



# មជ្ឈមណ្ឌលអប់រំច្បាប់សម្រាប់សហគមន៍ COMMUNITY LEGAL EDUCATION CENTER

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## The Unjust Arrest and Illegal Detention of 3 Lor Peang Village Representatives

Statement issued by: *Community Legal Education Center (CLEC)*  
*Phnom Penh, August 14, 2014*

We, CLEC, condemn the violent dispersal of approximately 50 fellow villagers from Lor Peang community, who had begun their 70 km peaceful march from Kampong Chhnang province to Phnom Penh on 12 August 2014. Amid the violent dispersal, three villagers were arrested and sent to the first instance of Kampong Chhnang provincial court.

The villagers planned to peacefully walk the approximate 70 km from rural Ta Ches commune to the Ministry of Justice, the National Assembly, and several foreign embassies in Phnom Penh in a desperate bid to end their dispute with the development firm KDC, owned by H.E Suy Sem’s wife, Chea Kheng. Since 2007, the Lor Peang community has been in dispute with KDC over 182 hectares of community farming land that Ms. Kheng illegally acquired. On 12 August, the villagers had also hoped to petition the government to release two fellow villagers, Mr. Seang Heng and Mr. MangYav, who were arrested during earlier clashes with KDC workers in July 2014.

Upon beginning their march on 12 August 2014, the group was violently broken up at the Kampong Tralach district town by a large group of police and military police officers. A total of 8 villagers were injured and 3 marchers were arrested: Mr. Sngoun Nhoern, 34, (the husband of prominent Lor Peang community leader Um Sophy), Mr. Srun Tha, 41, and Mr. Kuch Hok, a 67-year-old elderly villager.

These arrests are yet another example of an alarming pattern of arbitrary arrests and detention of rights defenders. Most frequently the victims of arbitrary arrest and detention are people who assert community members’ rights in land disputes with powerful corporate land concession holders, who often have close ties and influence with senior government officials.

Whether or not charges of intentional damage of property and causing injury are filed, Mr. Sngoun Nhoern, Mr. Srun Tha, and Mr. Kuch Hok are entitled to the presumption of innocence and to be released pending trial pursuant to the provisions of the International Covenant on Civil and Political Rights (ICCPR), to which Cambodia is a party. The right to be presumed innocent until proven guilty is recognized by the Universal Declaration of Human Rights (UDHR), Article 11.(1), and guaranteed by the ICCPR Article 14.(2). Freedom from arbitrary detention and the right to release is recognized by Articles 3 and 9 of the UDHR, and guaranteed by Article 14.(2) of the ICCPR. These provisions of the UDHR and the ICCPR preclude pre-trial detention except when detention is necessary, and then only as a means to protect public safety, ensure attendance in court, and/or to prevent interference with evidence. Cambodia’s Constitution specifically guarantees recognition and respect for the UDHR and the ICCPR, and states in Article 38 that accused persons “shall be considered innocent until the court has judged finally on the case.” Cambodia’s *Code of Criminal Procedure*, Article 203 confirms these principles and must be read in conformity with the UDHR and the ICCPR. We are not aware of any lawful reason for the continued detention of the five villagers that are currently being held earlier, and demand that they be released immediately.

Like others whose land and livelihoods are being threatened, Mr. Sngoun Nhoern, Mr. Srun Tha, Mr. Kuch Hok, Mr. Seang Heng, and Mr. MangYav are entitled to peacefully conduct human rights advocacy and be protected from all forms of retaliation, including arbitrary arrest and detention, malicious prosecution, and judicial harassment. The Declaration on Human Rights Defenders, adopted on 9 December 1998 by consensus of the member states of the United Nations General Assembly 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 12.1);

- “everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms” (Article 1);
- “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.” (Article 12.2)

Therefore, we urge the Royal Government of Cambodia to:

- Immediately release Mr. Snguon Nhoern, Mr. Srun Tha, Mr. Kuch Hok, Mr. Seang Heng, and Mr. MangYav from prison;
- Unconditionally drop the false allegations against Mr. Snguon Nhoern, Mr. Srun Tha, Mr. Kuch Hok, Mr. Seang Heng, and Mr. MangYav;
- Ensure the physical and psychological safety and wellbeing of Mr. Snguon Nhoern, Mr. Srun Tha, Kuch Hok, Mr. Seang Heng, and Mr. MangYav.

We also urge the government to ensure that all judges, prosecutors, and other officials in this case are mandated and empowered to act independently and in accordance with the law, including the legal obligations recognized and created by the Universal Declaration of Human Rights, ICCPR, and the Basic Principles on the Independence of the Judiciary. The Principles stipulate that the state has a duty to ensure judicial independence and impartiality and to prevent interference.

Finally, we request that the government ensure: 1) the safety of all land and human rights defenders advocating for collective and individual rights to lands and resources; 2) an immediate halt to all forms of intimidation and harassment of human rights defenders, including land rights advocates, journalists, and others calling for adherence to Cambodia’s international law and constitutional obligations.

***For more information, please contact:***

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