

CAMBODIA: IMPRISONED FOR SPEAKING OUT

UPDATE ON PHNOM
PENH'S BOEUNG KAK LAKE

**AMNESTY
INTERNATIONAL**



Amnesty International Publications

First published in 2012 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

© Copyright Amnesty International Publications 2012

Index: ASA 23/010/2012
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior permission of the publishers.

Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories, who campaign on human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. We research, campaign, advocate and mobilize to end abuses of human rights. Amnesty International is independent of any government, political ideology, economic interest or religion. Our work is largely financed by contributions from our membership and donations

**AMNESTY
INTERNATIONAL**



CONTENTS

1. INTRODUCTION	4
2. BACKGROUND	6
2.1 Forced evictions in Cambodia.....	6
2.2 Boeung Kak Lake forced eviction.....	7
3. ONGOING CONCERNS	8
3.1 Exclusion and demarcation	8
3.2 Drainage and flooding	9
3.3 No Compensation	9
3.4 Personal security concerns and harassment	10
Excessive force.....	10
Legal action	11
Harassment	11
4. MAY 2012 CRACKDOWN	12
4.1 Convictions	12
4.2 More arrests	13
4.3 Luon Savath.....	13
4.4 Response by the Boeung Kak Lake community.....	14
4.5 Context.....	14
5. CONCLUSION AND RECOMMENDATIONS	15
5.1 Recommendations to the Royal Government of Cambodia	15
5.2 Recommendations to the international community, including the UN and key donors	16
BIOGRAPHIES OF THE 15 BOEUNG KAK LAKE HUMAN RIGHTS DEFENDERS.....	18

1. INTRODUCTION

“We feel hunted”

Boeung Kak Lake community representative speaking with Amnesty International in March 2012.



Heng Mom was forcibly evicted in September 2011 and her home destroyed. She is now serving a two-and-a-half year prison sentence. © “Free the 15!”

On 24 May 2012, the Phnom Penh Municipal Court sentenced 13 women community representatives from Boeung Kak Lake in Cambodia’s capital Phnom Penh to two-and-a-half years in prison. They had been arrested during a peaceful protest to support some of those whose homes had been destroyed in the forced eviction of thousands of families living around the lake. On the day of trial, two other community representatives were arrested outside the court and charged with the same offences; after spending over 20 days in pre-trial detention, they were released on bail on 15 June 2012. Also on the day of trial, human rights defender and Buddhist monk Venerable Luon Sovath was manhandled outside the court, bundled into a car and taken away by plain-clothed men. He was held incommunicado for 10 hours at Phnom Penh’s Wat Botum before being released.

Amnesty International considers the 13 convicted women to be prisoners of conscience and human rights defenders, imprisoned solely for the peaceful exercise of their right to freedom of expression. An appeal hearing for the 13 women is scheduled for 27 June 2012 at Cambodia’s Appeal Court in Phnom Penh. Amnesty International is calling for the unfair convictions to be overturned, and for the women to be released immediately and unconditionally.

The women have been peacefully protesting for years for a final resolution for the community at Boeung Kak Lake, where thousands of people have been forcibly evicted from their homes since August 2008. This report gives an update on their struggle and the situation of the lake community. And it provides an overview of the events of May 2012, which culminated in the conviction of the 13 women, and the context in which these events took place: a disturbing deterioration in Cambodia’s human rights situation, with freedoms of expression and peaceful assembly curtailed. The report concludes with a series of recommendations for the Royal Government of Cambodia and the international community, to find a resolution for the lake community and stop Cambodia’s human rights situation from deteriorating further.

This report forms part of the Demand Dignity campaign. As part of the campaign, Amnesty International is focusing on human rights violations against people living in informal settlements and slums and calling on all governments to end forced evictions, ensure equal access to public services, and promote the active participation of people living in informal settlements and slums in decisions and processes that impact their lives.

In February 2008, Amnesty International issued a report, *Rights Razed: Forced evictions in Cambodia*,¹ which describes the background and legal framework in which forced evictions take place in Cambodia, with case examples and detailed recommendations. This has been followed by numerous publications and campaigning material, including Amnesty International’s first report on Boeung Kak Lake in June 2008, when it was becoming clear that its development would have an enormous impact on the thousands of families living there², and an open letter to the Phnom Penh Governor in support of the community from the Directors of 28 Amnesty International Offices around the world.³

An Amnesty International delegation visited Cambodia from 10 March to 1 April 2012, as part of the Demand Dignity campaign to end forced evictions in Cambodia. The delegation met with communities affected by forced evictions, including representatives of the Boeung Kak Lake community, and Cambodian civil society organizations working to end forced evictions. All of those who were interviewed consented for Amnesty International to use the information they provided publicly. Amnesty International emailed and wrote to the municipal government of Phnom Penh to request a meeting to discuss the situation of the Boeung Kak Lake community. However, no response was received to the email and municipal government staff refused to receive the letter on three separate occasions. The municipal government of Phnom Penh issued a press statement relating to the situation of the Boeung Kak Lake community, which was also received by some of Amnesty International’s members in response to their emails calling for the release of the 13 convicted women. The press statement can be found on the Phnom Penh Municipality website www.phnompenh.gov.kh.

¹ See: <http://www.amnesty.org/en/library/info/ASA23/002/2008/en>.

² See *Cambodia: Bracing for development*, June 2008, <http://www.amnesty.org/en/library/info/ASA23/009/2008/en>.

³ See Open Letter in support of the residents living around Boeung Kak Lake, April 2011, <http://www.amnesty.org/en/library/info/ASA23/003/2011/en>.

2. BACKGROUND

2.1 FORCED EVICTIONS IN CAMBODIA



Forced eviction of Dey Krahorm, Phnom Penh, January 2009. © Peter Harris

The Committee on Economic, Social and Cultural Rights, which monitors the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR), defines forced evictions as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection”. Simply put, forced evictions are evictions carried out without adequate notice and consultation with those affected, without legal safeguards and without assurances of adequate alternative accommodation.

Cambodia is a state party to the ICESCR and other international human rights treaties including the International Covenant on Civil and Political Rights (ICCPR) that prohibit forced evictions and related human rights violations. According to the Cambodian Constitutional Council, all human rights instruments to which Cambodia is a state party automatically become part of Cambodia’s Constitution. The Royal Government of Cambodia therefore has an obligation to stop forced evictions and to protect the population from such gross human rights violations.

Thousands of people across Cambodia are adversely affected by forced evictions, land grabs and land disputes. Estimates by local NGOs indicate that 420,000 people have been affected in areas covering approximately half of the country monitored since 2003. In another estimate, 10 per cent of the population of Phnom Penh had either been forcibly evicted or evicted through voluntary planned resettlement since 2001.

Concessions to companies to develop land, which have often been granted without any meaningful consultation with communities who will be affected, are one of the root causes of land disputes and forced evictions in Cambodia. The 2001 Land Law sets out a framework for granting concessions of land for social or economic purposes. Land concessions for economic purposes (commonly referred to as economic land concessions) allow the beneficiaries to clear the land for industrial agricultural exploitation of land.

In May 2012, the Cambodian Prime Minister announced a suspension of new economic land concessions and a review of existing concessions. Amnesty International welcomes this development, and calls on the government to undertake a comprehensive assessment of the human rights impacts of all existing concessions and a review of all concessions’ compliance with the 2001 Land Law and other domestic legislation, to be undertaken by a newly-formed independent body.

2.2 BOEUNG KAK LAKE FORCED EVICTION



Boeung Kak Lake residents gather outside the Municipality of Phnom Penh, March 2011. © LICADHO

Thousands of people have been forcibly evicted from their homes around Boeung Kak Lake since August 2008, when a company, Shukaku Inc, started filling the lake with sand. The Municipality of Phnom Penh had entered into a 99-year lease agreement with Shukaku Inc for an area covering 133 hectares, including the lake and surrounding land, in February 2007. The area was to be turned into “pleasant, trade, and service places for domestic and international tourists”. The lease was made without any consultation with the affected population, who only learned about it through television news broadcasts. The eviction constitutes a forced eviction because there was no genuine consultation with those affected, adequate compensation was not offered and adequate alternative accommodation was not provided. The residents were subjected to harassment and threats by company workers and others to accept inadequate compensation or relocation to a place far from work opportunities that lacked basic services and infrastructure.

As remaining residents continued peaceful protests to save their homes, in August 2011 the World Bank announced that it had suspended loans to Cambodia since December 2010 over the situation at the lake.

The Cambodian Prime Minister responded in the same month by issuing a sub-decree to allocate 12.44 hectares of the land around the lake for onsite housing for the families who remained. This was a welcome and unprecedented development. However, community representatives told Amnesty International during the delegation’s March-April 2012 visit that while more than 600 families have received new land titles as part of this allotment, around 90 families have been unfairly excluded. The allotment area has not been properly demarcated and is affected by flooding and sewage overflow. Some of the lake community have continued to protest peacefully for all of the remaining families to be included in the allotment area, and for other concerns to be addressed. In response, community representatives have faced harassment, violence and legal action against them, culminating in the conviction and imprisonment of 13 lake community representatives and the arrest and detention of two others on 24 May 2012.

The forced eviction of Boeung Kak Lake has received significant international attention. It is starkly represented by the drainage of the entire lake by the development company, through filling it with sand. The lake was a water catchment area for Phnom Penh, a source of livelihood for some of the community, and was also a popular tourist spot. On the vast swathes of sand, there is no evidence that any development work has actually started, in spite of the mass forced eviction and filling of the lake.

The community has consistently used peaceful methods to save their homes and land, attracting the attention of local and international media, and other communities in Cambodia facing forced eviction.

One such initiative by the community was to bring their case to the World Bank in September 2009. With the support of local NGOs, the residents alleged that they were denied the opportunity to register their claims to land ownership under the World Bank administered Land Management and Administration Project (LMAP), which was designed to provide land titles throughout Cambodia. After scrutiny of the case under the World Bank procedures, the complaint was found to be valid in March 2011. The Cambodian government rejected offers of financial assistance to remedy the situation for those affected by the evictions.

Women have been at the forefront of this peaceful resistance to eviction, and the story of Tep Vanny, a woman community representative from the lake, is included in Amnesty International’s November 2011 report and films *‘Eviction and Resistance in Cambodia: Five Women Tell Their Stories’*.⁴ Tep Vanny is one of the 13 women human rights defenders who was convicted on 24 May 2012 and is currently serving her sentence in Phnom Penh’s Prey Sar CC2 prison.

3. ONGOING CONCERNS



A house stands in ruins on the edge of Boeung Kak Lake, July 2011. © Amnesty International

Since the Cambodian Prime Minister’s announcement in August 2011 that 12.44 hectares of the land around Boeung Kak Lake would be allotted for onsite housing for the families who remained, some of the community have peacefully advocated for the proper implementation of this sub-decree.

Initial hopes for a final resolution of the situation at the lake have been dashed however; and community representatives told Amnesty International in March 2012 about a number of ongoing concerns.

3.1 EXCLUSION AND DEMARCATION

The community’s primary concern is that while more than 600 families have received new land titles as part of the allotment announced by the Prime Minister, around 90 families have been excluded. Those given land titles and those without have joined together to stage a number of peaceful protests to call for these excluded families to be granted land titles in the allotment area.

For everyone in the community, there has been a large degree of uncertainty, as many families have not known whether they would be receiving land titles until the day that they received them. This uncertainty and fear about the future has caused tremendous strain on the community. Many of the community members have reportedly felt unable to go to work,

⁴ See report, <http://www.amnesty.org/en/library/info/ASA23/006/2011/en> and films, https://adam.amnesty.org/asset-bank/action/search?attribute_603=+Evictions+Films.

for fear of missing a meeting at which they might be given their land title. On 22 November 2011, Chea Dara committed suicide; she had recently learned that her family was not included in the onsite allotment. The community showed a film to remember Chea Dara at the Phnom Penh launch of Amnesty International’s report and films *‘Eviction and Resistance in Cambodia: Five Women Tell Their Stories’* on 24 November.

Community representatives told Amnesty International in March 2012 that Phnom Penh municipal government officials have informed them that the excluded families are not entitled to land title as they are living on company land and not in the allotment area. Yet the allotment area has not been officially demarcated and many of the families had been living on the land since before the 2001 Land Law, meaning they have possession claims to the land that may entitle them to ownership. Meanwhile, community representatives allege that while some families have been excluded from the allotment, some of the land titles in the allotment are under the name of the ruling Cambodian People’s Party (CPP) Senator who owns the company granted the lease to develop the area.

The community is calling for immediate demarcation of the allotment and demanding that all of the remaining families be granted land title in the allotment area for onsite housing, in accordance with the Prime Minister’s sub-decree.

3.2 DRAINAGE AND FLOODING

The lake was a water catchment area for Phnom Penh. While the municipal government of Phnom Penh reportedly promised that some of the lake itself would remain, in fact the entire lake has been drained. Community representatives told Amnesty International in March 2012 Cambodia that the area has experienced increased flooding since the lake has been drained, as there is nowhere for rain water to flow. The community is concerned that the situation will only get worse once the rainy season begins, as this report is published.

