

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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Your Excellencies:

Re: Summons to appear in court issued against Mr. Chan Soveth, Human Rights Defender

I am writing on behalf of Lawyers Rights Watch Canada (LRWC), a committee of Canadian lawyers who promote human rights and the rule of law internationally. LRWC also provides support to lawyers and other human rights defenders in danger because of their advocacy.

LRWC is increasingly alarmed by an escalating pattern of threats and judicial harassment of human rights defenders protesting violations of land rights in Cambodia. The most recent incident is a report that a summons to court has been sent to a human rights defender, Mr. Chan Soveth, a Senior Investigator and Deputy Head of the Monitoring Section of the Cambodian Human Rights and Development Association (ADHOC).

According to information received, the Phnom Penh Municipal Court issued a summons to Mr. Chan Soveth to appear before an investigating judge on 24 August 2012. The charge is for "providing assistance to the perpetrator" of a "crime" under Article 544 of the Cambodian Criminal Code, for which the penalty is a prison sentence of one to three years and a fine of two million to six million Riels.

According to the information we have received, the detailed facts behind this charge have not yet been disclosed by the government. The charge against Mr. Chan Soveth is believed to be related to a land dispute in Kratie province between villagers and the Russian-owned Casotim rubber company, which has been granted a 15,000-hectare economic land concession near the village. On 16 May 2012, the government sent in hundreds of armed

security personnel, supported by helicopters, to evict villagers at Pro Ma village, Kampong Damrei commune, Chhlong district, Kratie province. The villagers were living in the area marked for development by Casotim. During the forced eviction, Ms. Heng Chantha, a 14-year-old girl, was shot dead. Government officials later attempted to justify this armed attack on villagers claiming that the villagers were part of a secessionist movement. The charges against Mr. Chan Soveth are believed to be linked to his provision of assistance to a land-rights activist involved in this issue. No credible evidence has been presented by the government to substantiate its claims that any secessionist movement exists in Kratie province.

ADHOC was one of many human rights organizations that released statements condemning the killing of Ms. Heng Chantha. The court citation was signed on 9 August, 2012 days after Prime Minister Hun Sen made a nationally televised speech in which he demanded that an unnamed “human rights worker” “confess” his role in providing assistance to villagers in relation to this land dispute. Mr. Hun Sen went on to ask whether the human rights worker had been questioned.

LRWC also notes that in July 2012, independent radio station owner Mr. Mam Sonando was arrested and is currently in pre-trial detention in Phnom Penh, facing charges of “secession” in relation to the same land dispute in Kratie.

ADHOC, along with other human rights defenders in Cambodia, have been experiencing significant harassment by authorities. For example:

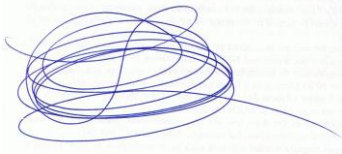
- On 27 July 2012, armed commune police officers demanded the discontinuation of a training session on land rights organised jointly by ADHOC and the Cambodian Centre for Human Rights (CCHR) in Rattanakiri province.
- In February 2012, Mr. Soum Chankea, ADHOC’s Provincial Coordinator in Banteay Meanchey province, was charged with defamation. The court dropped the charges in June 2012.
- In January 2011, Mr. Sam Chankea, ADHOC’s coordinator in Kampong Chhnang province, was convicted of defamation after making a critical statement about land-grabbing by a Cambodian company during an interview with Radio Free Asia in December 2009.

LRWC reminds your government of its obligations as a State Party to uphold and implement international human rights standards contained in the international human rights treaties ratified by Cambodia. For example, the *International Covenant on Civil and Political Rights* (ICCPR), Article 19(2), provides the right to freedom of expression, as does Cambodia’s Constitution.

LRWC also reminds your government of the UN Declaration on Human Rights Defenders which states in Article 1 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 provides the responsibility of human rights defenders to draw public attention to human rights concerns. Article 12.2 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.” Article 18(3) states that individuals and non-governmental organizations have both a right and a responsibility to promote international human rights.

Accordingly, LRWC urges your government to put a stop to all forms harassment, including the judicial harassment of Mr. Chan Soveth and all other human rights defenders and their organizations.

Yours sincerely,



Gail Davidson
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cc.

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