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Cambodia: Drop Farcical Investigation of Human Rights Defenders

Leading Rights Groups Protest Pattern of Intimidation

Cambodian authorities should immediately drop the politically motivated criminal investigation of human rights defenders Am Sam-at and Chan Puthisak, Amnesty International, Civil Rights Defenders, Human Rights Watch, and the International Commission of Jurists said today.

Cambodian officials have accused Sam-at, a respected human rights monitor at the Cambodian League for the Promotion and Defense of Human Rights (LICADHO) for nearly 20 years, and Puthisak, a land rights activist from Boeung Kak Lake and former prisoner of conscience, of instigating violence at a 10 October 2016 demonstration. Para-police forces, who are regularly used to suppress demonstrations, violently dispersed what had been a peaceful protest in Phnom Penh. When Puthisak attempted to prevent para-police from confiscating a drum that was being used by a demonstrator, four or five para-police attacked him, repeatedly beating him on the head with their fists, according to a video of the incident. When Sam-at tried to stop the assault, the para-police attacked him, also beating him on the head. Both men sustained injuries that needed medical attention.

“The investigation of Sam-at and Puthisak by the Cambodian authorities is a typically absurd and undisguised case of judicial harassment,” said Champa Patel, Southeast Asia and Pacific Director at Amnesty International. “As usual, unnecessary and excessive use of force by the para-police goes unpunished, and those who work to promote and protect human rights find themselves subject to criminal proceedings.”

On 4 November, two members of the para-police filed a complaint with the Phnom Penh Court of First Instance, alleging that they were injured during the dispersal of the demonstration. The authorities are investigating Sam-at and Puthisak for instigating intentional violence, under Articles 27 and 217 of Cambodia’s Criminal Code, which carry penalties of up to three years in prison. Both men are due for questioning on 8 February by Phnom Penh Court of First Instance Deputy Prosecutor Ngin Pich. There has been no indication that complaints filed against para-police by Sam-at and Puthisak after the incident on 10 October 2016 are being investigated.

The 10 October demonstration involved approximately 150 participants peacefully calling for respect for housing and land rights in Freedom Park, an area designated for demonstrations. The protestors were marching on a street adjacent to the park when the incident took place. Videos of the incident establish that the demonstration was peaceful and that Sam-at was wearing a blue human rights monitor vest when the para-police attacked him.

The case investigation of the two falls within a wider pattern of judicial intimidation in Cambodia.

There are currently as many as 26 human rights and political activists in prison on charges which have all the hallmarks of being politically motivated. This includes 14 political activists who were jailed following a demonstration in July 2014, when para-police violently clashed with participants. No efforts have been reported of the authorities' efforts to bring to justice the para-police responsible for the unlawful use of force.

"The case against Sam-at and Puthisak is part of an extensive effort by the Cambodian authorities to discredit the legitimate work of human rights organisations and to make clear the threat of prison for everyone working to promote and protect rights in the country," said, Phil Robertson, Asia Deputy Director at Human Rights Watch. "This campaign of intimidation against rights advocates has to stop now."

Para-police, often referred to as "district security guards," are auxiliary security forces that are regularly used to violently suppress demonstrations in Cambodia. No single legal document sets out the rules governing their functions and powers. Rather, their legal basis and the rules governing their activities are set out in a confusing combination of government statements and policies, and by instructions from the Ministry of Interior. They work in tandem with police, under the authority of district governors.

"The Cambodian government should be commending people like Sam-at and Puthisak for their work to promote and protect human rights rather than trying to intimidate them," said Kingsley Abbott, Senior International Legal Advisor at the International Commission of Jurists. "The case should be immediately and formally closed and a genuine investigation initiated into wrongful use of force by the para-police."

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