Even more seriously, the community has reported sewage coming out from the drains in their homes. Previously, this would flow into the lake. They are concerned that the waste is going to cause disease, particularly among children and the elderly.

The community is calling for a new and adequate drainage system to deal with the overflow of water and sewage, which they say the municipal government of Phnom Penh has promised them. Amnesty International has received information that work on this new drainage system has now begun.

3.3 NO COMPENSATION

In November 2010, 18 of the remaining families’ homes were flooded with sand – as the lake was drained and filled with sand – and then demolished by workers from the development company. The families, who have been excluded from the allotment announced by the Prime Minister, had lived on the land for years and are demanding compensation for the destruction of their homes.



Tarpaulin covering the remains of a house demolished during a forced eviction at Boeung Kak Lake, September 2011. © Nora Lindström

On 16 September 2011, eight homes and businesses were demolished without warning. Some of the residents were able to retrieve their belongings before the houses were destroyed; others lost everything. None of them have received any compensation or alternative housing and are either living with relatives or have been forced to rent nearby. They are among around 90 families excluded from receiving land title. One of the homes belonged to Heng Mom, who is one of the community representatives convicted on 24 May 2012. She and others submitted a complaint in October 2011 to the Phnom Penh Municipal Court, seeking compensation, but to date the complaint has not been addressed.

3.4 PERSONAL SECURITY CONCERNS AND HARASSMENT

The rights to freedom of expression and peaceful assembly are protected and promoted under Cambodian law. The rights are included in Cambodia’s Constitution and in the ICCPR, which Cambodia has ratified and – by virtue of the Constitution – is part of domestic law.

The Boeung Kak Lake community has continued to peacefully protest for the families excluded from the allotment for onsite housing, calling for them to be granted land title, and for their other ongoing concerns to be addressed. The community has become well known for the innovative tactics used for drawing attention to their cause, with the women bearing their breasts while peacefully protesting and burning effigies to exorcise evil spirits from the authorities. At the same time the community has supported the protests of others affected by forced evictions, including Phnom Penh’s Borei Keila community.

EXCESSIVE FORCE

Cambodia’s Constitution protects the right to peaceful assembly and the right to free speech, that is, to peacefully protest. When protests turn violent, security forces may use only such force as is necessary and proportionate to restore order and prevent injuries and deaths. Security forces’ use of unnecessary or excessive force to disperse protesters is in violation of the human rights treaties to which Cambodia is a state party, including the ICCPR.

State security forces have used excessive force in response to peaceful protests by the Boeung Kak Lake community. For example, at the end of November 2011, the community protested outside Phnom Penh municipal government buildings to demand the proper implementation of the Prime Minister’s allocation of land titles to those remaining at the lake. According to reports, six protesters were injured after being stamped on by police. Another large protest took place in February 2012, by the Boeung Kak Lake and Borei Keila communities, when police reportedly pushed women with their riot shields and municipality security guards hit the women.

Amnesty International issued a press release on 2 February 2012⁵, demanding an end to the use of excessive force against peaceful land and housing activists in Cambodia.

LEGAL ACTION

Rather than acting independently and protecting the rights and freedoms of the people, as required by Cambodia's Constitution, the Cambodian justice system has been used to pursue legal action against those defending their rights, while perpetrators of forced evictions and members of security forces using excessive force against protesters are not held accountable.

For example, no one was held accountable in September 2011 when police used bricks to beat unconscious Soung Sophorn, a Boeung Kak Lake community member and opposition activist protesting against the forced eviction of his community.⁶ But two years before, in June 2009, Soung was quickly arrested, detained and convicted of criminal defamation after painting "Absolutely fighting against communist policy," and "People Suffer due to Cheap Government and Company" on the walls of his home, as a way of condemning the forced eviction.

Other Boeung Kak Lake community representatives have faced legal action for peacefully protesting against human rights abuses. During the protest in November 2011, four women representatives were arrested and charged with insulting and obstructing officials.⁷ They were initially detained but released the next day, under judicial supervision. The four women, three of whom were later convicted on 24 May 2012, told Amnesty International in March 2012 that they faced ongoing questioning related to the charges.

During the protest in February 2012, described above, six women were arrested including a former resident of Boeung Kak Lake. At least two of these women were injured when bundled into the police van during the arrest, but reportedly received no medical care, while none of them were given full access to lawyers. All six were later released without charge after being detained overnight.

HARASSMENT

Aside from the excessive force used against them at peaceful protests and the ongoing legal action, community representatives told Amnesty International that they also faced surveillance and harassment, and that each day some of them are followed by plain-clothed police officers who take photographs and film their daily actions, such as trips to the market. They told Amnesty International that on 2 April 2012, when they had travelled to the Embassy of China to deliver a petition to the visiting Chinese President Hu Jintao, they were chased by police on motorbikes, and then followed into Phnom Penh's Olympic Market when they tried to escape being followed.

⁵ See *Cambodia: Stop the use of excessive force against peaceful land activists*, February 2012, <http://www.amnesty.org/zh-hant/node/29521>

⁶ See *Cambodian land activist beaten by police*, <http://www.amnesty.org/en/library/info/ASA23/008/2011/en>

⁷ See, *Cambodia urged to drop charges against Boeung Kak Lake activists*, <http://www.amnesty.org/zh-hant/node/28427>.

Community representatives told Amnesty International in March 2012 that they feel “anxious”, and a number of them raised the same concern that they would be killed in a “cover-up”, such as “a traffic ‘accident’”. One representative told Amnesty International: “We have no security ... we feel hunted.” Indeed, during a meeting between the Amnesty International delegation and community representatives in March 2012, in a private room above a Phnom Penh restaurant, plain-clothed police officers simply walked into the meeting uninvited. They then waited in the restaurant downstairs, until leaving after being confronted by community representatives.

4. MAY 2012 CRACKDOWN

In May 2012, the situation at Boeung Kak Lake took a serious turn for the worse, reflecting the deteriorating human rights situation in Cambodia in the first half of the year.

4.1 CONVICTIONS



Tep Vanny helped mobilize support for the protest on 22 May 2012. © Amnesty International

On 22 May, a group of protesters from the lake community gathered peacefully where the homes of 18 families had stood before they were destroyed in November 2010. The police prevented one family from putting up poles where their house had been, and the demonstrators went on to sing and make speeches. Later in the

morning, police and district security guards broke up the protest violently, chasing and arresting 13 of the women. They were taken to the Phnom Penh municipal police station, where they were held until the morning of 24 May, when they were moved to Phnom Penh Municipal Court, charged and tried.

The women were charged under Article 34/259 of the 2001 Land Law (illegal occupancy of public property) and Article 504 of the Penal Code (obstruction of public officials with aggravating circumstances). The charges appear baseless. The women were not “occupying” the land, but were merely temporarily present on it. And they were not violent, a requirement for a conviction under Article 504.

Based on the information Amnesty International has received, the trial of the 13 women was manifestly unfair. They were tried around an hour after being charged. Their lawyers’ request for a delay to prepare for the trial was denied; and they were not given access to the case-file or evidence, and were not allowed to call witnesses. As security forces surrounded the court, the women were charged, tried and sentenced in a matter of hours. The trial violated the women’s right to a fair trial, guaranteed under the Cambodian Constitution and Article 14 of the ICCPR. They were not given adequate time and facilities to prepare their defence, and were denied their right to proper legal representation and to call witnesses.

All the women were sentenced to two-and-a-half years in prison; five of them with six months suspended and Nget Khun, 72, with one-and-a-half years suspended.⁸ They were taken immediately to the Prey Sar CC2 prison in Phnom Penh. They are: **Chan Navy, Cheng Leap, Heng Mom, Kong Chantha, Nget Khun, Ngoun Kimlang, Bov Sopea, Phan Chhunreth, Soung Samai, Song Srey Leap, Tep Vanny, Tho Davy, and Tol Srey Pov**. Many of the women have young children, and grandchildren. A list of the women’s biographies, compiled by NGO partners in Cambodia, is appended to this report.

The 13 women are held in CC2 prison in five different cells holding between 40 to 60 other prisoners. On 10 June, five of the women started a hunger strike after hearing their children and relatives singing and crying outside the prison in the morning. They stopped the hunger strike when the two other community members held in pre-trial detention were released on bail on 15 June (see “More Arrests”). The families are able to visit once or twice a week for a short time. A human rights NGO which monitors prisons also visits weekly to provide medical care and material support.

Amnesty International considers the 13 convicted women to be prisoners of conscience and human rights defenders, detained for the peaceful exercise of their right to freedom of expression.

An appeal hearing for the 13 women is scheduled for 27 June 2012 at Cambodia’s Appeal Court in Phnom Penh. Amnesty International is calling for the unfair convictions to be overturned, and for the women to be released immediately and unconditionally.

4.2 MORE ARRESTS

One woman, **Ly Chanary**, and a male lake community representative **Sao Sarouen**, were arrested outside the court on the day of the 13 women’s trial on 24 May 2012, on the same charges. They had been ready to appear as defence witnesses. They were questioned by the investigating judge and were held in pre-trial detention for over 20 days in CC2 and CC1 prisons respectively. They were released on bail on 15 June 2012. Their biographies are included in the list of biographies appended to this report.

4.3 LUON SAVATH

Also on the day of the 13 women’s trial, human rights defender and Buddhist monk, Venerable **Luon Sovath** was manhandled, bundled into a car and taken away by plain-clothed men. He was held incommunicado for 10 hours at Wat Botum before being released later in the evening. This use of short-term detention constitutes a form of harassment, apparently designed to intimidate him.

Venerable Luon Sovath has been an active supporter of the Boeung Kak Lake community. He is the recipient of the Hellman-Hammett Award and is a finalist for this year’s Martin Ennals Human Rights Award.

⁸ See Cambodia, *Women human rights defenders sent to jail*, <http://www.amnesty.org/en/library/info/ASA23/007/2012/en>.

4.4 RESPONSE BY THE BOEUNG KAK LAKE COMMUNITY



Families and friends call for the release of the 13 outside the Royal Palace on the Queen Mother’s Birthday, 18 June 2012. © “Free the 15!”

The May crackdown on the Boeung Kak Lake community appears to have been designed to have a chilling effect, dissuading others from standing up for their rights. Instead, other members of the lake community continue to peacefully protest and other activists rally to

their support, demanding the release of the 13 imprisoned human rights defenders. The community, including the children and grandchildren of the 13 women, and with the support of friends and other activists, have presented petitions to the National Assembly; gathered outside the Ministry of Justice; and held regular events calling for their release, including just outside the prison where they are held. They have also called on the diplomatic community for support.

4.5 CONTEXT

The conviction of the 13 women, the arrest and detention of the two other community representatives, and the harassment of Venerable Luon Sovath, mark a general deterioration in the human rights situation in Cambodia.

A review of the general deterioration in the human rights situation is beyond the scope of this report. However, the year has so far seen human rights defenders and peaceful protesters, including those taking action to save their homes and land, face increasing harassment, legal action, and violence, including killings.

In the first half of 2012, villagers defending their land have been shot at in Kratie province; women garment workers demonstrating for improved working conditions have been shot in SvayRieng⁹; a prominent environment activist has been shot dead in Koh Kong¹⁰; and a 14-year-old girl has been shot dead during a violent eviction in Kratie.

⁹ See, *Failing justice, protests and violence*, Asia Times, 5 April 2012, http://www.atimes.com/atimes/Southeast_Asia/ND05Ae01.html

¹⁰ See, *Killing of Cambodian environment activists must be investigated*, <http://www.amnesty.org/zh-hant/node/31186>.

5. CONCLUSION AND RECOMMENDATIONS

When the Prime Minister announced in August 2011 that 12.44 hectares of the land at Boeung Kak Lake would be allocated for onsite housing for the families who remained, a final resolution for those families seemed to finally be in sight. However, around 90 families have been excluded, while the allotment area has not been properly demarcated and is affected by flooding and sewage overflow. Those community members who have continued to protest peacefully for all of the remaining families to be included in the allotment area, and for other concerns to be addressed, have faced harassment, legal action and violence. The May crackdown against the lake community, culminating in the conviction of the 13 women community representatives, marks a general deterioration in Cambodia’s human rights situation.

The Royal Government of Cambodia envisaged 2012 as Cambodia’s year on the international stage, as the country chairs the Association of Southeast Asian Nations (ASEAN) and lobbies for a non-permanent seat on the United Nations (UN) Security Council. On the domestic front, political parties recently contested commune elections and will contest a general election in 2013. But the convictions of the 13 women community representatives from Boeung Kak Lake and the general deterioration in the human rights situation raise questions about the government’s will and capacity to protect the human rights of ordinary Cambodians, and may damage the government’s international and domestic standing.

