

JOINT STATEMENT: CSOs call on Appeal Court to overturn the unjust conviction of land activist and human rights defender Tep Vanny; for an end to judicial harassment against her, and for her release from prison #FreeTepVanny

Phnom Penh, 26 July 2017 - We, the undersigned, call on the Court of Appeal to overturn the unjust conviction of Ms. Tep Vanny on charges of intentional violence with aggravating circumstances based on her peaceful activism at a 2013 protest, for which she received a draconian sentence of two years and six months' imprisonment on 23 February 2017. The Court of Appeal will hear Ms. Tep Vanny's appeal against conviction tomorrow, 27 July 2017. On 15 August 2017, Ms. Tep Vanny will have spent one year in detention; her imprisonment is a clear attempt to silence one of Cambodia's most fearless and outspoken defenders of human rights ahead of the national elections in July 2018.

Tomorrow's appeal is one of three previously dormant years-old cases punitively reactivated against Ms. Tep Vanny. In August 2016 the prosecutor of the Phnom Penh Municipal Court reactivated the long-dormant charges of intentional violence with aggravating circumstances against Ms. Tep Vanny while she was in pre-trial detention prior to her spurious conviction on other charges for taking part in a "Black Monday" protest to call for the release of the "Freethe5KH" detainees,¹ who were being held in arbitrary pre-trial detention at the time.² The case under appeal dates back to Ms. Tep Vanny's participation in a 2013 peaceful protest in front of Prime Minister Hun Sen's house, during which a group of Boeung Kak Lake activists called for the release of a detained fellow community member. This protest had ended in violence against protesters at the hands of Daun Penh security guards, in which Ms. Tep Vanny herself was injured. On 23 February 2017, Ms. Tep Vanny was convicted on these charges and sentenced to 30 months in prison and a fine of five million riel (about US\$1,250), as well as being ordered to pay compensation totaling nine million riel (about US\$2,250) to the plaintiffs, two Daun Penh security guards.

Ms. Tep Vanny's trial did not comply with international standards for fair trial rights: no credible evidence was presented to justify the charges against her and neither the plaintiffs nor any prosecution witnesses gave live testimony at either of the two hearings; instead only written statements were provided, preventing cross-examination. Community members outside the court faced unprovoked violence from para-police and, following delivery of the verdict, riot police entered the court room and physically restrained a number of defense witnesses.³

The re-opening of these charges appears to be a politically motivated attempt to restrict and punish Ms. Tep Vanny's work as a land activist and human rights defender, as part of the Cambodian authorities' ongoing crackdown on dissenting voices. Peaceful assembly and free expression are not crimes, and human rights defenders should not be penalized for peacefully exercising their fundamental freedoms. We call on the Court of Appeal to exercise its independence and rectify the injustice of Ms. Tep Vanny's flawed trial by overturning her conviction and sentence. We call on the Cambodian authorities to cease their judicial harassment of Ms. Tep Vanny, as well as other Boeung Kak Lake activists, and to release her from prison.

This joint statement is endorsed by:

¹ See Joint Statement, "Civil Society Calls for Immediate Release of Boeung Kak Lake Activists" (18 August 2016) <http://bit.ly/2vQD6PM>.

² Four staff members of the Cambodian Human Rights and Development Association ("ADHOC"), Lim Mony, Ny Sokha, Yi Soksan and Nay Vanda, as well as Deputy Secretary General of the National Election Committee (and former ADHOC staff member) Ny Chakrya. All five human rights defenders were released on bail on 29 June 2017. See <https://freethe5kh.net/campaign-updates/>

³ See Joint Statement: Tep Vanny Convicted Again as Para-Police Attack Supporters (23 February 2017) <http://bit.ly/2kSIJ40>

1. Amnesty International
2. Boeung Kak Community
3. Boeung Trabek Community
4. Cambodian Center for Human Rights (CCHR)
5. Cambodian Human Rights and Development Association (ADHOC)
6. Cambodian Independent Teacher Association (CITA)
7. Cambodian Indigenous Youth Association (CIYA)
8. Cambodian League for the Promotion and Defense of Human Rights
9. Cambodian Youth Network
10. Coalition for Integrity & Social Accountability
11. Community Legal Education Center
12. Equitable Cambodia (EC)
13. FIDH, in the framework of the Observatory for the Protection of Human Rights Defenders
14. Forum Asia
15. Human Rights Watch (HRW)
16. Indigenous Youth at Prome Community, Preah Vihear Province
17. Indradevi Association (IDA)
18. Land Community, I Village Preah Sihanouk province
19. Land Community, Prek Chik Village, Koh Kong
20. Land Conflict Community, Skun Village, Siem Reap province
21. Lor Peang Community, Kampong Chhnang Province
22. Ponlok Khmer
23. Progressive Voice (Myanmar)
24. Railway Station, Tuol Sangkae A Community
25. SOS International Airport Community
26. The Alliance for Conflict Transformation
27. World Organisation Against Torture (OMCT), in the framework of the Observatory for the Protection of Human Rights Defenders