Forum for Human Rights and Development (FORUM-ASIA)*
6. *Asian Network for Free Elections (ANFREL)*
7. *Association of Caribbean Media Workers*
8. *Banglar Manabdhikar Suraksha Mancha (MASUM), India*
9. *Boeung Kak Community*
10. *Boeung Trabek Community*
11. *Borei Keila Community*
12. *Bytes For All, Pakistan*
13. *CamASEAN*
14. *Cambodia Indigenous Youth Association (CIYA)*
15. *Cambodian Center for Human Rights (CCHR)*
16. *Cambodian Center for Independent Media (CCIM)*
17. *Cambodian Human Rights and Development Association (ADHOC)*
18. *Cambodian League for the Promotion & Defense of Human Rights (LICADHO)*
19. *Canadian Journalists for Free Expression*
20. *Cartoonists Rights Network International*
21. *Center for Human Rights and Development (CHRD), Mongolia*
22. *Center for Independent Journalism - Romania*
23. *Center for Media Freedom and Responsibility*
24. *Center for Media Studies & Peace Building*
25. *Coalition of Cambodian Farmer Community (CCFC)*
26. *Community Legal Education Center (CLEC)*
27. *Equitable Cambodia (EC)*
28. *Former Boeung Kak Women Network Community*
29. *Free Media Movement*
30. *Front Line Defenders*
31. *Fundamedios - Andean Foundation for Media Observation and Study*
32. *Gender and Development for Cambodia (GADC)*
33. *Globe International Center, Mongolia*
34. *Human Rights Defenders Alert, India*
35. *Human Rights Network for Journalists - Uganda*
36. *Human Rights Working Group (HRWG), Indonesia*
37. *Index on Censorship*
38. *Indigenous Youth at Prome Community, Preah Vihear Province*

39. *Indradevi Association (IDA)*
40. *INFORM Human Rights Documentation Centre, Sri Lanka*
41. *INSEC (Informal Sector Service Centre), Nepal*
42. *Institute for Media and Society*
43. *International Federation for Human Rights (FIDH), in the framework of the Observatory for the Protection of Human Rights Defenders*
44. *International Press Centre*
45. *Journaliste en danger*
46. *Kuoy Ethnic Community, Prame Village, Preah Vihear province*
47. *Land Community, I Village Preah Sihanouk province*
48. *Land Community, Prek Chik Village, Koh Kong*
49. *Land Conflict Community, Skun Village, Siem Reap province*
50. *Law and Society Trust (LST), Sri Lanka*
51. *Lor Peang Community, Kampong Chhnang Province*
52. *Maldivian Democracy Network (MDN)*
53. *Media Institute of Southern Africa*
54. *Media Watch*
55. *Mongolia Democracy Network*
56. *National Union of Somali Journalists*
57. *Norwegian PEN*
58. *Odhikar, Bangladesh*
59. *Pacific Islands News Association*
60. *Pakistan Press Foundation*
61. *Palestinian Center for Development and Media Freedoms - MADA*
62. *Peoples' Vigilance Committee on Human Rights (PVCHR)*
63. *Philippines Alliance of Human Rights Advocates (PARHA)*
64. *PILIPINA Legal Resources Center (PLRC)*
65. *Ponlok Khmer (PKH)*
66. *Programme Against Custodial Torture and Impunity (PACTI), India*
67. *Progressive Voice, Myanmar*
68. *Railway Station, Tuol Sangkae A Community*
69. *Society for the Protection of the Rights of the Child (SPARC), Pakistan*
70. *SOS International Airport Community*
71. *South East European Network for Professionalization of Media*
72. *South India Cell for Human Rights Education and Monitoring (SICHREM)*
73. *Southeast Asian Press Alliance*
74. *Suara Rakyat Malaysia (SUARAM),*
75. *Task Force Detainees of the Philippines*
76. *Think Centre, Singapore*
77. *Vigilance pour la Démocratie et l'État Civique*
78. *World Organisation Against Torture (OMCT), in the framework of the Observatory for the Protection of Human Rights Defenders*