As the safety valve of freedom of expression is closed further, with human rights defenders and peaceful protesters silenced, Amnesty International is concerned that the frustration and anger left to bubble under the surface will emerge in unpredictable ways, undoing the hard-won gains made in bringing about relative stability and reducing poverty.

5.1 RECOMMENDATIONS TO THE ROYAL GOVERNMENT OF CAMBODIA

With the appeal hearing for the 13 women community representatives from Boeung Kak Lake scheduled for 27 June 2012, the Royal Government of Cambodia has the opportunity to demonstrate that it recognizes its human rights obligations, and has the will to stop the human rights situation deteriorating further.

Amnesty International calls on the Royal Government of Cambodia to:

- Order the immediate and unconditional release from prison of the 13 women community representatives from Boeung Kak Lake and for their convictions to be quashed.
- Order for the charges against the other two community representatives, Ly Chanary and Sao Sarouen, to be dropped.
- Order an end to the ongoing harassment of the Venerable Luon Sovath.

- Publicly condemn the harassment, legal action and violence against human rights defenders and peaceful protesters, including from the Boeung Kak Lake community.
- Order the municipal government of Phnom Penh to implement the Prime Minister’s August 2011 announcement and, in genuine consultation with the community, finally resolve the situation caused by the forced eviction of the Boeung Kak Lake community, by:
 - finding a solution for the remaining families excluded from the allotment announced by the Prime Minister;
 - demarcating the allotment for onsite housing;
 - ensuring compensation for those whose homes have been destroyed; and
 - ensuring that an adequate drainage and sewage system is constructed as a matter of urgency.
- Free the law enforcement and justice system from external control and invest in strengthening its capacity to uphold the law and protect the rights and freedoms of the people, as provided in Cambodia’s constitution. Follow the clear framework for judicial reform set out in the September 2010 report by Professor Surya Subedi, the UN Special Rapporteur on human rights in Cambodia.
- Develop a more constructive relationship with Cambodia’s increasingly diverse civil society, embracing it as an asset and dynamic force to contribute to the development of the country, including the full realisation of human rights.

5.2 RECOMMENDATIONS TO THE INTERNATIONAL COMMUNITY, INCLUDING THE UN AND KEY DONORS

The international community has been slow to publicly condemn the convictions of the 13 Boeung Kak Lake community representatives and the arrest and detention of the two others. During the Cambodian Foreign Minister’s visit to the United States in June, the United States Secretary of State Hillary Clinton said that the release of the 13 women would “be a sign of support for freedom of expression”. But Amnesty International is unaware of any of Cambodia’s other key donors providing public support for the convicted women. Many of the community representatives had previously appealed for help from embassies of these donor countries. Silence in the face of the convictions and the deteriorating human rights situation emboldens the perpetrators of human rights violations, and discourages human rights defenders. As Cambodia chairs ASEAN and lobbies for a non-permanent seat on the UN Security Council, the international community is in a strong position to exercise leverage over the government, offering the government international legitimacy at this important time.

Amnesty International calls on the international community to:

- Publicly demand the immediate and unconditional release from prison of the 13 women community representatives from Boeung Kak Lake and for their convictions to be quashed.
- Publicly condemn the ongoing harassment and violence against human rights defenders and peaceful protesters, and the deteriorating human rights situation in Cambodia.
- Demand that a resolution is finally found for the Boeung Kak Lake community.

- Inform the Royal Government of Cambodia that the deteriorating human rights situation may jeopardise Cambodia's bid to be elected as a non-permanent member of the UN Security Council.
- Offer support to human rights defenders, by providing protection and moral and other support when required, as well as advocating on their behalf with the government.
- Provide aid for promoting a culture of rule of law in Cambodia, providing technical support to the Royal Government of Cambodia to help it meet its human rights obligations by prioritizing the reform of its law enforcement and justice system.

BIOGRAPHIES OF THE 15 BOEUNG KAK LAKE HUMAN RIGHTS DEFENDERS

Courtesy of “Free the 15!” see website: [HTTP://FREETHE15.WORDPRESS.COM/](http://freethe15.wordpress.com/)

Phan Chhunreth



Address: # 6, Street 86, Village 22, Sangkat Sras Chork, Khan Daun Penh
Age: 54
Family status: Married with five children (one at university, four employed) and three grandchildren
Nickname: Yeay Let
Occupation: Housewife
Land Title: Arbitrarily excluded
Charges: One case. Charges: A. Abuse on state land; B. Obstruction against public officials
Date of arrest: 22 May 2012
Date of conviction: 24 May 2012
Sentence: 2.5 years imprisonment. Sentence not suspended

“The house seems so quiet since we lost our mother...I am involved in the campaign now, because of her.” Phan Chhunreth’s son, Oung Sothea

Phan Chhunreth has been living in Boeung Kak Lake with her family since 1997. At 54, she has five children and three grandchildren. Until her arrest she was the sole family member active in the campaign, but her resolve has now inspired her son to take action in her name.

For Oung Sothea, the biggest worry is his mother’s health. She has health problems and requires daily medication.

Oung Sothea learned of his mother’s arrest from a neighbor on the morning of 22 May. When he and his sister first visited her in prison she seemed very upset and was worried about her health. This first visit lasted only five minutes.

Unlike some of the other Boeung Kak Lake activists, Phan Chhunreth has never been arrested before. The makes it all the more difficult for her family to comprehend why she would be singled out. It is especially difficult for her grandchild to understand why she is no longer at home. Every day when they return from school, he asks, “Where is grandmother? I miss her so much.”

□□□

Cheng Leap



Address: # 182D, Street 80, Village 22, Sangkat Sras Chork, Khan Daun Penh

Age: 45

Family status: Married with five children (aged 18, 13, 12, 5 and 2); the three eldest children are still in school

Nickname: Yeay Jakechean (Grandma fried-banana)

Occupation: Housewife

Land Title: Yes

Current & pending charges: Two cases. Charges: A. Abuse on state land; B. Obstruction against public officials; C. Insult; D. Threat to kill

Date of arrest: 22 May 2012

Date of conviction: 24 May 2012

Sentence: 2.5 years imprisonment. Sentence not suspended

"I want my mother to come back home." Cheng Leap's son Kol Pich, aged 12

45-year-old Cheng Leap is a key organizer of the Boeung Kak Lake community. The neighbor of Tep Vanny, the two families used to regularly meet to discuss events and discuss campaign strategies. Cheng Leap is a persuasive speaker and mobilized many others to join the campaign.

To support the community's protests, Cheng Leap and her husband Noun Tim, a driver, would use his Tuk Tuk to transport campaign materials and refreshments for their fellow protestors. Cheng Leap has been involved in the Boeung Kak campaign since 2007. Despite her high-profile activism she has previously managed to evade arrest.

On 22 May, the day of her arrest, Cheng Leap attended the protest with her brother and her 5-year-old daughter who had to witness her mother being dragged away by police. The family worries for her in prison as Cheng Leap suffers from health problems.

Cheng Leap has lived in Boeung Kak Lake with her husband, their five children and her brother since around 2003. Her youngest child is two years old.

Heng Mom



Address: # 75, Street 86, Village 22, Sangkat Sras Chork, Khan Daun Penh

Age: 41

Family status: Married with one 12-year-old daughter. Her husband has six adult children from a previous marriage.

Nickname: Mom

Occupation: Housewife

Land Title: Arbitrarily excluded

Current & pending charges: Five cases. Charges: A. insult; B. threat to kill; C. defamation; D. abuse on state land; E. obstruction against public officials

Date of arrest: 22 May 2012

Date of conviction: 24 May 2012

Sentence: 2.5 years imprisonment. Sentence not suspended

“There was no reason to arrest Mom. She only joined the protest to protect our land.”

Heng Mom’s husband, Sok Tong Heng

On 16 September 2011, 41-year-old Heng Mom and her family watched as their home of 18 years was destroyed. The family received no compensation. Over the next three months, her husband, a construction worker, rebuilt their home on its original site with money borrowed from relatives.

Even before the destruction of their home, Heng Mom and her husband had been active members of the Boeung Kak Lake community. She had been arrested once previously in fighting for her land, but not convicted.

Heng Mom’s husband is worried for her physical and psychological health in prison. On one of his visits he noted that “she seemed frightened, she was always looking behind her back as if she was afraid of something”. Heng Mom suffers from health problems and has previously needed counseling because of the Boeung Kak Lake situation.

Their 12-year-old daughter has been very shaken by the arrest and conviction, and is unable to concentrate on her schoolwork. Despite this, both she and her father are increasingly involved in the Boeung Kak Lake campaign. For them, it is important to continue campaigning in Heng Mom’s name.

Kong Chantha



Address: # 43, Street 70, Village 24, Sangkat Sras Chork, Khan Daun Penh

Age: 41

Family status: Married with four children (ages 12, 14, 17 and 19), all still in school

Nickname: No nickname

Occupation: Housewife

Land Title: Yes

Current & pending charges: Three cases. Charges: A. insult; B. obstruction against public officials; C. insult and threat to kill; D. abuse on state land

Date of arrest: 22 May 2012

Date of conviction: 24 May 2012

Sentence: 2.5 years imprisonment. Sentence not suspended

“I want all the foreign embassies here to lobby our government to release the 15.” Kong Chantha’s husband, Seak Heng

Kong Chantha and her family are no strangers to land disputes. In addition to their home in Boeung Kak Lake, they own a plot of land in Preah Vihear province which has been the subject of a land dispute with the Cambodian military since 2004.

The family has lived at Boeung Kak Lake since 2000. When the land dispute began in 2007, they were afraid that they would lose their land again. They knew they had to take immediate action. Kong Chantha has been very active in the Boeung Kak campaign ever since.

Kong Chantha’s husband and their four children were not initially worried when they heard of her arrest on 22 May; she had been arrested four times previously during peaceful demonstrations and the family had become used to police observation and regular intimidation. The news of the conviction two days later was a shock to them all.

Kong Chantha is said to suffer from health problems and she has previously required counseling because of the Boeung Kak Lake situation.

□□□

Chan Navy



Address: # 111, Street 70, Village 24, Sangkat Sras Chork, Khan Daun Penh
Age: 57
Family status: Lives with partner and their six children (twins aged 2, others aged 10, 16, 18 and 20)
Nickname: No nickname
Occupation: Housewife
Land Title: Yes
Charges: One case. Charges: A. abuse on state land; B. obstruction against public officials
Date of arrest: 22 May 2012
Date of conviction: 24 May 2012
Sentence: 2.5 years imprisonment (6 months suspended)

“They [the twins] know she is in prison, but I always tell them that she will come home soon... During the night they always wake up and ask for her.” Chan Navy’s partner, Choun Madina

Chan Navy has lived at Boeung Kak Lake with her partner, Choun Madina, since 1990. She has been active in the Boeung Kak Lake campaign since 2007 but has never been arrested before.

Chan Navy and Choun Madina are the carers of six children, including two-year-old twins, Chan Navy’s grandchildren. Chan Navy would often take the twins, who have been in the care of the two women since they were two months old, to the Boeung Kak Lake protests with her. They were also with her on 22 May, the day of her arrest.

On that day a neighbor bought the twins home and later called Choun Madina, a full-time teacher, to tell her about the arrest. Choun Madina is now struggling to juggle her full-time work with caring for the children. Despite this she has also now become more active in the campaign herself and continues to take the twins along.

The family are concerned for Chan Navy’s health in prison – she suffers from health problems and since her imprisonment her symptoms are reportedly getting worse.

□□□

Bov Sophea



Address: # 163, Street 80, Village 21, Sangkat Sras Chork, Khan Daun Penh
Age: 36
Family Status: Married with three children (aged, 8, 14 and 17)
Nickname: Srey Neang
Occupation: Housewife
Land Title: Yes
Charges: One case. Charges: A. abuse on state land; B. obstruction against public officials
Date of arrest: 22 May 2012
Date of conviction: 24 May 2012
Sentence: 2.5 years imprisonment. Sentence not suspended

“When my mum was arrested, I was so worried about her. I cannot sleep. I cannot eat. I am so afraid that the police will beat her.” Bov Sophea’s daughter, Ly Heng Leap, aged 14

On 22 May 2012, the day of her arrest, Bov Sophea was the only member of her family to join the Boeung Kak Lake protest. When her sister Bov Sophoan heard about the heavy police presence at the protest site, she became worried for Bov Sophea’s safety and called her.

Even though it was clear from the call that something was wrong – Bov Sophea had just been arrested - she sounded calm and told her sister not to worry, that everything was fine. Shortly afterwards a neighbor arrived to tell her sister about the arrest.

Bov Sophea has lived at Boeung Kak Lake with her family since 1994 and has been active in the campaign since 2007. Bov Sophea is particularly vigorous in supporting those families who have not been granted land titles. Since her arrest, her children and her sister have themselves become more active in the campaign.

The family has visited her in prison several times. The first visited lasted just 10 minutes. They are particularly concerned about her health problems, for which she requires daily medication.

