

## Denial of Release Pending Appeal Highlights Political Interference in the Court System

*March 27, 2013* - LICADHO, Sahmakum Teang Tnaut (STT), Equitable Cambodia (EC), and Community Legal Education Centre (CLEC) express their deep disappointment at the Supreme Court's failure to release Boeung Kak land rights activist Yorm Bopha on bail. Bopha's request was heard this morning by the Supreme Court, while some 100 community activists from Boeung Kak and other communities under threat of eviction rallied outside. Bopha's young son and her husband Lous Sakorn were also among the crowd.

Although the hearing itself finished at around 9am, the crowd waited until almost midday in sweltering heat for the ruling. The Supreme Court then denied bail, citing the seriousness of Bopha's conviction and the lack of evidence of health problems.

The Supreme Court's ruling comes as no surprise. Just over a week before Bopha's appearance at the Court, Prime Minister Hun Sen publicly stated in a televised speech that her case had nothing to do with land issues and that she instead had acted "violently and unjustly in the eyes of the government". In a judicial system renowned for its political obedience, it's impossible to see the Prime Minister's comment as harmless.

Bopha has now spent 204 days in jail since her initial detention in early September 2012. On December 27<sup>th</sup> 2012, she was sentenced to three years' imprisonment on the trumped up charge of intentional violence with aggravating circumstances following a trial in which no incriminating evidence was provided against Bopha.

"Bopha is not the one to have acted unjustly here," said Eang Vuthy, Representative of Equitable Cambodia. "Back at the Municipal Court in December 2012, no testimony was presented in support of her guilt. Not a single witness, whether from the prosecution or the defence, at any point stated Bopha had engaged in violent actions. The victims' witnesses provided inconsistent and doubtful testimonies, while the defense witnesses' testimonies were convincing but simply ignored."

"The procedural and substantive flaws in Bopha's original trial were so dramatic, so blatant, that it's impossible to conclude that this conviction isn't politically motivated," said LICADHO Director Naly Pilorge. "How else do you explain a conviction for 'intentional violence' against a person who never laid a finger on anyone?"

Following reports of the ruling, the crowd outside expressed their anger by burning a scale of justice replica, before marching to the Royal Palace to call for the Cambodian King to intervene in the case.

"Releasing Bopha on bail would have been the right thing to do," said Ee Sarom, Programme Coordinator at STT. "She's the mother of a young child and the wife of a man who, following a recent beating by the police, is now unable to work. More than anything however, all the evidence points to that she is innocent and that her continued imprisonment is a form of legal persecution due to her land rights activism."

The denial of bail for Bopha comes just a week before her fellow Boeung Kak community activist Tep Vanny is due to be honored by US Vice President Joe Biden and former US Secretary of State Hillary Clinton in Washington, DC. She is one of five honorees to receive the 2013 Global Leadership Award conferred by the

organization Vital Voice. Vanny will take the stage on April 2 together with other human rights luminaries including Pakistan's Malala Yousafzai and Brazil's Sandra Gomes Melo.

LICADHO, Sahmakum Teang Tnaut, Equitable Cambodia, and Community Legal Education Centre call on the judiciary to set the date for Yorm Bopha's hearing at the Appeal Court, and an end to political interference in this case, and more generally the court system.

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