PRESS RELEASE

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CCHR CONCERNED BY REMOVAL OF PEN BONNAR FROM RATANAKIRI PROVINCE

The Cambodian Center for Human Rights (CCHR) is deeply concerned by the role played by a Provincial Municipal Judge in the recent removal of Cambodian Human Rights and Development Organisation (ADHOC) activist Pen Bonnar from his position as Ratanakiri provincial coordinator. The CCHR calls on Judge Thor Saran to clarify his recent comments in relation to charges against Mr. Pen and to explain his role in the removal of the provincial coordinator from Ratanakiri. The CCHR is concerned that the case of Pen Bonnar represents evidence of a practice in Cambodia whereby the threat of legal charges is used to silence the voices of human rights activists and to curtail freedom of expression.

The removal of Mr. Pen from Ratanakiri follows an extrajudicial and ultra vires request by Judge Thor to the administration of ADHOC that they remove Mr. Pen from the Province. In so doing, Judge Thor advised, ADHOC would remove Mr. Pen from the jurisdiction of the Provincial Municipal Court of Ratanakiri thereby ensuring that charges of incitement against him would be dropped; “it is easy to end the case and the court can compromise, drop his case and avoid [his] detention.”

Although ADHOC deny that the decision to remove Mr. Pen from the province was made at the suggestion of Judge Thor, the timing of the decision tends to suggest otherwise. Since the removal of Mr. Pen and his reassignment to Svay Rieng Province, Judge Thor has stated that charges of inciting terrorism have been initiated against Mr. Pen. The Ratanakiri Provincial Police and Prosecutors have denied any knowledge of the existence of such a charge against Mr. Pen.

The campaign against Mr. Pen Bonnar arises from his role in a 4 year land dispute in Lumphat district between the developer DM Group and ethnic minority villagers in Ratanakiri Province. In November 2007, violence broke out when members of the ethnic community, who had congregated at the courthouse in Banlung to protest the land dispute at the suggestion of ADHOC, clashed with armed police. Judge Saran has since alleged that Mr. Pen Bonnar had orchestrated the violence in order to facilitate the escape of two
men from police custody. Mr. Pen has denied these allegations stating that although he had told the villagers to protest at the court he had told them not to resort to violence.

The CCHR opines that the extent of Mr. Pen’s role in the November 2007 incident was to encourage the ethnic villagers to exercise their fundamental and democratic freedoms of expression and assembly. By alleging that these actions are tantamount to terrorism Judge Thor has displayed a distinct misunderstanding of democracy and the law. Furthermore, by threatening legal action against Mr. Pen so as to ensure his removal from Ratanakiri and his replacement by an individual who can develop a good relationship with and work with all levels of the provincial authorities, Judge Thor has usurped his constitutional function to fulfill his duty with respect for the laws, wholeheartedly and conscientiously and to uphold impartiality and to protect the rights and freedoms of Cambodian citizens.

The case of Ben Ponnar represents a serious threat to the work of civil society in Cambodia. The CCHR calls on Judge Thor to clarify his statements and his role in the removal of Pen Bonnar from Ratanakiri Province. The CCHR calls for an end to the practice of using the threat of criminal charges to suppress freedom of expression and to curtail the legal activities of civil society. The CCHR calls on the government to ensure the necessary environment for a viable civil society in Cambodia in the interests of democracy and human rights.

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