



**អង្គការសហប្រជាជាតិ
ការិយាល័យនៃខ្ពង់ខ្ពស់ស្តីពីការទទួលបានបន្តកសិធិមនុស្សប្រចាំកម្ពុជា**



OHCHR calls for an end to harassment of human rights defenders in Rattanakiri province

11, September 2009, ADHOC Coordinator Pen Bonna and Radio Free Asia Reporter Ratha Visal have been summoned by the Rattanakiri Provincial Court on 15 and 14 September respectively, reportedly for questioning on allegations of conspiracy to incite unspecified criminal offenses and incitement of villagers to violence and to illegal occupation of land. The summons are related to a complaint filed with the court in November 2008 against the two men who had been advising local villagers seeking to protect their land against a private company. Since then, no action has been taken by the court against them.

For many years, the two men have been harassed and intimidated by both provincial authorities and the court in relation to their tireless struggle to defend the rights of communities dispossessed of their land and livelihoods in the North Eastern Province. In early August, judge Thor Sarorn, from the Rattanakiri Provincial Court went so far as requesting that Pen Bonna either leave the Province or face criminal charges of “incitement”.

Accusations of “incitement” have in recent years been increasingly used by provincial and central authorities to intimidate human rights defenders involved in advising and assisting local communities involved in land disputes to exercise and defend their rights under the Constitution.

ADHOC decided to relocate Pen Bonna to prevent legal action against him, but they refused the judge’s further request for an official apology.

Since then, allegations of corruption and professional misconduct by the same judge have surfaced, and a complaint is currently underway against him before the Supreme Council for Magistracy. The complaint has been reported, *inter alia*, on Radio Free Asia.

The Office is concerned that issuance of summons now in relation to the November 2008 complaint, appears to be used as a pretext to further harass the two men and through them other human rights defenders and local communities defending their rights to their land in the Province. The Office also fears that this may be another attempt to use court action to restrict fundamental freedoms of assembly and expression on an issue of public interest, in the context of numerous unresolved land disputes in the province.

As of June 2009, over 50 individuals were reportedly detained in relation to land disputes, while the number of criminal charges against individuals in this regard, and the number of arrests were considerably higher as many charges were not acted upon or people were released on bail after initial detention.

The Office reiterates its earlier call on provincial authorities to cease continued harassment and intimidation of human rights defenders in the Province, and rather, to enter into genuine dialogue with communities involved in land disputes, to resolve them in a legal and fair manner, as the law provides for.

The Office recalls the 1999 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Human Rights Defenders Declaration), in which States are called upon “*to take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of [activities in the defense of human rights]*”.