□□□

Ngoun Kimlang



Address: # 83, Street 70, Village 21, Sangkat Sras Chork, Khan Daun Penh
Age: 54
Family status: Divorced, one child aged 16
Nickname: No nickname
Occupation: Street vendor
Land Title: Yes
Charges: One case. Charges: A. abuse on state land; B. obstruction against public officials
Date of arrest: 22 May 2012
Date of conviction: 24 May 2012
Sentence: 2.5 years imprisonment (6 months suspended)

“I miss her. She always tells me it is OK, but I noticed that she has lost weight and she has skin problems.” Ngoun Kimlang’s son, Khiev Pich Sangva, 16

Ngoun Kimlang and her family have been resident at Boeung Kak Lake since 1979. There are seven people in her household: Ngoun Kimlang and her son, her niece, her niece’s husband and their three children. Ngoun Kimlang is divorced from her husband.

Ngoun Kimlang has been attending Boeung Kak Lake protests since 2007 but it was not until recently that she began to get more involved, attending every event. As she suffers from high blood pressure and has some difficulty walking, she would generally keep a low profile. She has never been arrested before.

When her niece, Sok Chanthorn, heard of the heavy police presence on 22 May, she called her aunt to check that she was safe. Ngoun Kimlang told her that everything was fine, that she was at the back of the protest and there was no need to worry, and hung up. At around 12pm that day she called her niece to tell her that she had been arrested.

The family has noted during their prison visits that Ngoun Kimlang seems strong, but they worry about her health – she requires daily medication. She has asked her family not to visit her too regularly as the visits are too expensive.

Soung Samai



Address: #26, Street 86, Village 22, Sangkat Sras Chork, Khan Daun Penh
Age: 53
Family status: Widow with two sons, aged 18 and 26
Nickname: No nickname
Occupation: Housewife
Land Title: Arbitrarily excluded
Charges: One case. Charges: A. abuse on state land; B. obstruction against public officials
Date of arrest: 22 May 2012
Date of conviction: 24 May 2012
Sentence: 2.5 years imprisonment (6 months suspended)

“If we don’t join the protests we will never get our land back.” Soung Samai’s son, Yin Soeun Sophat, aged 26

53-year-old Soung Samai moved to Boeung Kak Lake with her husband and two sons in 1993. She has been attending the protests since 2007. She has been arrested on two previous occasions but never convicted.

Soung Samai’s husband was never able to join her at the protests because he was ill at home. He died in 2011; even in the weeks and months following his death Soung Samai continued to join the protests, determined to get their land back and to help others.

The eldest son, Yin Soeun Sophat, is the main breadwinner in the family, usually working 6 days a week as a waiter. Since his mother’s arrest, however, he has had to care for his younger brother, cook and do the housework, and is only able to work two or three days a week. When possible he also tries to join the protests to support the campaign in his mother’s absence.

On the day of her arrest, a friend called Yin Soeun Sophat to tell him about his mother’s arrest. When he and his brother first went to visit her in prison, he said that she looked weak and was clearly not getting enough food. Soung Samai suffers from health problems.

Tol Srey Pov



Address: # 49, Road 70, Village 24, Sangkat Sras Chork, Khan Daun Penh
Age: 35
Family status: Married with three children, aged 5, 9 and 11
Nickname: Pov
Occupation: Housewife
Land Title: Yes
Current & pending charges: Three cases. Charges: A. insult; B. threat to kill; C. abuse on state land; D. obstruction against public officials
Date of arrest: 22 May 2012
Date of conviction: 24 May 2012
Sentence: 2.5 years imprisonment. Sentence not suspended

“I told myself that I have to be strong and courageous. I have to struggle because if I don’t my mother will not have a chance to be free.” Tol Srey Pov’s daughter, Por Sokun Kanha, aged 11

When Tol Srey Pov’s oldest daughter first learned of her mother’s arrest from a neighbor, she was not worried – Tol Srey Pov was a prominent activist for the Boeung Kak Lake community and had been arrested twice before, but had never away for more than a day.

After two days had passed, she knew that this time was going to be different. Her father also knew that things were serious this time but he was reluctant to tell his children.

On the third day Por Sokun Kanha learned from a neighbor that her mother had been sentenced to two and half years in prison – “I cried and cried, then I walked home and told by brother and sister. We all cried, but then we stopped crying because we didn’t want to upset our father.”

Since her mother’s arrest, Por Sokun Kanha has been very active in the Boeung Kak Lake campaign and tries to attend and speak out at every event. Describing her mother’s absence, she says, “living without a mother is like living in a house without a roof.”

□□□

Tep Vanny



Address: # 181 B, Road 86, Street 22, Sangkat Sras Chork, Khan Daun Penh

Age: 31

Family status: Married with two children (one boy, 7 one girl, 9)

Nickname: Srey Mao

Profession: Housewife

Land Title: Yes

Current & pending charges: Five cases. Charges: A. insult; B. threat to kill; C. defamation; D. abuse on state land; E. obstruction against public officials

Date of arrest: 22 May 2012

Date of conviction: 24 May 2012

Sentence: 2.5 years imprisonment. Sentence not suspended

“We want to show the world what is happening.” Tep Vanny’s husband, Ou Kong Chea

Tep Vanny is one of the main forces behind the Boeung Kak Lake campaign. She has been arrested several times before, but not previously convicted. The family moved to Boeung Kak Lake in 2004.

A few days before her arrest, 18 displaced families from Village 1 contacted her and asked for her support during their planned protest on 22 May. Tep Vanny mobilized others to join the action in solidarity and to monitor the protest for any violations or threats against the participants. Tep Vanny’s husband also attended the protest to take video footage of events.

At around 10am, Tep Vanny’s husband left the protest to go to work. Tep Vanny called him about an hour later to tell him of her arrest. He didn’t tell their children about the arrest until 24 May, the day of her conviction.

This is not the first time Tep Vanny and her husband have been involved in a land dispute with authorities. They have also lost land in Amlong commune, Kampong Speu province, in a dispute with a sugar cane company belonging to Senator Ly Yong Phat.

Since his wife’s arrest, Ou Kong Chea has taken a leading role in the campaign.

Tho Davy

Address: #139B, Street 86, Village 22, Sangkat Sras Chork, Khan Daun Penh



Age: 25

Family Status: Married with two children (aged 4 and 6)

Nickname: Mom

Occupation: Waitress

Land Title: Yes

Charges: One case. Charges: A. abuse on state land; B. obstruction against public officials

Date of arrest: 22 May 2012

Date of conviction: 24 May 2012

Sentence: 2.5 years imprisonment (6 months suspended)

“Before we were granted a land title, others supported us. Now we want to help others.”

Tho Davy’s mother, Khin Thouch

25-year-old Tho Davy and her family have been active in the Boeung Kak Lake campaign for three years. She would regularly attend protests with her mother, brother and husband.

However, on the day of her arrest, Tho Davy was the only family member present. Her family learned of her arrest only when their neighbors returned home and told them what had happened. At first, Tho Davy’s mother was reluctant to tell her two grandchildren about the arrest, pretending their mother was busy at work. The children eventually heard about their mother’s arrest from neighbors.

Tho Davy lives with her mother, husband, and their two children. They have lived in Boeung Kak Lake since 1994. As a waitress, Tho Davy is the main breadwinner and since her arrest the family is struggling to make ends meet.

During her first prison visit, her mother noted that Tho Davy looked pale. Tho Davy told her that she is not eating properly and has problems sleeping but asked her mother not to worry and to concentrate on taking care of herself and the children.

□□□

Song Srey Leap



Address: #215, Street 86, Village 22, Sangkat Sras Chork, Khan Daun Penh
Age: 24
Family status: Single, she has five siblings
Nickname: No nickname
Occupation: Housemaid/cleaner but at the time of her arrest she was in between jobs
Land Title: Yes
Charges: One case. Charges: A. abuse on state land; B. obstruction against public officials
Date of arrest: 22 May 2012
Date of conviction: 24 May 2012
Sentence: 2.5 years imprisonment (6 months suspended)

“I feel strong. I have to continue my work with the campaign.” Song Srey Leap’s mother, Ieng Bunnary.

Song Srey Leap is the youngest and perhaps least well known of the 15 imprisoned Boeung Kak Lake representatives. She had been to protests before, but generally kept a low profile. It is her mother, Ieng Bunnary, who is usually the most active and outspoken one of the family. Neither of the two women has been arrested before.

On 22 May, Ieng Bunnary was not feeling well so Song Srey Leap attended the protest alone. She was not arrested during the protest itself, but at the end of the event while she walked across the sand dunes to go home. Fellow protestors believe she was singled out after a struggle with police as they tried to confiscate a loud speaker from the protestors.

Ieng Bunnary received a phone call from her daughter at around 12pm that day telling her about the arrest. When she visited her daughter in prison, she found her daughter frightened. Song Srey Leap complained that the most difficult thing was the lack of places to sleep in the prison cell.

Song Srey Leap is usually responsible for paying the university fees for her younger brother, aged 22. Since her arrest these fees are not being paid.

Nget Khun



Address: # 47, Street 86, Village 22, Sangkat Sras Chork, Khan Daun Penh

Age: 72

Family status: Seven children, all working, three grandchildren (two aged 6, one aged 10)

Nickname: Chin or Yeay Mommy

Occupation: Housewife

Land Title: Arbitrarily excluded

Charges: One case. Charges: A. abuse on state land; B. obstruction against public officials

Date of arrest: 22 May 2012

Date of conviction: 24 May 2012

Sentence: 2.5 years imprisonment (18 months suspended)

“We haven’t done anything wrong. Why did they come to arrest us? Why arrest innocent people?” Nget Khun’s daughter Eng Huoy.

At 72, Nget Khun is the oldest of the 15 Boeung Kak Lake protesters to have been arrested. She has lived at Boeung Kak Lake since 2005 and has been active in the campaign since 2007.

There are ten people in her household: Nget Khun, her husband, five of their seven children and their three grandchildren. Nget Khun’s husband is approximately 85 years old – because of his age and ill health he rarely leaves the family home. Every day he follows the news, looking for any sign of hope that his wife will be freed.

On 22 May Nget Khun called her daughter to tell her about the arrest. At 8pm that evening, the daughter was allowed to visit her for just two minutes. On subsequent visits the family noted that Nget Khun seemed weak and visibly upset. The family is particularly worried for her health – Nget Khun has medical problems and requires daily medication.

Before her arrest Nget Khun was the main carer for her husband and their three grandchildren. The children in particular miss their grandmother, always asking when she will be coming home and why she is in prison.

Ly Channary



Address: # 7, Street 271, Village 1, Sangkat Tek La’ar 3, Khan Toul Kork

Age: 40

Family status: Married with three children (boys aged 7, 12 and 15)

Nickname: Pov

Occupation: Housewife

Land Title: Arbitrarily excluded

Date of arrest: 24 May 2012

Date of pre-trial release: 15 June 2012 (defendant must be available if called by the investigation judge; must visit their local police station on a regular basis and must not move residence)

“Everyone joined the protest. I have no idea why they arrested her. Maybe they knew we were from the Boeung Kak Lake community.” Ly Channary’s sister, Sok Seang.

Ly Channary was arrested on 24 May 2012 outside the Phnom Penh Municipal Court, where she had been called to testify as a witness for the 13 arrested Boeung Kak Lake representatives. She had been present at the 22 May protest but as an observer rather than an active participant.

Ly Channary and her family no longer live at Boeung Kak Lake. Their home, along with most of its contents, was destroyed in 2010 and the family received no compensation. They were able to retrieve only those belongings they could carry by hand before their house was completely covered with sand. The family owned more property at Boeung Kak Lake, which was also destroyed.

There are seven people in Ly Channary’s household: herself and her husband, their three sons, her elderly mother and her sister. The family has never been active in the Boeung Kak Lake protests and cannot understand why she was arrested. It is particularly difficult for her three sons who repeatedly ask when their mother is coming home.

Sao Saroeun



Village: Village 1
Age: 72
Family status: Married with three children, all working, and seven grandchildren
Nickname: No nickname
Occupation: Retired
Land Title: Arbitrarily excluded
Arrest: 24 May 2012
Date of pre-trial release: 15 June 2012
(defendant must be available if called by the investigation judge; must visit their local police station on a regular basis and must not move residence)

“My husband is in prison but he hasn’t done anything wrong” Sao Saroeun’s wife.

72-year-old Sao Saroeun was arrested on 24 May 2012 as he sat drinking coffee in a café near the Phnom Penh Municipal Court. He was preparing to testify as a witness that morning for the 13 arrested Boeung Kak Lake representatives.

Sao Saroeun himself owns a plot of land at Boeung Kak Lake and the police had been watching his activities closely.

On the day of his arrest, Sao Saroeun’s wife received a call from a neighbor who told her about the arrest. Despite frequent requests, his wife was not permitted to visit him until three days later. She found him to be frightened and she is concerned for his health - Sao Saroeun suffers from health problem and needs daily medication.

