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Ambassadors

Accredited to The Royal Kingdom of Cambodia  
(22 ambassadors - referenced below)

22 June 2012

Dear His/Her Excellency:

**Re: Request for observers to be sent to the appeal trial of the Boeung Kak Lake human rights defenders**

We, the undersigned human rights organisations, are writing to encourage you to send high level observers to attend the June 27, 2012 appeal hearing for the 13 female Boeung Kak Lake land and housing rights activists. They were charged, tried, convicted, and sentenced on May 24, 2012 solely as a result of exercising their fundamental right to freedoms of expression.

The women are part of the 'Boeung Kak Lake 15', which refers to 15 land and housing rights activists (14 women and one man) who have been actively protesting the forced evictions of the Boeung Kak Lake community in Phnom Penh, Cambodia. 13 women were arrested on May 22, 2012 during a peaceful protest on the site of demolished homes at the former lake. On May 24, just 48 hours after their arrests, all 13 were subjected to an approximately three-hour long mass trial. The women's lawyers' requests for time to prepare the case, examine the case file, speak with their clients, and call witnesses were all denied. These fair trial rights are not only expressly guaranteed under Cambodia's own Constitution and Code of Criminal Procedure, they are also guaranteed under international treaties which Cambodia has ratified.

Two additional community representatives who were prepared to testify on behalf of the 13 women were arrested outside the court room during the trial. They were charged with the same crimes and detained.

Immediately upon the conclusion of the May 24 trial, all 13 women received sentences of 2.5 years each, with some portions of six of their sentences suspended. The two representatives arrested during the trial have recently been released and are under judicial supervision awaiting their trial. Further details about the case can be found in the briefing paper attached to this letter.

An appeal hearing for the 13 has been set for **7.30 a.m. on June 27 at the appellate court (court is located on the riverside just south of the Royal Palace)**. We are of the view that strong international pressure and interest in the case will improve the women's chance of receiving a fair trial. The presence of international observers from donor governments and the international community more generally will add significant support to calls for a hearing that follows the rule of law and international human rights standards.

Moreover, we consider that the case against the women should in fact be dismissed and that they should be immediately and unconditionally released.

Suppression of activists and community members opposing forced evictions and land grabbing appears to be increasing should the convictions of the 13 Boeung Kak Lake activists stand, the case will serve as a warning to other human rights defenders and embolden those governments, corporations and individuals perpetrating forced evictions and other human rights violations.

We sincerely appreciate the contribution your presence at the trial would make in the defence of human rights.

For more information including articles, photos and video please visit The Cambodian League for the Promotion and Defense of Human Rights (LICADHO) website: <http://www.licadho-cambodia.org> and the Free the 15! Blog: <http://freethe15.wordpress.com>.

We look forward to receiving your response to our letter.

Sincerely,

Kate Lappin  
Regional Coordinator  
Asia Pacific Forum on Women, Law and  
Development (APWLD)

Donna J Guest  
Deputy Director, Asia Pacific  
Amnesty International

Brittis Edman  
Southeast Asia Programme Director  
Civil Rights Defenders

Brad Adams  
Director, Asia Division  
Human Rights Watch

Daniel Calingaert  
Vice President, Policy and External Affairs  
Freedom House

Yap Swee Seng  
Executive Director  
Asian Forum for Human Rights and Development

Yvette J. Alberdingk Thijm  
Executive Director  
WITNESS

*The letter is addressed to 22 Ambassadors based in Phnom Penh or Bangkok, representing following countries or delegation:*

*Ambassador Penny Richards  
The **Australian** Embassy, Phnom Penh*

*Ambassador Ignazio di Pace  
The Embassy of **Italy**, Bangkok*

*Ambassador Mark Gooding  
The **British** Embassy, Phnom Penh*

*Ambassador Masafumi Kuroki  
The Embassy of **Japan**, Phnom Penh*

Ambassador Rudi Veestraeten  
The **Belgian** Embassy, Bangkok

Chargé des Affaires Svilen Popov  
Embassy of the Republic of **Bulgaria**,  
Phnom Penh

Ambassador Ron Hoffmann  
The Embassy of **Canada**, Bangkok

Ambassador Mikael Hemniti Winther  
The Royal **Danish** Embassy, Bangkok

Ambassador Jean-François Cautain  
The Delegation of the **European Union**,  
Phnom Penh

