

**Bridges Across Borders Cambodia (BABC)- Community Legal Education Center (LEC)-Housing Rights Task Force (HRTF)- Cambodian League for the Promotion and Defense (LICADHO)**

**Criminal Charges Against Activists Won't Solve Boeung Kak Lake Crisis**



*Left: community leader Tep Vanny being arrested by Daun Penh district security guards; right: the swift arrest by district security guards of two community activists resulted in a wave of clashes between the community and anti-riot police.*

**MEDIA STATEMENT**

Phnom Penh, November 29, 2011 – We, the undersigned civil society organizations, deeply regret the Phnom Penh authorities' decision to bring criminal charges against four Boeung Kak Lake residents following their participation in a protest on Nov. 28.

We do, however, commend Investigating Judge Chhay Virak's decision to release the accused under court supervision today.

The four female activists – Tep Vanny, Bo Chhorvy, Heng Mom and Kong Chantha – appeared before the Phnom Penh Municipal Court today, and were charged with insult and obstruction of public officials, respectively, under articles 502 and 504 of the new penal code. If tried and found guilty, they face up to one year in prison and fines of up to 2 million riel.

The women were protesting the failure of Phnom Penh authorities to begin demarcating the boundary of the 12.44-hectare land concession granted to Boueng Kak residents by Prime Minister Hun Sen on Aug. 17, 2011. They were also protesting the arbitrary exclusion of more than 10 percent of the remaining families from the right to receive title to their plots, which is guaranteed by sub-decree. The homes of this group – which includes as many as 96 families – are located outside of the 12.44-hectare zone. Authorities have not offered to resettle the families into the zone, despite the availability of empty plots.

In September, the homes of eight excluded families were destroyed by municipal and company forces. Last week, one of the excluded residents, Chea Dara, committed suicide reportedly out of a sense of hopelessness.

"Arresting Boeung Kak leaders is not going to make this problem go away," said LICADHO Director Naly Pilorge. "This lake issue is like an open wound, and the authorities are trying to stop the bleeding with a machete. Arrests are only going to make things worse."

We also condemn the authorities' violent response to the Nov. 28 protest, noting that problems severely escalated after the first wave of arrests.

The protest was less than fifteen minutes old when authorities arrested the first two activists –Tep Vanny, one of the Boeung Kak community’s most vocal and active leaders, and Bo Chorvy.

“The first arrests were clearly motivated by the authorities’ strategy to target the community’s leadership,” said Sia Phearum, Secretariat Director of HRTF. “They were not motivated by any threat to public safety.”

These arrests enraged the remaining Boeung Kak residents, who subsequently created a human roadblock on Monivong Boulevard. At this point, waves of clashes began, and two more leaders were arrested.

Three of the four arrests were carried out by district security guards, who are not legally endowed with arrest powers. These unlawful arrests occurred while military police and police officers secured the area and stood by watching.

“The authorities could put an end to this sad chapter and avoid further unrest by fully implementing the Prime Minister’s sub-decree and moving quickly to secure the land and housing rights of all remaining Boeung Kak families,” said BABC Executive Director David Pred.

The swift imposition of charges immediately following the protest provides a stark contrast to the case of Suong Sophorn, a Boeung Kak activist who was savagely beaten by a mob of anti-riot police on September 16, 2011. That assault was caught on video, and clearly shows police kicking and beating a defenseless Sophorn as he lies unconscious on the ground. Sophorn was unarmed and did not resist.

Sophorn filed a criminal complaint with the Phnom Penh prosecutor on Sept. 22, but his assailants and their commanding officers – clearly identified in the numerous videos taken that day - have not yet been charged or even summoned by the court.

We call upon the authorities to drop the charges against Tep Vanny, Bo Chhorvy, Heng Mom and Kong Kantha and enter into peaceful dialogue with Boueng Kak community representatives in order address their legitimate grievances. We further call upon the authorities to include all remaining Boeung Kak families in the 12.44-hectare concession, as intended by the Prime Minister’s decree and to commence the land registration process transparently and without further delay.

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