

Amnesty International

Public Statement

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Cambodia: Judicial farce in conviction of four housing rights defenders

The conviction of four housing rights activists on 19 September on charges of insulting and obstructing public officials, in relation to a November 2011 protest, raises further concerns about the independence and impartiality of Cambodia's judicial system. Heng Mom, Tep Vanny, Kong Chantha and Bo Chhorvy from Phnom Penh's Boeung Kak lake area, were sentenced to six months in prison in a case that lay dormant for a period of nearly five years. The case was resumed many years after the events occurred amid an ongoing campaign to intimidate and harass civil society and political opponents.

The four human rights activists were arrested on 28 November 2011, after residents from Boeung Kak were gathering outside the Municipality office as part of a protest relating to the land dispute that was ongoing in their neighbourhood. The authorities from Phnom Penh Municipality refused to accept a petition from the residents who were affected by a high profile land dispute. Security forces were sent to break up the gathering of residents and arrested the four women, who were later released on bail the following day. No further action was taken against them until the charges were revived on 19 August 2016.

During the hearing, the authorities failed to present any evidence in court to establish that any of the four women insulted or obstructed government officials.

Only one of the four convicted women – Tep Vanny who was already being held in pre-trial detention in relation to a separate case dating from 2013, which was also recently revived – has been taken into custody. The other three remain at liberty pending an appeal.

These convictions are yet another example of how the Cambodian authorities are misusing the criminal justice system to silence those who oppose the government, including political opposition and human rights defenders. By doing so, the Cambodian authorities are recklessly undermining the independence and impartiality of the judiciary.

Cambodia is a state party to the International Covenant on Civil and Political Rights, which guarantees the right to be tried by an independent and impartial tribunal and the right to freedom of peaceful assembly. The country's constitution guarantees the independence of the judiciary and provides that the courts must uphold impartiality and protect the rights and freedoms of citizens. The right to freedom of peaceful assembly is also guaranteed by the constitution.