MEDIA STATEMENT

PHNOM PENH, Thursday 24 September 2009

For Immediate Release

ENOUGH IS ENOUGH: HUMAN RIGHTS GROUPS DEMAND END TO INDIGENOUS LAND GRAB, HARASSMENT OF RIGHTS DEFENDERS AND JUDICIAL MISCONDUCT IN RATANAKKIRI

The Cambodian Center for Human Rights (CCHR) and Cambodian League for the Promotion and Defense of Human Rights (LICADHO) condemn:

- The DM Group grab of Tumpuon indigenous land in Batang Village, Batang Commune, Lumphat District, Ratanakkiri Province (the “DM Group Land Grab”);
- The harassment of Cambodian Human Rights and Development Association (ADHOC) activists Pen Bonnar and Chhay Ty, Radio Free Asia (RFA) journalist Ratha Visal, CCHR President Ou Virak, and a number of Tumpuon community activists; and
- The misconduct by Ratanakkiri Provincial Court Judge Thor Saron.

Indigenous community crushed

The DM Group Land Grab constitutes a paradigm case of illegal land grabbing in Cambodia, whereby powerful and well-connected companies displace poor indigenous communities.

In 2005 the DM Group, a private company alleged to have powerful contacts, took possession of an area of land in Batang Village on which 120 indigenous Tumpuon families lived. The case is characterized by derisory compensation and the intimidation of indigenous families by local authorities seemingly working in the interests of the private company. It has seen criminal charges against 12 Tumpuon Community activists, the imprisonment without trial for periods of between two and six months of four of those charged and the fleeing into the jungle of 100 Tumpuon men after they were threatened with arrest. The land is now in the possession of the DM Group. Of the 120 indigenous families, the majority has left, leaving some 40-50 families behind searching for viable farming land in adjoining areas.

Human Rights Defenders harassed

The DM Group Land Grab has seen the following human rights defenders - as well as a number of Tumpuon community activists - harassed and intimidated by Ratanakkiri Provincial authorities for standing up for the affected villagers:

- **Pen Bonnar** – Former ADHOC Provincial Coordinator for Ratanakkiri, recently relocated to Phnom Penh. Charges threatened – Defamation, Disinformation, Incitement and Incitement to terrorism.
- **Chhay Ty** – Former ADHOC Activist in Ratanakkiri and Assistant to Pen Bonnar, recently relocated to Mondulkiri. Charges threatened – Incitement.
- **Ou Virak** – CCHR President. Summoned as a witness in the dispute and impliedly threatened with arrest and imprisonment.

This harassment and intimidation is representative of the dangers faced by those who speak out against rights violations in Cambodia; particularly in Ratanakkiri, where the United Nations Office of the High Commissioner for Human Rights (OHCHR) in Cambodia estimates that - as of June 2009 - over 50 individuals were detained as a result of land conflicts.

Judicial misconduct

A main protagonist in the DM Group Land Grab has been Judge Thor Saron, the Deputy President of the Provincial Court of Ratanakkiri. His actions are illustrative of the problems currently undermining the Cambodian judiciary - namely endemic corruption and lack of independence - which serve to prevent it from protecting the rights and freedoms of Cambodia citizens. Judge Thor has reportedly:
• Requested land in exchange for releasing Tumpuon villagers arrested and imprisoned for protesting against the DM Group Land Grab, according to reported quotes by Lumphat District Governor Kong Sun;

• Made an ultra-vires ultimatum for Pen Bonnar to leave Ratanakkiri or face charges for incitement to terrorism for his support of the Tumpuon villagers;

• Impliedly threatened the arrest and imprisonment of Ou Virak, who is to be summoned for questioning about this case – by calling Ou Virak as a witness, but having already intimated that a file will be sent to the Prosecutor, Judge Thor is perhaps trying to circumvent criminal procedure and the rights of a suspect contained therein;

• Continued to investigate the events relating to the DM Group Land Grab, despite being one of the main protagonists – his vested interests in the outcome gives rise to a conflict of interest;

• Used a truck confiscated by police during an investigation into a robbery that resulted in two deaths, according to reported quotes by Ratanakkiri Provincial Police Chief Ray Rai; and

• Threatened disinformation charges against Pen Bonnar and Rath Visal for accusing him of the corruption reportedly alleged by Lumphat District Governor Kong Sun, one day after the OHCHR in Cambodia had issued a statement calling for an end to the harassment by Ratanakkiri Provincial authorities of human rights defenders (namely Pen Bonnar and Rath Visal).

The CCHR previously made a complaint in relation to Judge Thor's alleged misconduct to the Supreme Council of Magistracy ("SCM"), the body mandated to investigate delinquent judges. The SCM has not responded to this letter and SCM members You Bunleng and Chiv Keng have stated that they have yet to see such a complaint.

_Civil society reaction_

Ou Virak today stated: “Enough is enough. Human Rights NGOs will stand by the affected indigenous communities, stand by the human rights activists harassed, and demand an end to judicial misconduct in Ratanakkiri. We will not be silenced.”

Naly Pilorge, LICADHO Director stated: “It is high time that private companies operating in Ratanakkiri, and the judiciary that so often serves their needs, acknowledge that Cambodian law applies to the province and respect the fundamental rights of Cambodia’s indigenous peoples.”

The CCHR and LICADHO will take the following action:

• Make a further complaint to the SCM about the new allegations of misconduct by Judge Thor Saron set out above, requesting that it investigates his action and the workings of the Ratanakkiri Provincial Court and recommending that it suspends him pending the results of its investigations;

• Contact all national, regional and international partner NGOs to request their support of the affected indigenous communities and harassed human rights defenders;

• Write to Cambodia's development partners to urge them to raise this case - and the related wider human rights concerns - at the Pre Cambodia Development Cooperation Forum (CDCF) with the Royal Government of Cambodia on Tuesday 29 September 2009; and

• Write complaint letters to the UN Special Rapporteurs on: human rights in Cambodia, the situation of human rights and fundamental freedoms of indigenous people, the situation of human rights defenders, and the independence of judges and lawyers respectively - to draw their attention to and request that they examine this case and the related wider human rights concerns.

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