Release on bail / Judicial proceedings - KHM 001 / 0106 / OBS 001.3

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), has received new information and requests your urgent intervention in the following situation in Cambodia.

New Information:

The Observatory has been informed by the Cambodian Association for Development and Human Rights (ADHOC), the Cambodian League for the Promotion and Defence of Human Rights (LICADHO) and the Cambodian Centre of Human Rights (CCHR) about the release on bail of Mr. Kem Sokha, CCHR President, and Mr. Pa Nguon Teang, CCHR Deputy Director and Producer of the CCHR Voice of Democracy radio programme.

According to the information received, on January 17, 2006, Mr. Om Yentieng, Government Spokesperson, said that the Cambodian Prime Minister agreed to write a letter to the Phnom Penh Municipal Court to allow bail for the two detainees, after a meeting with the US envoy Christopher Hill, who was in Phnom Penh on the occasion of the inauguration of the new US embassy. Subsequently, Mr. Kem Sokha and Mr. Pa Nguon Teang were released on bail.

The Observatory thanks all the persons, organisations and institutions who intervened in favour of these releases.

However, the Observatory reminds that defamation charges against Mr. Pa Nguon Teang and Mr. Kem Sokha, as well as against Mr. Yeng Virak, Director of the Community Legal Education Centre (CLEC) and member of the organising committee of the International Human Rights Day celebration, who was also arrested on December 31, 2005 (See background information), were not dropped. As a consequence, the Observatory urges the Cambodian authorities to ensure that all charges against Mr. Yeng Virak, Mr. Pa Nguon Teang and Mr. Kem Sokha be dropped, as they are arbitrary.

Background Information:

Mr. Yeng Virak, who was also arrested on December 31, 2005 in relation to his role in the December 10 celebrations, and charged with defamation on the same day, was released on bail on January 11, 2006.

Mr. Yeng Virak, Mr. Kem Sokha and Mr. Pa Nguon Teang were all detained at the Prey Sar prison near Phnom Penh.

On December 10, 2005, a group of 63 NGOs, including CCHR and CLEC, organised a celebration for the
International Human Rights Day with a gathering including booth displays, where participating NGOs displayed their activities and products. Thousands of people participated in the event, which was guarded by police officers and closely monitored by plain-clothes police officers. One of the booths was occupied by CCHR. It was decorated with old banners, which were used in 2003 and had slogans printed in Khmer script: "My vote is my life" and "I don't vote for any party that sows fear to the people".

The banners also had handwritings on them, some of which allegedly criticised the policies of Cambodian Prime Minister Mr. Hun Sen. At around 11:00 a.m., CCHR staff members manning the booth were informed by the steering committee that the police authorities had complained about the banners displayed at the stall. Upon receiving this information, CCHR staff members decided to remove the banners.

**Actions requested:**

i. Ensure that all charges against Mr. Yeng Virak, Mr. Pa Nguon Teang and Mr. Kem Sokha be dropped, as they are arbitrary;

ii. Put an end to all acts of harassment against Mr. Pa Nguon Teang, Mr. Kem Sokha and Mr. Yeng Virak, as well as all other human rights defenders in Cambodia;

iii. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels", article 6(b), which states that "everyone has the right, individually and in association with others (...) to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms", and its article 8(2), which provides that "everyone has the right, individually and in association with others, to submit to governmental bodies and agencies and organisations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realisation of human rights and fundamental freedoms";

iv. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Cambodia.

**Addresses:**

- Mr. Hun Sen, Prime Minister, Office of the Prime Minister, Phnom Penh, Kingdom of Cambodia, Fax: +855 23 36 06 66 / 855 23 88 06 24 (c/o Council of Ministers), Email: leewood_phu@nida.gov.kh
- Mr. Sok An, Deputy Prime Minister, Fax: + 855 23 88 06 24, Email: leewood_phu@nida.gov.kh
- Mr. Sar Kheng, Deputy Prime Minister and Co-Minister of Interior, Ministry of Interior, 275 Norodom Blvd, Phnom Penh, Kingdom of Cambodia, Fax: + 855 23 21 27 08
- Mr. Hor Nam Hong, Minister of Foreign Affairs, 161 Preah Sisowath Quay, cnr rue 204, Phnom Penh Kingdom of Cambodia, Fax: + 855 23 21 61 44 / + 855 23 21 61 42
- Mr. Om Yentieng, President of the Cambodian Human Rights Committee, Office of the Prime Minister, Phnom Penh, Kingdom of Cambodia, Fax: +855 23 21 61 44 / + 855 23 21 61 42
Penh, Kingdom of Cambodia, Fax: +855 12 81 37 81 / +855 23 21 11 62 or +855 23 88 10 45 (c/o Council of Ministers)

• Ambassador Mr. Vun Chheang, Permanent Mission of Cambodia to the United Nations in Geneva, Chemin de Taverney 3, Case postale 213, 1218 Grand-Saconnex, Switzerland, Fax: + 41 22 788 77 74

Please also write to the diplomatic representations of Cambodia in your respective countries.

***

Geneva-Paris, January 18, 2006

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line: Email : Appeals@fidh.omct.org Tel et fax FIDH : + 33 1 43 55 55 05 / 33 1 43 55 18 80 Tel et fax OMCT : +41 22 809 49 39 / 41 22 809 49 29

http://www.fidh.org/Releases-on-bail-Judicial-proceedings-KHM-001