Ambassador Sirpa Mäenpää  
The Embassy of **Finland**, Bangkok

Ambassador Christian CONNAN  
The Embassy of **France**, Phnom Penh

Ambassador Wolfgang Moser  
The **German** Embassy, Phnom Penh

Ambassador Yael Rubinstein  
The Embassy of **Israel**, Bangkok

Ambassador Joan A. Boer  
Embassy of the Kingdom of the **Netherlands**,  
Bangkok

Ambassador Tony Lynch  
The **New Zealand** Embassy, Bangkok

Ambassador Katja Christina Nordgaard  
The Royal **Norwegian** Embassy, Bangkok

Ambassador Jerzy BAYER  
The Embassy of the Republic of **Poland**, Bangkok

Ambassador Alexander I. Ignatov  
The **Russian** Embassy, Phnom Penh

Ambassador Ignacio Sagaz Temprano  
The Embassy of **Spain**, Bangkok

Ambassador Anne Höglund  
The **Swedish** Embassy, Phnom Penh

Ambassador Christoph Burgener  
The **Swiss** Embassy, Bangkok

Ambassador William E. Todd  
The Embassy of the **United States**, Phnom Penh



## **Threats Against Human Rights Defenders Boeung Kak Lake Land Case and Venerable Luon Sovath**

**May 28, 2012-** In 2007, almost 4,000 families living around Boeung Kak Lake were stripped of their housing rights when the Cambodian government leased Boeung Kak Lake to Shikaku Inc, owned by ruling CPP senator and businessman Lao Meng Khin. Since then, Shikaku and authorities' campaign of intimidation has coerced more than 3,000 families off their land with little to no compensation.

In August 2011, the World Bank announced that it had frozen government funding until a solution was found for the lakeside families. One week after the announcement, Prime Minister Hun Sen granted 12.44 hectares of the area to the remaining 799 families. Since then, the entire community has been consistently calling on the government to mark the boundaries of the land they were given. The authorities refused or ignored all of the residents' demarcation requests.

Meanwhile, violence and intimidation against the Boeung Kak Lake community continued, including particularly violent crackdowns on peaceful protests throughout 2011 and 2012. Venerable Luon Sovath, a Cambodian monk and tireless human rights defender who began taking action in land rights cases when land-grabbing hit his home village in Siem Reap's Chi Kreng district in March 2009, was involved in many of these demonstrations, assisting the community in their lobbying efforts.

On May 22<sup>nd</sup> 2012, a group of around 80 Boeung Kak residents gathered on the sand dunes covering their homes on the lakeside village. There, they staged a peaceful demonstration, complete with singing and speeches. A mixed force of police and district guards, who proceeded to violently put a stop to the singing, surrounded the group of women. As the demonstrators dispersed, they were chased down by authorities who arrested 13 women: Nget Khun; Tep Vanny; Kong Chantha; Srong Srey Leap; Tho Davy; Chan Navy; Ngoun Kimlang; Pao Saopea; Cheng Leap; Soung Samai; Phan Chan Reth; Heng Mom; and Toul Srey Pov.

Their trial began on 24<sup>th</sup> May, two days after their arrest, and just one hour after spurious charges, (article 34 & 259 of the Land Law & article 504 of the Penal Code) against them had been filed. Requests by lawyers for a trial delay to allow them to prepare their defense, review the case file and evidence, and bring in witnesses were all denied. By 5:30 pm, all 13 women - including one 72-year-old - had been sentenced to 2.5 years in prison with some of the sentences suspended for 6 of them. During the trial, the police arrested two more community representatives, Mr. Sao Sareoun and Ms. Ly Chanary who were later charged . Both were prepared to testify as witnesses for the 13 women who were on trial. The two are currently in pre-trial detention in CC1 and CC2 prisons.

Among the observers outside the trial was Venerable Luon Sovath, who knew the 13 women well through his advocacy assistance and support in their land struggle. Just after 10 am the same day as the trial, Venerable Sovath was violently accosted by religious officials and men in plain clothes, wrestled into a waiting vehicle with the help of police, and taken to Wat Botum in Phnom Penh. Venerable Sovath was later released after being forced to sign a document stating that he would no longer continue his advocacy efforts. The following day, in a further act of intimidation by authorities, Venerable Sovath was shown official documents stating that in March 2012 he had been charged in absentia of incitement under Article 495 of the Penal Code in relation to his support of threatened and evicted communities. Venerable Sovath continues with his activism nonetheless, attending ongoing solidarity events where activists, students, NGOs and informal groups joined the families of the 15 detained BKL residents to protest their unjust incarceration.

**Free The 15 BKL Representatives! Stop The Violence!**