□□□



www.amnesty.org

CAMBODIA: IMPRISONED FOR SPEAKING OUT

UPDATE ON PHNOM
PENH'S BOEUNG KAK LAKE

**AMNESTY
INTERNATIONAL**



Amnesty International Publications

First published in 2012 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

© Copyright Amnesty International Publications 2012

Index: ASA 23/010/2012
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior permission of the publishers.

Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories, who campaign on human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. We research, campaign, advocate and mobilize to end abuses of human rights. Amnesty International is independent of any government, political ideology, economic interest or religion. Our work is largely financed by contributions from our membership and donations

**AMNESTY
INTERNATIONAL**



CONTENTS

1. INTRODUCTION	4
2. BACKGROUND	6
2.1 Forced evictions in Cambodia.....	6
2.2 Boeung Kak Lake forced eviction.....	7
3. ONGOING CONCERNS	8
3.1 Exclusion and demarcation	8
3.2 Drainage and flooding	9
3.3 No Compensation	9
3.4 Personal security concerns and harassment	10
Excessive force.....	10
Legal action	11
Harassment	11
4. MAY 2012 CRACKDOWN	12
4.1 Convictions	12
4.2 More arrests	13
4.3 Luon Savath.....	13
4.4 Response by the Boeung Kak Lake community.....	14
4.5 Context.....	14
5. CONCLUSION AND RECOMMENDATIONS	15
5.1 Recommendations to the Royal Government of Cambodia	15
5.2 Recommendations to the international community, including the UN and key donors	16
BIOGRAPHIES OF THE 15 BOEUNG KAK LAKE HUMAN RIGHTS DEFENDERS.....	18

1. INTRODUCTION

“We feel hunted”

Boeung Kak Lake community representative speaking with Amnesty International in March 2012.



Heng Mom was forcibly evicted in September 2011 and her home destroyed. She is now serving a two-and-a-half year prison sentence. © “Free the 15!”

On 24 May 2012, the Phnom Penh Municipal Court sentenced 13 women community representatives from Boeung Kak Lake in Cambodia’s capital Phnom Penh to two-and-a-half years in prison. They had been arrested during a peaceful protest to support some of those whose homes had been destroyed in the forced eviction of thousands of families living around the lake. On the day of trial, two other community representatives were arrested outside the court and charged with the same offences; after spending over 20 days in pre-trial detention, they were released on bail on 15 June 2012. Also on the day of trial, human rights defender and Buddhist monk Venerable Luon Sovath was manhandled outside the court, bundled into a car and taken away by plain-clothed men. He was held incommunicado for 10 hours at Phnom Penh’s Wat Botum before being released.

Amnesty International considers the 13 convicted women to be prisoners of conscience and human rights defenders, imprisoned solely for the peaceful exercise of their right to freedom of expression. An appeal hearing for the 13 women is scheduled for 27 June 2012 at Cambodia’s Appeal Court in Phnom Penh. Amnesty International is calling for the unfair convictions to be overturned, and for the women to be released immediately and unconditionally.

The women have been peacefully protesting for years for a final resolution for the community at Boeung Kak Lake, where thousands of people have been forcibly evicted from their homes since August 2008. This report gives an update on their struggle and the situation of the lake community. And it provides an overview of the events of May 2012, which culminated in the conviction of the 13 women, and the context in which these events took place: a disturbing deterioration in Cambodia’s human rights situation, with freedoms of expression and peaceful assembly curtailed. The report concludes with a series of recommendations for the Royal Government of Cambodia and the international community, to find a resolution for the lake community and stop Cambodia’s human rights situation from deteriorating further.

This report forms part of the Demand Dignity campaign. As part of the campaign, Amnesty International is focusing on human rights violations against people living in informal settlements and slums and calling on all governments to end forced evictions, ensure equal access to public services, and promote the active participation of people living in informal settlements and slums in decisions and processes that impact their lives.

In February 2008, Amnesty International issued a report, *Rights Razed: Forced evictions in Cambodia*,¹ which describes the background and legal framework in which forced evictions take place in Cambodia, with case examples and detailed recommendations. This has been followed by numerous publications and campaigning material, including Amnesty International’s first report on Boeung Kak Lake in June 2008, when it was becoming clear that its development would have an enormous impact on the thousands of families living there², and an open letter to the Phnom Penh Governor in support of the community from the Directors of 28 Amnesty International Offices around the world.³

An Amnesty International delegation visited Cambodia from 10 March to 1 April 2012, as part of the Demand Dignity campaign to end forced evictions in Cambodia. The delegation met with communities affected by forced evictions, including representatives of the Boeung Kak Lake community, and Cambodian civil society organizations working to end forced evictions. All of those who were interviewed consented for Amnesty International to use the information they provided publicly. Amnesty International emailed and wrote to the municipal government of Phnom Penh to request a meeting to discuss the situation of the Boeung Kak Lake community. However, no response was received to the email and municipal government staff refused to receive the letter on three separate occasions. The municipal government of Phnom Penh issued a press statement relating to the situation of the Boeung Kak Lake community, which was also received by some of Amnesty International’s members in response to their emails calling for the release of the 13 convicted women. The press statement can be found on the Phnom Penh Municipality website www.phnompenh.gov.kh.

¹ See: <http://www.amnesty.org/en/library/info/ASA23/002/2008/en>.

² See *Cambodia: Bracing for development*, June 2008, <http://www.amnesty.org/en/library/info/ASA23/009/2008/en>.

³ See Open Letter in support of the residents living around Boeung Kak Lake, April 2011, <http://www.amnesty.org/en/library/info/ASA23/003/2011/en>.

2. BACKGROUND

2.1 FORCED EVICTIONS IN CAMBODIA



Forced eviction of Dey Krahorm, Phnom Penh, January 2009. © Peter Harris

The Committee on Economic, Social and Cultural Rights, which monitors the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR), defines forced evictions as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection”. Simply put, forced evictions are evictions carried out without adequate notice and consultation with those affected, without legal safeguards and without assurances of adequate alternative accommodation.

Cambodia is a state party to the ICESCR and other international human rights treaties including the International Covenant on Civil and Political Rights (ICCPR) that prohibit forced evictions and related human rights violations. According to the Cambodian Constitutional Council, all human rights instruments to which Cambodia is a state party automatically become part of Cambodia’s Constitution. The Royal Government of Cambodia therefore has an obligation to stop forced evictions and to protect the population from such gross human rights violations.

Thousands of people across Cambodia are adversely affected by forced evictions, land grabs and land disputes. Estimates by local NGOs indicate that 420,000 people have been affected in areas covering approximately half of the country monitored since 2003. In another estimate, 10 per cent of the population of Phnom Penh had either been forcibly evicted or evicted through voluntary planned resettlement since 2001.

Concessions to companies to develop land, which have often been granted without any meaningful consultation with communities who will be affected, are one of the root causes of land disputes and forced evictions in Cambodia. The 2001 Land Law sets out a framework for granting concessions of land for social or economic purposes. Land concessions for economic purposes (commonly referred to as economic land concessions) allow the beneficiaries to clear the land for industrial agricultural exploitation of land.

In May 2012, the Cambodian Prime Minister announced a suspension of new economic land concessions and a review of existing concessions. Amnesty International welcomes this development, and calls on the government to undertake a comprehensive assessment of the human rights impacts of all existing concessions and a review of all concessions’ compliance with the 2001 Land Law and other domestic legislation, to be undertaken by a newly-formed independent body.

2.2 BOEUNG KAK LAKE FORCED EVICTION



Boeung Kak Lake residents gather outside the Municipality of Phnom Penh, March 2011. © LICADHO

Thousands of people have been forcibly evicted from their homes around Boeung Kak Lake since August 2008, when a company, Shukaku Inc, started filling the lake with sand. The Municipality of Phnom Penh had entered into a 99-year lease agreement with Shukaku Inc for an area covering 133 hectares, including the lake and surrounding land, in February 2007. The area was to be turned into “pleasant, trade, and service places for domestic and international tourists”. The lease was made without any consultation with the affected population, who only learned about it through television news broadcasts. The eviction constitutes a forced eviction because there was no genuine consultation with those affected, adequate compensation was not offered and adequate alternative accommodation was not provided. The residents were subjected to harassment and threats by company workers and others to accept inadequate compensation or relocation to a place far from work opportunities that lacked basic services and infrastructure.

As remaining residents continued peaceful protests to save their homes, in August 2011 the World Bank announced that it had suspended loans to Cambodia since December 2010 over the situation at the lake.

The Cambodian Prime Minister responded in the same month by issuing a sub-decree to allocate 12.44 hectares of the land around the lake for onsite housing for the families who remained. This was a welcome and unprecedented development. However, community representatives told Amnesty International during the delegation’s March-April 2012 visit that while more than 600 families have received new land titles as part of this allotment, around 90 families have been unfairly excluded. The allotment area has not been properly demarcated and is affected by flooding and sewage overflow. Some of the lake community have continued to protest peacefully for all of the remaining families to be included in the allotment area, and for other concerns to be addressed. In response, community representatives have faced harassment, violence and legal action against them, culminating in the conviction and imprisonment of 13 lake community representatives and the arrest and detention of two others on 24 May 2012.

The forced eviction of Boeung Kak Lake has received significant international attention. It is starkly represented by the drainage of the entire lake by the development company, through filling it with sand. The lake was a water catchment area for Phnom Penh, a source of livelihood for some of the community, and was also a popular tourist spot. On the vast swathes of sand, there is no evidence that any development work has actually started, in spite of the mass forced eviction and filling of the lake.

The community has consistently used peaceful methods to save their homes and land, attracting the attention of local and international media, and other communities in Cambodia facing forced eviction.

One such initiative by the community was to bring their case to the World Bank in September 2009. With the support of local NGOs, the residents alleged that they were denied the opportunity to register their claims to land ownership under the World Bank administered Land Management and Administration Project (LMAP), which was designed to provide land titles throughout Cambodia. After scrutiny of the case under the World Bank procedures, the complaint was found to be valid in March 2011. The Cambodian government rejected offers of financial assistance to remedy the situation for those affected by the evictions.

Women have been at the forefront of this peaceful resistance to eviction, and the story of Tep Vanny, a woman community representative from the lake, is included in Amnesty International’s November 2011 report and films *‘Eviction and Resistance in Cambodia: Five Women Tell Their Stories’*.⁴ Tep Vanny is one of the 13 women human rights defenders who was convicted on 24 May 2012 and is currently serving her sentence in Phnom Penh’s Prey Sar CC2 prison.

3. ONGOING CONCERNS



A house stands in ruins on the edge of Boeung Kak Lake, July 2011. © Amnesty International

Since the Cambodian Prime Minister’s announcement in August 2011 that 12.44 hectares of the land around Boeung Kak Lake would be allotted for onsite housing for the families who remained, some of the community have peacefully advocated for the proper implementation of this sub-decree.

Initial hopes for a final resolution of the situation at the lake have been dashed however; and community representatives told Amnesty International in March 2012 about a number of ongoing concerns.

3.1 EXCLUSION AND DEMARCATION

The community’s primary concern is that while more than 600 families have received new land titles as part of the allotment announced by the Prime Minister, around 90 families have been excluded. Those given land titles and those without have joined together to stage a number of peaceful protests to call for these excluded families to be granted land titles in the allotment area.

For everyone in the community, there has been a large degree of uncertainty, as many families have not known whether they would be receiving land titles until the day that they received them. This uncertainty and fear about the future has caused tremendous strain on the community. Many of the community members have reportedly felt unable to go to work,

⁴ See report, <http://www.amnesty.org/en/library/info/ASA23/006/2011/en> and films, https://adam.amnesty.org/asset-bank/action/search?attribute_603=+Evictions+Films.

for fear of missing a meeting at which they might be given their land title. On 22 November 2011, Chea Dara committed suicide; she had recently learned that her family was not included in the onsite allotment. The community showed a film to remember Chea Dara at the Phnom Penh launch of Amnesty International’s report and films *‘Eviction and Resistance in Cambodia: Five Women Tell Their Stories’* on 24 November.

Community representatives told Amnesty International in March 2012 that Phnom Penh municipal government officials have informed them that the excluded families are not entitled to land title as they are living on company land and not in the allotment area. Yet the allotment area has not been officially demarcated and many of the families had been living on the land since before the 2001 Land Law, meaning they have possession claims to the land that may entitle them to ownership. Meanwhile, community representatives allege that while some families have been excluded from the allotment, some of the land titles in the allotment are under the name of the ruling Cambodian People’s Party (CPP) Senator who owns the company granted the lease to develop the area.

The community is calling for immediate demarcation of the allotment and demanding that all of the remaining families be granted land title in the allotment area for onsite housing, in accordance with the Prime Minister’s sub-decree.

3.2 DRAINAGE AND FLOODING

The lake was a water catchment area for Phnom Penh. While the municipal government of Phnom Penh reportedly promised that some of the lake itself would remain, in fact the entire lake has been drained. Community representatives told Amnesty International in March 2012 Cambodia that the area has experienced increased flooding since the lake has been drained, as there is nowhere for rain water to flow. The community is concerned that the situation will only get worse once the rainy season begins, as this report is published.

