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[Cambodia] Latest Detention of Women Land Activists: Rights Groups Call for Immediate Release, Condemn Government's Ongoing Persecution of Human Rights Defenders

(Bangkok, 13 September 2012): Asian Forum for Human Rights and Development (FORUM-ASIA), Asia Pacific Forum on Women, Law and Development (APWLD), Human Rights Watch (HRW), the Observatory for the Protection of Human Rights Defenders (a joint programme of the International Federation for Human Rights and the World Organisation against Torture), WITNESS, Amnesty International and Freedom House call for the immediate release of land and housing rights activists, Yorm Bopha and Tim Sakmony, who were arrested on 4 September and 5 September, respectively, on dubious charges. The women appear to be the latest targets of the Cambodian authorities' use of seemingly trumped-up criminal charges to intimidate Cambodia's human rights defenders and social activists. We urge the Phnom Penh Municipal Court to immediately grant the women provisional release. Unless independent and impartial judicial investigations conducted according to international fair trial standards demonstrate the existence of sufficient, credible evidence that the women have committed recognizable criminal offences, the cases against them must be dropped.

Yorm Bopha, long prominent in protests against forced evictions of residents from the Boeung Kak area of Phnom Penh, was detained for allegedly assaulting a person who was suspected of stealing. Bopha has denied the allegations, saying she was not even present at the scene. She is currently being held in pre-trial detention at Prey Sar prison in Phnom Penh, awaiting judicial investigation for "intentional violence with aggravating circumstances" under Article 218 of the Cambodian Penal Code.

In a separate case, Tim Sakmony, a leader in protests against forced evictions from Borei Keila, another area of Phnom Penh was arrested on 5 September 2012. The arrest came after the owner of Borei Keila developer Phanimex filed a complaint alleging that Sakmony made a "false declaration" in a request for the Phanimex Company to compensate her disabled son for having

failed to provide him with an apartment after his eviction from Borei Keila in January 2012. Phaminex was originally granted land in Borei Keila conditional upon construction of ten apartment buildings to rehouse residents, but has only built eight buildings. Sakmony is also being held in pre-trial detention at Prey Sar prison, pending judicial investigation for making a “false declaration to a public body for the purpose of obtaining an allowance, a payment or any unlawful advantage” under Article 633 of the Cambodian Penal Code.

The pre-trial detention of the two women is unwarranted under Cambodian law. The Cambodian Code of Criminal Procedure, consistent with international human rights law, states that pre-trial detention is to be used only in exceptional circumstances, such as to stop another offence from occurring, to prevent harassment of witnesses or victims, to preclude collusion among accomplices, to preserve evidence, to protect public order, or to guarantee the presence and/or security of the accused – none of which seems reasonably applicable to the cases of Bopha or Sakmony.

In view of the Cambodian authorities’ established record of abuse of the law and misuse of the courts to persecute political opponents, social activists and human rights defenders for their legitimate exercise of basic human rights, we are concerned that the legal actions against Bopha and Sakmony were very likely motivated by their involvement in protests and campaigns on behalf of the land and housing rights of the Boeung Kak and Borei Keila communities. The latest cases of Bopha and Sakmony appear to extend and broaden the persecution of land activists highlighted by other cases in recent months. On 22 May 2012, 13 women activists from Boeung Kak were arbitrarily and violently arrested while holding a peaceful protest at the development site affecting their community. The 13 women, all mothers or grandmothers, were charged, tried, convicted and sentenced to lengthy prison terms on baseless charges in a three-hour summary trial on 24 May. While on 15 July 2012, Mam Sonando, owner of independent radio station *Beehive*, was arrested and detained on trumped-up charges of being the ringleader of a supposed “secessionist movement” by a community involved in a land dispute in Kratie province. His Trial began on 11 September and is ongoing.

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