

URGENT APPEAL - THE OBSERVATORY

KHM 001 / 0111 / OBS 002

Judicial Harassment

Cambodia

January 18, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in Cambodia.

Description of the situation:

The Observatory has been informed of the judicial harassment faced by Mr. **Sam Chankea**, Coordinator of the Cambodian Human Rights and Development Association (ADHOC) in Kampong Chhnang, a human rights defender active in land rights issues.

According to the information received, Mr. Sam Chankea will face trial today, January 18, 2011 before the Kg. Chhnang Provincial Court in Cambodia for allegedly defaming the work of KDC International Company, owned by Lauk Chumteav Chea Kheng, wife of Minister of Mining and Energy.

The complaint against Mr. Sam Chankea follows a radio interview broadcast on December 26, 2009 in which he expressed his opinion over a land case conflict opposing dozens of villagers and the KDC International company in Kampong Chhnang province. In this interview Mr. Sam Chankea stated that "what the company has done is an act of violation since the court has yet to rule on the merits of the case. Therefore the company should suspend the activity and await the ruling on the merits of the case". He was subsequently quoted in *Koh Santepheap* newspaper on December 30, 2009.

The dispute, which dates back to 2002, is a long-standing land conflict between the above-mentioned company and more than 100 families which have sued the company for having bulldozed their land, damaged their properties, grabbed their land and violated their rights. The proceedings are still on-going.

The Observatory calls for the full respect of fair trial standards and urges the Kampong Chhnang provincial Court to dismiss the case so as to ensure that anyone's right to freedom of expression is adequately and properly upheld.

More generally, the Observatory urges the Cambodian authorities to ensure the protection of human rights defenders who face reprisals as a consequence of the legitimate exercise of their right to freedom of expression.

Actions requested:

Please write to the Cambodian authorities and ask them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Sam Chankea;
- ii. Put an end to acts of harassment - including at the judicial level - against him as well as against all human rights defenders in Cambodia;

iii. Conform in any circumstances with the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, and in particular :

- Article 1, which states that “everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels”,
- Article 6 (b) and (c) which states that “Everyone has the right, individually and in association with others, 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; 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,
- and Article 12.2 which provides that “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”.

iv. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Cambodia.

Addresses:

- Mr. Hun Sen, Prime Minister, Office of the Prime Minister, Phnom Penh, Kingdom of Cambodia, Fax: +855 23 36 06 66 / 855 23 88 06 24 (c/o Council of Ministers), Email: leewood_phu@nida.gov.kh
- Mr. H.E. Ang Vong Vathna, Minister of Justice, No 240, Sothearos Blvd, Phnom Penh, Kingdom of Cambodia, Fax: 023 364119. Email: moj@cambodia.gov.kh
- Mr. Sar Kheng, Deputy Prime Minister and Minister of Interior, Ministry of Interior, 275 Norodom Blvd, Phnom Penh, Kingdom of Cambodia, Fax: + 855 23 212708. Email: moi@interior.gov.kh
- Mr. Hor Nam Hong, Minister of Foreign Affairs, 161 Preah Sisowath Quay, Phnom Penh, Kingdom of Cambodia, Fax: + 855 23 21 61 44 / + 855 23 21 69 39. Email: mfaicasean@bigpond.com.kh
- Ambassador Mr. Sun Suon, Permanent Mission of Cambodia to the United Nations in Geneva, Chemin de Taverney 3, Case postale 213, 1218 Grand-Saconnex, Switzerland, Fax: + 41 22 788 77 74. Email: cambodge@bluewin.ch

Please also write to the diplomatic representations of Cambodia in your respective countries.

Paris-Geneva, January 18, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:

- Email: Appeals@fidh-omct.org
- Tel and fax FIDH: +33 (0) 1 43 55 25 18 / 01 43 55 18 80
- Tel and fax OMCT: + 41 22 809 49 39 / 41 22 809 49 29