Even more seriously, the community has reported sewage coming out from the drains in their homes. Previously, this would flow into the lake. They are concerned that the waste is going to cause disease, particularly among children and the elderly.

The community is calling for a new and adequate drainage system to deal with the overflow of water and sewage, which they say the municipal government of Phnom Penh has promised them. Amnesty International has received information that work on this new drainage system has now begun.

3.3 NO COMPENSATION

In November 2010, 18 of the remaining families’ homes were flooded with sand – as the lake was drained and filled with sand – and then demolished by workers from the development company. The families, who have been excluded from the allotment announced by the Prime Minister, had lived on the land for years and are demanding compensation for the destruction of their homes.



Tarpaulin covering the remains of a house demolished during a forced eviction at Boeung Kak Lake, September 2011. © Nora Lindström

On 16 September 2011, eight homes and businesses were demolished without warning. Some of the residents were able to retrieve their belongings before the houses were destroyed; others lost everything. None of them have received any compensation or alternative housing and are either living with relatives or have been forced to rent nearby. They are among around 90 families excluded from receiving land title. One of the homes belonged to Heng Mom, who is one of the community representatives convicted on 24 May 2012. She and others submitted a complaint in October 2011 to the Phnom Penh Municipal Court, seeking compensation, but to date the complaint has not been addressed.

3.4 PERSONAL SECURITY CONCERNS AND HARASSMENT

The rights to freedom of expression and peaceful assembly are protected and promoted under Cambodian law. The rights are included in Cambodia’s Constitution and in the ICCPR, which Cambodia has ratified and – by virtue of the Constitution – is part of domestic law.

The Boeung Kak Lake community has continued to peacefully protest for the families excluded from the allotment for onsite housing, calling for them to be granted land title, and for their other ongoing concerns to be addressed. The community has become well known for the innovative tactics used for drawing attention to their cause, with the women bearing their breasts while peacefully protesting and burning effigies to exorcise evil spirits from the authorities. At the same time the community has supported the protests of others affected by forced evictions, including Phnom Penh’s Borei Keila community.

EXCESSIVE FORCE

Cambodia’s Constitution protects the right to peaceful assembly and the right to free speech, that is, to peacefully protest. When protests turn violent, security forces may use only such force as is necessary and proportionate to restore order and prevent injuries and deaths. Security forces’ use of unnecessary or excessive force to disperse protesters is in violation of the human rights treaties to which Cambodia is a state party, including the ICCPR.

State security forces have used excessive force in response to peaceful protests by the Boeung Kak Lake community. For example, at the end of November 2011, the community protested outside Phnom Penh municipal government buildings to demand the proper implementation of the Prime Minister’s allocation of land titles to those remaining at the lake. According to reports, six protesters were injured after being stamped on by police. Another large protest took place in February 2012, by the Boeung Kak Lake and Borei Keila communities, when police reportedly pushed women with their riot shields and municipality security guards hit the women.

Amnesty International issued a press release on 2 February 2012⁵, demanding an end to the use of excessive force against peaceful land and housing activists in Cambodia.

LEGAL ACTION

Rather than acting independently and protecting the rights and freedoms of the people, as required by Cambodia's Constitution, the Cambodian justice system has been used to pursue legal action against those defending their rights, while perpetrators of forced evictions and members of security forces using excessive force against protesters are not held accountable.

For example, no one was held accountable in September 2011 when police used bricks to beat unconscious Soung Sophorn, a Boeung Kak Lake community member and opposition activist protesting against the forced eviction of his community.⁶ But two years before, in June 2009, Soung was quickly arrested, detained and convicted of criminal defamation after painting "Absolutely fighting against communist policy," and "People Suffer due to Cheap Government and Company" on the walls of his home, as a way of condemning the forced eviction.

Other Boeung Kak Lake community representatives have faced legal action for peacefully protesting against human rights abuses. During the protest in November 2011, four women representatives were arrested and charged with insulting and obstructing officials.⁷ They were initially detained but released the next day, under judicial supervision. The four women, three of whom were later convicted on 24 May 2012, told Amnesty International in March 2012 that they faced ongoing questioning related to the charges.

During the protest in February 2012, described above, six women were arrested including a former resident of Boeung Kak Lake. At least two of these women were injured when bundled into the police van during the arrest, but reportedly received no medical care, while none of them were given full access to lawyers. All six were later released without charge after being detained overnight.

HARASSMENT

Aside from the excessive force used against them at peaceful protests and the ongoing legal action, community representatives told Amnesty International that they also faced surveillance and harassment, and that each day some of them are followed by plain-clothed police officers who take photographs and film their daily actions, such as trips to the market. They told Amnesty International that on 2 April 2012, when they had travelled to the Embassy of China to deliver a petition to the visiting Chinese President Hu Jintao, they were chased by police on motorbikes, and then followed into Phnom Penh's Olympic Market when they tried to escape being followed.

⁵ See *Cambodia: Stop the use of excessive force against peaceful land activists*, February 2012, <http://www.amnesty.org/zh-hant/node/29521>

⁶ See *Cambodian land activist beaten by police*, <http://www.amnesty.org/en/library/info/ASA23/008/2011/en>

⁷ See, *Cambodia urged to drop charges against Boeung Kak Lake activists*, <http://www.amnesty.org/zh-hant/node/28427>.

Community representatives told Amnesty International in March 2012 that they feel “anxious”, and a number of them raised the same concern that they would be killed in a “cover-up”, such as “a traffic ‘accident’”. One representative told Amnesty International: “We have no security ... we feel hunted.” Indeed, during a meeting between the Amnesty International delegation and community representatives in March 2012, in a private room above a Phnom Penh restaurant, plain-clothed police officers simply walked into the meeting uninvited. They then waited in the restaurant downstairs, until leaving after being confronted by community representatives.

4. MAY 2012 CRACKDOWN

In May 2012, the situation at Boeung Kak Lake took a serious turn for the worse, reflecting the deteriorating human rights situation in Cambodia in the first half of the year.

4.1 CONVICTIONS



Tep Vanny helped mobilize support for the protest on 22 May 2012. © Amnesty International

On 22 May, a group of protesters from the lake community gathered peacefully where the homes of 18 families had stood before they were destroyed in November 2010. The police prevented one family from putting up poles where their house had been, and the demonstrators went on to sing and make speeches. Later in the

morning, police and district security guards broke up the protest violently, chasing and arresting 13 of the women. They were taken to the Phnom Penh municipal police station, where they were held until the morning of 24 May, when they were moved to Phnom Penh Municipal Court, charged and tried.

The women were charged under Article 34/259 of the 2001 Land Law (illegal occupancy of public property) and Article 504 of the Penal Code (obstruction of public officials with aggravating circumstances). The charges appear baseless. The women were not “occupying” the land, but were merely temporarily present on it. And they were not violent, a requirement for a conviction under Article 504.

Based on the information Amnesty International has received, the trial of the 13 women was manifestly unfair. They were tried around an hour after being charged. Their lawyers’ request for a delay to prepare for the trial was denied; and they were not given access to the case-file or evidence, and were not allowed to call witnesses. As security forces surrounded the court, the women were charged, tried and sentenced in a matter of hours. The trial violated the women’s right to a fair trial, guaranteed under the Cambodian Constitution and Article 14 of the ICCPR. They were not given adequate time and facilities to prepare their defence, and were denied their right to proper legal representation and to call witnesses.

All the women were sentenced to two-and-a-half years in prison; five of them with six months suspended and Nget Khun, 72, with one-and-a-half years suspended.⁸ They were taken immediately to the Prey Sar CC2 prison in Phnom Penh. They are: **Chan Navy, Cheng Leap, Heng Mom, Kong Chantha, Nget Khun, Ngoun Kimlang, Bov Sopea, Phan Chhunreth, Soung Samai, Song Srey Leap, Tep Vanny, Tho Davy, and Tol Srey Pov**. Many of the women have young children, and grandchildren. A list of the women’s biographies, compiled by NGO partners in Cambodia, is appended to this report.

The 13 women are held in CC2 prison in five different cells holding between 40 to 60 other prisoners. On 10 June, five of the women started a hunger strike after hearing their children and relatives singing and crying outside the prison in the morning. They stopped the hunger strike when the two other community members held in pre-trial detention were released on bail on 15 June (see “More Arrests”). The families are able to visit once or twice a week for a short time. A human rights NGO which monitors prisons also visits weekly to provide medical care and material support.

Amnesty International considers the 13 convicted women to be prisoners of conscience and human rights defenders, detained for the peaceful exercise of their right to freedom of expression.

An appeal hearing for the 13 women is scheduled for 27 June 2012 at Cambodia’s Appeal Court in Phnom Penh. Amnesty International is calling for the unfair convictions to be overturned, and for the women to be released immediately and unconditionally.

4.2 MORE ARRESTS

One woman, **Ly Chanary**, and a male lake community representative **Sao Sarouen**, were arrested outside the court on the day of the 13 women’s trial on 24 May 2012, on the same charges. They had been ready to appear as defence witnesses. They were questioned by the investigating judge and were held in pre-trial detention for over 20 days in CC2 and CC1 prisons respectively. They were released on bail on 15 June 2012. Their biographies are included in the list of biographies appended to this report.

4.3 LUON SAVATH

Also on the day of the 13 women’s trial, human rights defender and Buddhist monk, Venerable **Luon Sovath** was manhandled, bundled into a car and taken away by plain-clothed men. He was held incommunicado for 10 hours at Wat Botum before being released later in the evening. This use of short-term detention constitutes a form of harassment, apparently designed to intimidate him.

Venerable Luon Sovath has been an active supporter of the Boeung Kak Lake community. He is the recipient of the Hellman-Hammett Award and is a finalist for this year’s Martin Ennals Human Rights Award.

⁸ See Cambodia, *Women human rights defenders sent to jail*, <http://www.amnesty.org/en/library/info/ASA23/007/2012/en>.

4.4 RESPONSE BY THE BOEUNG KAK LAKE COMMUNITY



Families and friends call for the release of the 13 outside the Royal Palace on the Queen Mother’s Birthday, 18 June 2012. © “Free the 15!”

The May crackdown on the Boeung Kak Lake community appears to have been designed to have a chilling effect, dissuading others from standing up for their rights. Instead, other members of the lake community continue to peacefully protest and other activists rally to

their support, demanding the release of the 13 imprisoned human rights defenders. The community, including the children and grandchildren of the 13 women, and with the support of friends and other activists, have presented petitions to the National Assembly; gathered outside the Ministry of Justice; and held regular events calling for their release, including just outside the prison where they are held. They have also called on the diplomatic community for support.

4.5 CONTEXT

The conviction of the 13 women, the arrest and detention of the two other community representatives, and the harassment of Venerable Luon Sovath, mark a general deterioration in the human rights situation in Cambodia.

A review of the general deterioration in the human rights situation is beyond the scope of this report. However, the year has so far seen human rights defenders and peaceful protesters, including those taking action to save their homes and land, face increasing harassment, legal action, and violence, including killings.

In the first half of 2012, villagers defending their land have been shot at in Kratie province; women garment workers demonstrating for improved working conditions have been shot in SvayRieng⁹; a prominent environment activist has been shot dead in Koh Kong¹⁰; and a 14-year-old girl has been shot dead during a violent eviction in Kratie.

⁹ See, *Failing justice, protests and violence*, Asia Times, 5 April 2012, http://www.atimes.com/atimes/Southeast_Asia/ND05Ae01.html

¹⁰ See, *Killing of Cambodian environment activists must be investigated*, <http://www.amnesty.org/zh-hant/node/31186>.

5. CONCLUSION AND RECOMMENDATIONS

When the Prime Minister announced in August 2011 that 12.44 hectares of the land at Boeung Kak Lake would be allocated for onsite housing for the families who remained, a final resolution for those families seemed to finally be in sight. However, around 90 families have been excluded, while the allotment area has not been properly demarcated and is affected by flooding and sewage overflow. Those community members who have continued to protest peacefully for all of the remaining families to be included in the allotment area, and for other concerns to be addressed, have faced harassment, legal action and violence. The May crackdown against the lake community, culminating in the conviction of the 13 women community representatives, marks a general deterioration in Cambodia’s human rights situation.

The Royal Government of Cambodia envisaged 2012 as Cambodia’s year on the international stage, as the country chairs the Association of Southeast Asian Nations (ASEAN) and lobbies for a non-permanent seat on the United Nations (UN) Security Council. On the domestic front, political parties recently contested commune elections and will contest a general election in 2013. But the convictions of the 13 women community representatives from Boeung Kak Lake and the general deterioration in the human rights situation raise questions about the government’s will and capacity to protect the human rights of ordinary Cambodians, and may damage the government’s international and domestic standing.

