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CAMBODIA: ENVIRONMENTAL ACTIVISTS ARBITRARILY JAILED

On 11 September 2017, environmental activists Hun Vannak and Doem Kundy were arrested in Cambodia while filming two large vessels they suspected of illegally carrying sand for export. They face up to three years in prison for incitement and violation of privacy. Both men are prisoners of conscience.

On 11 September, at 10:45am, two environmental activists, Hun Vannak and Doem Kundy were arrested on a speedboat by police, while filming two large sand-bearing vessels anchored off the coast of Prek Khsach in Koh Kong province, southwestern Cambodia. They suspected the vessels were illegally carrying Cambodia's much-desired natural resource, silica sand, for the



Photo: Hun Vannak and Doem Kundy - [via FIDH](#).

purpose of export. On 13 September, after being questioned in the absence of their lawyer by Koh Kong Provincial Court's prosecutor, both activists were charged by the Investigating Judge with "incitement to commit a felony" and "violation of privacy (recording of a person's image)" under Articles 495 and 302 of the Criminal Code, respectively, for allegedly filming on "private property". Amnesty International does not consider these to be criminal offences. If convicted, they face up to three years in prison. A date for the hearing has yet to be set. Hun Vannak and Doem Kundy are currently in pre-trial detention in small, overcrowded prison cells in Prek Svay prison, Khmerak Phumin city, in Koh Kong province. On 3 October, both were denied bail.

The activists' arrest was reportedly initiated on the basis of a complaint lodged by company Kirisakor Koh Kong Special Economic Zone (S.E.Z.), which is controlled by a company owned by ruling Cambodian People's Party (CPP) Senator Ly Yong Phat's company (Ly Yong Phat Group Co Ltd.), which alleged that the activists were filming on "the company's private land". At the time of their arrest both activists were still affiliated with prominent environmental protection NGO, 'Mother Nature Cambodia' (MNC). Hun Vannak's and Doem Kundy's arrest occurred two days after MNC had published a video online, exposing illegal exports of Cambodia's valuable silica sand by companies linked to the Cambodian Government.

Whereas Cambodian customs data show only 28,900 tonnes of sand sent to Taiwan between 2010 and 2016, Taiwan registered receiving 1.7 million tonnes in the same period, which

amounts to an alleged 30 million USD discrepancy between Cambodia's customs records on exports and Taiwan's customs records of imports. MNC accused the Cambodian government of complicity in illegal trade of Cambodia's natural resource by turning a blind eye to fraud and tax evasion allegedly committed by sand-dredging companies.

Please send an urgent letter, email or fax without delay!

* Call on the authorities to immediately and unconditionally release Hun Vannak and Doem Kundy, and all other prisoners of conscience, detained and charged solely for their peaceful activism.

* Urge the Cambodian authorities to put an end to harassment of all human rights defenders for their peaceful activism and exercise of their rights to freedom of expression, assembly and association.

Here are the contact details you will require:

Minister of the Interior and Deputy Prime

Minister

Sar Kheng

75 Norodom Blvd

Khan Chamkarmon

Phnom Penh, Cambodia

Fax: 011 855 23 426 585

Salutation: Your Excellency

Prime Minister

Samdech Hun Sen

Office of the Prime Minister

Jok Dimitrov Boulevard Phnom Penh,

Cambodia

Fax: 011 855 23 360 666 /

011 855 23 880 624

(c/o Council of Ministers)

Salutation: Your Excellency

Please send a copy to:

Minister of Foreign Affairs and International

Cooperation

Prak Sokhonn

No. 3 Samdech Hun Sen Street Khan

Chamcar Mon

Phnom Penh, Cambodia

Fax: 011 855 23 216 141

Salutation: Your Excellency

His Excellency Ry Tuy

Ambassador for the Kingdom of Cambodia

327 East 58th Street

New York, NY 10022

Fax: 1 (212) 759-7672

E-mail: cambodia@un.int

ADDITIONAL INFORMATION

On 23 August 2017, MNC requested the Ministry of Interior to be deregistered. On 15 September 2017, its deregistration became official. MNC's decision of voluntary deregistration was motivated by countless incidents of harassment - legal and otherwise - against environmental activists affiliated with NGO Mother Nature Cambodia (MNC). For example, on 11 June 2017, Thun Ratha was subjected to intimidation and harassment by local authorities for having participated in a peaceful protest opposing sand-dredging by Leng Ching Company in Sa-ang District, Kandal province. On 1 July 2016, three members of MNC, Sun

Mala, Sim Samnang and Try Sovikea, were sentenced to 18 months in prison and disproportionately high fines on the basis of a baseless and politically motivated conviction for “threatening to cause destruction, defacement or damage followed by an order” (Articles 28 and 424 of the Criminal Code). This case also arose out of their activism against illegal sand-dredging in Koh Kong province. The three activists’ sentences were suspended after they had already spent 10 and a half months in pre-trial detention. The suspension of sentences in high profile cases is a tactic often used by the Cambodian authorities to criminalise activists’ peaceful exercise of their rights to freedom of expression and assembly.

Since its creation in 2012, MNC has effectively campaigned to halt the construction of an environmentally damaging hydropower dam causing the loss of livelihoods in Koh Kong province. Furthermore, in November 2016, after MNC activists exposed massive discrepancies in reported customs reclamations of sand exported to Singapore, the Cambodian Government issued a temporary ban on sand extraction, and in July 2017, the Government instated a permanent ban on sand exports from Koh Kong province for construction and land-reclamation purposes.

Another key land rights NGO targeted by the authorities is NGO Equitable Cambodia (EC), suspended for 30 days by the Ministry of Interior on 28 September 2017. EC is still waiting for the suspension to be lifted, despite the suspension period having expired on 15 November 2017. EC was alleged to have violated Cambodia’s controversial and repressive Law on Non-Governmental Organisations and Associations (LANGO), which allows for suspension, shutting down or denial of registration of NGOs and associations on the basis of vague and undefined concepts such as “political neutrality”. EC is one of the key NGOs that assists evicted communities affected by sugar-producing Economic Land Concessions, which involve powerful businessmen with affiliations to or direct membership of the ruling party. This includes the same senator bringing the complaint against Hun Vannak and Doem Kundy, who is also the owner of a subsidiary of Ly Yong Phat Group, Phnom Penh Sugar Co. Ltd.

Civic space in Cambodia has been shrinking radically over the past few years, with arbitrary restrictions of the rights of freedom of expression, assembly and association of activists, human rights defenders, human rights NGOs and any critical voices in Cambodia. Since before the commune elections in June 2017, this repression has intensified, taking aim at several independent media outlets and the main political opposition Cambodia National Rescue Party (CNRP), ahead of the 2018 General Election. Baseless allegations of a political opposition-led “colour revolution”, along the lines of movements in the Middle East and Eastern Europe, is being used by the ruling party to also stifle civil society.