As the safety valve of freedom of expression is closed further, with human rights defenders and peaceful protesters silenced, Amnesty International is concerned that the frustration and anger left to bubble under the surface will emerge in unpredictable ways, undoing the hard-won gains made in bringing about relative stability and reducing poverty.

5.1 RECOMMENDATIONS TO THE ROYAL GOVERNMENT OF CAMBODIA

With the appeal hearing for the 13 women community representatives from Boeung Kak Lake scheduled for 27 June 2012, the Royal Government of Cambodia has the opportunity to demonstrate that it recognizes its human rights obligations, and has the will to stop the human rights situation deteriorating further.

Amnesty International calls on the Royal Government of Cambodia to:

- Order the immediate and unconditional release from prison of the 13 women community representatives from Boeung Kak Lake and for their convictions to be quashed.
- Order for the charges against the other two community representatives, Ly Chanary and Sao Sarouen, to be dropped.
- Order an end to the ongoing harassment of the Venerable Luon Sovath.

- Publicly condemn the harassment, legal action and violence against human rights defenders and peaceful protesters, including from the Boeung Kak Lake community.
- Order the municipal government of Phnom Penh to implement the Prime Minister’s August 2011 announcement and, in genuine consultation with the community, finally resolve the situation caused by the forced eviction of the Boeung Kak Lake community, by:
 - finding a solution for the remaining families excluded from the allotment announced by the Prime Minister;
 - demarcating the allotment for onsite housing;
 - ensuring compensation for those whose homes have been destroyed; and
 - ensuring that an adequate drainage and sewage system is constructed as a matter of urgency.
- Free the law enforcement and justice system from external control and invest in strengthening its capacity to uphold the law and protect the rights and freedoms of the people, as provided in Cambodia’s constitution. Follow the clear framework for judicial reform set out in the September 2010 report by Professor Surya Subedi, the UN Special Rapporteur on human rights in Cambodia.
- Develop a more constructive relationship with Cambodia’s increasingly diverse civil society, embracing it as an asset and dynamic force to contribute to the development of the country, including the full realisation of human rights.

5.2 RECOMMENDATIONS TO THE INTERNATIONAL COMMUNITY, INCLUDING THE UN AND KEY DONORS

The international community has been slow to publicly condemn the convictions of the 13 Boeung Kak Lake community representatives and the arrest and detention of the two others. During the Cambodian Foreign Minister’s visit to the United States in June, the United States Secretary of State Hillary Clinton said that the release of the 13 women would “be a sign of support for freedom of expression”. But Amnesty International is unaware of any of Cambodia’s other key donors providing public support for the convicted women. Many of the community representatives had previously appealed for help from embassies of these donor countries. Silence in the face of the convictions and the deteriorating human rights situation emboldens the perpetrators of human rights violations, and discourages human rights defenders. As Cambodia chairs ASEAN and lobbies for a non-permanent seat on the UN Security Council, the international community is in a strong position to exercise leverage over the government, offering the government international legitimacy at this important time.

Amnesty International calls on the international community to:

- Publicly demand the immediate and unconditional release from prison of the 13 women community representatives from Boeung Kak Lake and for their convictions to be quashed.
- Publicly condemn the ongoing harassment and violence against human rights defenders and peaceful protesters, and the deteriorating human rights situation in Cambodia.
- Demand that a resolution is finally found for the Boeung Kak Lake community.

- Inform the Royal Government of Cambodia that the deteriorating human rights situation may jeopardise Cambodia’s bid to be elected as a non-permanent member of the UN Security Council.
- Offer support to human rights defenders, by providing protection and moral and other support when required, as well as advocating on their behalf with the government.
- Provide aid for promoting a culture of rule of law in Cambodia, providing technical support to the Royal Government of Cambodia to help it meet its human rights obligations by prioritizing the reform of its law enforcement and justice system.

BIOGRAPHIES OF THE 15 BOEUNG KAK LAKE HUMAN RIGHTS DEFENDERS

Courtesy of “Free the 15!” see website: [HTTP://FREETHE15.WORDPRESS.COM/](http://freethe15.wordpress.com/)

Phan Chhunreth



Address: # 6, Street 86, Village 22, Sangkat Sras Chork, Khan Daun Penh
Age: 54
Family status: Married with five children (one at university, four employed) and three grandchildren
Nickname: Yeay Let
Occupation: Housewife
Land Title: Arbitrarily excluded
Charges: One case. Charges: A. Abuse on state land; B. Obstruction against public officials
Date of arrest: 22 May 2012
Date of conviction: 24 May 2012
Sentence: 2.5 years imprisonment. Sentence not suspended

“The house seems so quiet since we lost our mother...I am involved in the campaign now, because of her.” Phan Chhunreth’s son, Oung Sothea

Phan Chhunreth has been living in Boeung Kak Lake with her family since 1997. At 54, she has five children and three grandchildren. Until her arrest she was the sole family member active in the campaign, but her resolve has now inspired her son to take action in her name.

For Oung Sothea, the biggest worry is his mother’s health. She has health problems and requires daily medication.

Oung Sothea learned of his mother’s arrest from a neighbor on the morning of 22 May. When he and his sister first visited her in prison she seemed very upset and was worried about her health. This first visit lasted only five minutes.

Unlike some of the other Boeung Kak Lake activists, Phan Chhunreth has never been arrested before. The makes it all the more difficult for her family to comprehend why she would be singled out. It is especially difficult for her grandchild to understand why she is no longer at home. Every day when they return from school, he asks, “Where is grandmother? I miss her so much.”

□□□

Cheng Leap



Address: # 182D, Street 80, Village 22, Sangkat Sras Chork, Khan Daun Penh

Age: 45

Family status: Married with five children (aged 18, 13, 12, 5 and 2); the three eldest children are still in school

Nickname: Yeay Jakechean (Grandma fried-banana)

Occupation: Housewife

Land Title: Yes

Current & pending charges: Two cases. Charges: A. Abuse on state land; B. Obstruction against public officials; C. Insult; D. Threat to kill

Date of arrest: 22 May 2012

Date of conviction: 24 May 2012

Sentence: 2.5 years imprisonment. Sentence not suspended

"I want my mother to come back home." Cheng Leap's son Kol Pich, aged 12

45-year-old Cheng Leap is a key organizer of the Boeung Kak Lake community. The neighbor of Tep Vanny, the two families used to regularly meet to discuss events and discuss campaign strategies. Cheng Leap is a persuasive speaker and mobilized many others to join the campaign.

To support the community's protests, Cheng Leap and her husband Noun Tim, a driver, would use his Tuk Tuk to transport campaign materials and refreshments for their fellow protestors. Cheng Leap has been involved in the Boeung Kak campaign since 2007. Despite her high-profile activism she has previously managed to evade arrest.

On 22 May, the day of her arrest, Cheng Leap attended the protest with her brother and her 5-year-old daughter who had to witness her mother being dragged away by police. The family worries for her in prison as Cheng Leap suffers from health problems.

Cheng Leap has lived in Boeung Kak Lake with her husband, their five children and her brother since around 2003. Her youngest child is two years old.

Heng Mom



Address: # 75, Street 86, Village 22, Sangkat Sras Chork, Khan Daun Penh

Age: 41

Family status: Married with one 12-year-old daughter. Her husband has six adult children from a previous marriage.

Nickname: Mom

Occupation: Housewife

Land Title: Arbitrarily excluded

Current & pending charges: Five cases. Charges: A. insult; B. threat to kill; C. defamation; D. abuse on state land; E. obstruction against public officials

Date of arrest: 22 May 2012

Date of conviction: 24 May 2012

Sentence: 2.5 years imprisonment. Sentence not suspended

“There was no reason to arrest Mom. She only joined the protest to protect our land.”

Heng Mom’s husband, Sok Tong Heng

On 16 September 2011, 41-year-old Heng Mom and her family watched as their home of 18 years was destroyed. The family received no compensation. Over the next three months, her husband, a construction worker, rebuilt their home on its original site with money borrowed from relatives.

Even before the destruction of their home, Heng Mom and her husband had been active members of the Boeung Kak Lake community. She had been arrested once previously in fighting for her land, but not convicted.

Heng Mom’s husband is worried for her physical and psychological health in prison. On one of his visits he noted that “she seemed frightened, she was always looking behind her back as if she was afraid of something”. Heng Mom suffers from health problems and has previously needed counseling because of the Boeung Kak Lake situation.

Their 12-year-old daughter has been very shaken by the arrest and conviction, and is unable to concentrate on her schoolwork. Despite this, both she and her father are increasingly involved in the Boeung Kak Lake campaign. For them, it is important to continue campaigning in Heng Mom’s name.

Kong Chantha



Address: # 43, Street 70, Village 24, Sangkat Sras Chork, Khan Daun Penh

Age: 41

Family status: Married with four children (ages 12, 14, 17 and 19), all still in school

Nickname: No nickname

Occupation: Housewife

Land Title: Yes

Current & pending charges: Three cases. Charges: A. insult; B. obstruction against public officials; C. insult and threat to kill; D. abuse on state land

Date of arrest: 22 May 2012

Date of conviction: 24 May 2012

Sentence: 2.5 years imprisonment. Sentence not suspended

“I want all the foreign embassies here to lobby our government to release the 15.” Kong Chantha’s husband, Seak Heng

Kong Chantha and her family are no strangers to land disputes. In addition to their home in Boeung Kak Lake, they own a plot of land in Preah Vihear province which has been the subject of a land dispute with the Cambodian military since 2004.

The family has lived at Boeung Kak Lake since 2000. When the land dispute began in 2007, they were afraid that they would lose their land again. They knew they had to take immediate action. Kong Chantha has been very active in the Boeung Kak campaign ever since.

Kong Chantha’s husband and their four children were not initially worried when they heard of her arrest on 22 May; she had been arrested four times previously during peaceful demonstrations and the family had become used to police observation and regular intimidation. The news of the conviction two days later was a shock to them all.

Kong Chantha is said to suffer from health problems and she has previously required counseling because of the Boeung Kak Lake situation.

□□□

Chan Navy



Address: # 111, Street 70, Village 24, Sangkat Sras Chork, Khan Daun Penh
Age: 57
Family status: Lives with partner and their six children (twins aged 2, others aged 10, 16, 18 and 20)
Nickname: No nickname
Occupation: Housewife
Land Title: Yes
Charges: One case. Charges: A. abuse on state land; B. obstruction against public officials
Date of arrest: 22 May 2012
Date of conviction: 24 May 2012
Sentence: 2.5 years imprisonment (6 months suspended)

“They [the twins] know she is in prison, but I always tell them that she will come home soon... During the night they always wake up and ask for her.” Chan Navy’s partner, Choun Madina

Chan Navy has lived at Boeung Kak Lake with her partner, Choun Madina, since 1990. She has been active in the Boeung Kak Lake campaign since 2007 but has never been arrested before.

Chan Navy and Choun Madina are the carers of six children, including two-year-old twins, Chan Navy’s grandchildren. Chan Navy would often take the twins, who have been in the care of the two women since they were two months old, to the Boeung Kak Lake protests with her. They were also with her on 22 May, the day of her arrest.

On that day a neighbor bought the twins home and later called Choun Madina, a full-time teacher, to tell her about the arrest. Choun Madina is now struggling to juggle her full-time work with caring for the children. Despite this she has also now become more active in the campaign herself and continues to take the twins along.

The family are concerned for Chan Navy’s health in prison – she suffers from health problems and since her imprisonment her symptoms are reportedly getting worse.

□□□

Bov Sophea



Address: # 163, Street 80, Village 21, Sangkat Sras Chork, Khan Daun Penh
Age: 36
Family Status: Married with three children (aged, 8, 14 and 17)
Nickname: Srey Neang
Occupation: Housewife
Land Title: Yes
Charges: One case. Charges: A. abuse on state land; B. obstruction against public officials
Date of arrest: 22 May 2012
Date of conviction: 24 May 2012
Sentence: 2.5 years imprisonment. Sentence not suspended

“When my mum was arrested, I was so worried about her. I cannot sleep. I cannot eat. I am so afraid that the police will beat her.” Bov Sophea’s daughter, Ly Heng Leap, aged 14

On 22 May 2012, the day of her arrest, Bov Sophea was the only member of her family to join the Boeung Kak Lake protest. When her sister Bov Sophoan heard about the heavy police presence at the protest site, she became worried for Bov Sophea’s safety and called her.

Even though it was clear from the call that something was wrong – Bov Sophea had just been arrested - she sounded calm and told her sister not to worry, that everything was fine. Shortly afterwards a neighbor arrived to tell her sister about the arrest.

Bov Sophea has lived at Boeung Kak Lake with her family since 1994 and has been active in the campaign since 2007. Bov Sophea is particularly vigorous in supporting those families who have not been granted land titles. Since her arrest, her children and her sister have themselves become more active in the campaign.

The family has visited her in prison several times. The first visited lasted just 10 minutes. They are particularly concerned about her health problems, for which she requires daily medication.

□□□

Ngoun Kimlang



Address: # 83, Street 70, Village 21, Sangkat Sras Chork, Khan Daun Penh
Age: 54
Family status: Divorced, one child aged 16
Nickname: No nickname
Occupation: Street vendor
Land Title: Yes
Charges: One case. Charges: A. abuse on state land; B. obstruction against public officials
Date of arrest: 22 May 2012
Date of conviction: 24 May 2012
Sentence: 2.5 years imprisonment (6 months suspended)

“I miss her. She always tells me it is OK, but I noticed that she has lost weight and she has skin problems.” Ngoun Kimlang’s son, Khiev Pich Sangva, 16

Ngoun Kimlang and her family have been resident at Boeung Kak Lake since 1979. There are seven people in her household: Ngoun Kimlang and her son, her niece, her niece’s husband and their three children. Ngoun Kimlang is divorced from her husband.

Ngoun Kimlang has been attending Boeung Kak Lake protests since 2007 but it was not until recently that she began to get more involved, attending every event. As she suffers from high blood pressure and has some difficulty walking, she would generally keep a low profile. She has never been arrested before.

When her niece, Sok Chanthorn, heard of the heavy police presence on 22 May, she called her aunt to check that she was safe. Ngoun Kimlang told her that everything was fine, that she was at the back of the protest and there was no need to worry, and hung up. At around 12pm that day she called her niece to tell her that she had been arrested.

The family has noted during their prison visits that Ngoun Kimlang seems strong, but they worry about her health – she requires daily medication. She has asked her family not to visit her too regularly as the visits are too expensive.

Soung Samai



Address: #26, Street 86, Village 22, Sangkat Sras Chork, Khan Daun Penh
Age: 53
Family status: Widow with two sons, aged 18 and 26
Nickname: No nickname
Occupation: Housewife
Land Title: Arbitrarily excluded
Charges: One case. Charges: A. abuse on state land; B. obstruction against public officials
Date of arrest: 22 May 2012
Date of conviction: 24 May 2012
Sentence: 2.5 years imprisonment (6 months suspended)

“If we don’t join the protests we will never get our land back.” Soung Samai’s son, Yin Soeun Sophat, aged 26

53-year-old Soung Samai moved to Boeung Kak Lake with her husband and two sons in 1993. She has been attending the protests since 2007. She has been arrested on two previous occasions but never convicted.

Soung Samai’s husband was never able to join her at the protests because he was ill at home. He died in 2011; even in the weeks and months following his death Soung Samai continued to join the protests, determined to get their land back and to help others.

The eldest son, Yin Soeun Sophat, is the main breadwinner in the family, usually working 6 days a week as a waiter. Since his mother’s arrest, however, he has had to care for his younger brother, cook and do the housework, and is only able to work two or three days a week. When possible he also tries to join the protests to support the campaign in his mother’s absence.

On the day of her arrest, a friend called Yin Soeun Sophat to tell him about his mother’s arrest. When he and his brother first went to visit her in prison, he said that she looked weak and was clearly not getting enough food. Soung Samai suffers from health problems.

Tol Srey Pov



Address: # 49, Road 70, Village 24, Sangkat Sras Chork, Khan Daun Penh
Age: 35
Family status: Married with three children, aged 5, 9 and 11
Nickname: Pov
Occupation: Housewife
Land Title: Yes
Current & pending charges: Three cases. Charges: A. insult; B. threat to kill; C. abuse on state land; D. obstruction against public officials
Date of arrest: 22 May 2012
Date of conviction: 24 May 2012
Sentence: 2.5 years imprisonment. Sentence not suspended

“I told myself that I have to be strong and courageous. I have to struggle because if I don’t my mother will not have a chance to be free.” Tol Srey Pov’s daughter, Por Sokun Kanha, aged 11

When Tol Srey Pov’s oldest daughter first learned of her mother’s arrest from a neighbor, she was not worried – Tol Srey Pov was a prominent activist for the Boeung Kak Lake community and had been arrested twice before, but had never away for more than a day.

After two days had passed, she knew that this time was going to be different. Her father also knew that things were serious this time but he was reluctant to tell his children.

On the third day Por Sokun Kanha learned from a neighbor that her mother had been sentenced to two and half years in prison – “I cried and cried, then I walked home and told by brother and sister. We all cried, but then we stopped crying because we didn’t want to upset our father.”

Since her mother’s arrest, Por Sokun Kanha has been very active in the Boeung Kak Lake campaign and tries to attend and speak out at every event. Describing her mother’s absence, she says, “living without a mother is like living in a house without a roof.”

□□□

Tep Vanny



Address: # 181 B, Road 86, Street 22, Sangkat Sras Chork, Khan Daun Penh

Age: 31

Family status: Married with two children (one boy, 7 one girl, 9)

Nickname: Srey Mao

Profession: Housewife

Land Title: Yes

Current & pending charges: Five cases. Charges: A. insult; B. threat to kill; C. defamation; D. abuse on state land; E. obstruction against public officials

Date of arrest: 22 May 2012

Date of conviction: 24 May 2012

Sentence: 2.5 years imprisonment. Sentence not suspended

“We want to show the world what is happening.” Tep Vanny’s husband, Ou Kong Chea

Tep Vanny is one of the main forces behind the Boeung Kak Lake campaign. She has been arrested several times before, but not previously convicted. The family moved to Boeung Kak Lake in 2004.

A few days before her arrest, 18 displaced families from Village 1 contacted her and asked for her support during their planned protest on 22 May. Tep Vanny mobilized others to join the action in solidarity and to monitor the protest for any violations or threats against the participants. Tep Vanny’s husband also attended the protest to take video footage of events.

At around 10am, Tep Vanny’s husband left the protest to go to work. Tep Vanny called him about an hour later to tell him of her arrest. He didn’t tell their children about the arrest until 24 May, the day of her conviction.

This is not the first time Tep Vanny and her husband have been involved in a land dispute with authorities. They have also lost land in Amlong commune, Kampong Speu province, in a dispute with a sugar cane company belonging to Senator Ly Yong Phat.

Since his wife’s arrest, Ou Kong Chea has taken a leading role in the campaign.

Tho Davy

Address: #139B, Street 86, Village 22, Sangkat Sras Chork, Khan Daun Penh



Age: 25

Family Status: Married with two children (aged 4 and 6)

Nickname: Mom

Occupation: Waitress

Land Title: Yes

Charges: One case. Charges: A. abuse on state land; B. obstruction against public officials

Date of arrest: 22 May 2012

Date of conviction: 24 May 2012

Sentence: 2.5 years imprisonment (6 months suspended)

“Before we were granted a land title, others supported us. Now we want to help others.”

Tho Davy’s mother, Khin Thouch

25-year-old Tho Davy and her family have been active in the Boeung Kak Lake campaign for three years. She would regularly attend protests with her mother, brother and husband.

However, on the day of her arrest, Tho Davy was the only family member present. Her family learned of her arrest only when their neighbors returned home and told them what had happened. At first, Tho Davy’s mother was reluctant to tell her two grandchildren about the arrest, pretending their mother was busy at work. The children eventually heard about their mother’s arrest from neighbors.

Tho Davy lives with her mother, husband, and their two children. They have lived in Boeung Kak Lake since 1994. As a waitress, Tho Davy is the main breadwinner and since her arrest the family is struggling to make ends meet.

During her first prison visit, her mother noted that Tho Davy looked pale. Tho Davy told her that she is not eating properly and has problems sleeping but asked her mother not to worry and to concentrate on taking care of herself and the children.

□□□

Song Srey Leap



Address: #215, Street 86, Village 22, Sangkat Sras Chork, Khan Daun Penh
Age: 24
Family status: Single, she has five siblings
Nickname: No nickname
Occupation: Housemaid/cleaner but at the time of her arrest she was in between jobs
Land Title: Yes
Charges: One case. Charges: A. abuse on state land; B. obstruction against public officials
Date of arrest: 22 May 2012
Date of conviction: 24 May 2012
Sentence: 2.5 years imprisonment (6 months suspended)

“I feel strong. I have to continue my work with the campaign.” Song Srey Leap’s mother, Ieng Bunnary.

Song Srey Leap is the youngest and perhaps least well known of the 15 imprisoned Boeung Kak Lake representatives. She had been to protests before, but generally kept a low profile. It is her mother, Ieng Bunnary, who is usually the most active and outspoken one of the family. Neither of the two women has been arrested before.

On 22 May, Ieng Bunnary was not feeling well so Song Srey Leap attended the protest alone. She was not arrested during the protest itself, but at the end of the event while she walked across the sand dunes to go home. Fellow protestors believe she was singled out after a struggle with police as they tried to confiscate a loud speaker from the protestors.

Ieng Bunnary received a phone call from her daughter at around 12pm that day telling her about the arrest. When she visited her daughter in prison, she found her daughter frightened. Song Srey Leap complained that the most difficult thing was the lack of places to sleep in the prison cell.

Song Srey Leap is usually responsible for paying the university fees for her younger brother, aged 22. Since her arrest these fees are not being paid.

Nget Khun



Address: # 47, Street 86, Village 22, Sangkat Sras Chork, Khan Daun Penh

Age: 72

Family status: Seven children, all working, three grandchildren (two aged 6, one aged 10)

Nickname: Chin or Yeay Mommy

Occupation: Housewife

Land Title: Arbitrarily excluded

Charges: One case. Charges: A. abuse on state land; B. obstruction against public officials

Date of arrest: 22 May 2012

Date of conviction: 24 May 2012

Sentence: 2.5 years imprisonment (18 months suspended)

“We haven’t done anything wrong. Why did they come to arrest us? Why arrest innocent people?” Nget Khun’s daughter Eng Huoy.

At 72, Nget Khun is the oldest of the 15 Boeung Kak Lake protesters to have been arrested. She has lived at Boeung Kak Lake since 2005 and has been active in the campaign since 2007.

There are ten people in her household: Nget Khun, her husband, five of their seven children and their three grandchildren. Nget Khun’s husband is approximately 85 years old – because of his age and ill health he rarely leaves the family home. Every day he follows the news, looking for any sign of hope that his wife will be freed.

On 22 May Nget Khun called her daughter to tell her about the arrest. At 8pm that evening, the daughter was allowed to visit her for just two minutes. On subsequent visits the family noted that Nget Khun seemed weak and visibly upset. The family is particularly worried for her health – Nget Khun has medical problems and requires daily medication.

Before her arrest Nget Khun was the main carer for her husband and their three grandchildren. The children in particular miss their grandmother, always asking when she will be coming home and why she is in prison.

Ly Channary



Address: # 7, Street 271, Village 1, Sangkat Tek La’ar 3, Khan Toul Kork

Age: 40

Family status: Married with three children (boys aged 7, 12 and 15)

Nickname: Pov

Occupation: Housewife

Land Title: Arbitrarily excluded

Date of arrest: 24 May 2012

Date of pre-trial release: 15 June 2012 (defendant must be available if called by the investigation judge; must visit their local police station on a regular basis and must not move residence)

“Everyone joined the protest. I have no idea why they arrested her. Maybe they knew we were from the Boeung Kak Lake community.” Ly Channary’s sister, Sok Seang.

Ly Channary was arrested on 24 May 2012 outside the Phnom Penh Municipal Court, where she had been called to testify as a witness for the 13 arrested Boeung Kak Lake representatives. She had been present at the 22 May protest but as an observer rather than an active participant.

Ly Channary and her family no longer live at Boeung Kak Lake. Their home, along with most of its contents, was destroyed in 2010 and the family received no compensation. They were able to retrieve only those belongings they could carry by hand before their house was completely covered with sand. The family owned more property at Boeung Kak Lake, which was also destroyed.

There are seven people in Ly Channary’s household: herself and her husband, their three sons, her elderly mother and her sister. The family has never been active in the Boeung Kak Lake protests and cannot understand why she was arrested. It is particularly difficult for her three sons who repeatedly ask when their mother is coming home.

Sao Saroeun



Village: Village 1
Age: 72
Family status: Married with three children, all working, and seven grandchildren
Nickname: No nickname
Occupation: Retired
Land Title: Arbitrarily excluded
Arrest: 24 May 2012
Date of pre-trial release: 15 June 2012
(defendant must be available if called by the investigation judge; must visit their local police station on a regular basis and must not move residence)

“My husband is in prison but he hasn’t done anything wrong” Sao Saroeun’s wife.

72-year-old Sao Saroeun was arrested on 24 May 2012 as he sat drinking coffee in a café near the Phnom Penh Municipal Court. He was preparing to testify as a witness that morning for the 13 arrested Boeung Kak Lake representatives.

Sao Saroeun himself owns a plot of land at Boeung Kak Lake and the police had been watching his activities closely.

On the day of his arrest, Sao Saroeun’s wife received a call from a neighbor who told her about the arrest. Despite frequent requests, his wife was not permitted to visit him until three days later. She found him to be frightened and she is concerned for his health - Sao Saroeun suffers from health problem and needs daily medication.

□□□



www.amnesty.org