

Joint Statement: Civil society groups condemn the wrongful conviction of four ADHOC staff members and an NEC official

September 26, 2018 - We, the undersigned communities and civil society groups, condemn today's conviction of four human rights defenders from the Cambodian Human Rights and Development Association (ADHOC) and a National Election Committee (NEC) official, in relation to a former opposition leader's alleged affair.

On 26 September 2018, senior ADHOC staff members – Ny Sokha, Nay Vanda, Lim Mony and Yi Soksan – were convicted of “bribery of a witness” under Article 548 of the Criminal Code. NEC official and former ADHOC staff member Ny Chakrya was found guilty as an accomplice under Articles 29 and 548 of the Criminal Code. They have been sentenced to five years of imprisonment by the Phnom Penh Municipal Court, with their pre-trial detention period of 427 days considered time-served and the remainder suspended.

The conviction and alleged bribery relate to legitimate legal and material assistance provided to Khom Chandaraty in 2016, an alleged mistress of former opposition party leader Kem Sokha. Between 9 March and 22 April of that year, ADHOC staff provided Chandaraty the relevant assistance she requested, as is routine in their roles as human rights workers, after she was summonsed as a suspect by the Interior Ministry in relation to the affair.

During the one-day trial on 18 September 2018, five witnesses were absent, including Chandaraty, with only two witness statements read aloud, preventing cross-examination. No credible evidence was presented by the prosecution, failing to meet the burden of proof necessary to sustain a conviction. The prosecution further failed to ascertain whether Chandaraty was a suspect or witness at the time of the alleged bribery. Today's conviction is therefore clear retribution for their legitimate human rights work.

Their right to the presumption of innocence has long been undermined; from 28 April 2016 until 29 June 2017, the four ADHOC staff members and NEC official spent a total of 427 days in arbitrary pre-trial detention, as was ruled on by the UN Working Group on Arbitrary Detention in November 2016. Even following their release on bail, the ADHOC staff members were unable to continue their work without fear or restriction due to the constant threat of being sent back to prison, exemplifying the continued discrimination they faced as human rights defenders.

The four ADHOC staff members and NEC official have a longstanding history of promoting human rights in Cambodia. Each has spent years serving the mandate of ADHOC, Cambodia's oldest human rights organisation. They have worked to support victims of civil and political rights violations, land grabbing and forced evictions, as well as survivors of gender-based violence, peacefully and without discrimination, being driven by only one motive: to protect and defend human rights. The importance of their work was recognised in 2017, when they were selected as finalists for the Martin Ennals Award for Human Rights Defenders.

We call on the authorities to immediately and unconditionally overturn these convictions, and to allow the four ADHOC staff members and NEC official to conduct their legitimate work to serve the Cambodian people unhindered, without threat or punishment. They should further be afforded adequate remedy for the 427 days spent in arbitrary pre-trial detention in accordance with international standards. We call on the Cambodian government to ensure an enabling environment for the legitimate work of human rights defenders and civil society, in which fundamental freedoms can be fully enjoyed.

The following communities and unions have endorsed this joint statement:

1. 24 Families Community (Preah Sihanouk)
2. 92 Community (Phnom Penh)
3. 297 Land Community (Koh Kong)
4. Angdoug Tmar Community (Preah Sihanouk)
5. Angdoug Kanthuot (Battambang)
6. Angdoug Trabek Land Community (Svay Rieng)
7. Anlong Run Community (Battambang)
8. Banteay Srey Community (Phnom Penh)
9. Bat Khteah Community (Preah Sihanouk)
10. Boeung Pram Community (Battambang)
11. Borei Keila Community (Phnom Penh)
12. Bos Sa Am Community (Battambang)
13. Bou Japan Land Community (Koh Kong)
14. Building and Wood Workers Trade Union of Cambodia (BWTUC)
15. Chek Meas Land Community (Svay Rieng)
16. Chikor Kraom Land Community (Koh Kong)
17. Chikor Leu Land Community (Koh Kong)
18. Chorm Kravean Community (Kampong Cham)
19. C I 5 Community (Preah Sihanouk)
20. Fishery Community (Kampot)
21. Forest and Biodiversity Preservation Community (Svay Rieng)
22. Free Trade Union of Workers of Kingdom of Cambodia (FTUWKC)
23. Kampong Samaki (Kampot)
24. Kean Teuk Land Community (Koh Kong)
25. Koh Ksach Land Community (Koh Kong)
26. Koh Sralao Fishery Community (Koh Kong)
27. Lor Peang Land Community (Kampong Chhnang)
28. Mlup Prom Vihea Thor Center (Koh Kong)
29. Moeunchey Land Community (Svay Rieng)
30. Ou Chheu Teal Community (Preah Sihanouk)
31. Ou Damrei Community (Preah Sihanouk)
32. Ou Khsach Community (Preah Sihanouk)
33. Ou Tracheak Chet Community (Preah Sihanouk)
34. Ou Vor Preng Community (Battambang)
35. Phum 22 Community (Phnom Penh)
36. Phum 23 Community (Phnom Penh)
37. Phum Ou Svay Land Community (Banteay Meanchey)
38. Phum Sela Khmer Land Community (Banteay Meanchey)
39. Phnom Sleuk Community (Battambang)
40. Prasak Community (Battambang)
41. Prek Kouy Community (Kampong Cham)
42. Prek Ksach Land Community (Koh Kong)
43. Prek Takung Community (Phnom Penh)
44. Prek Tanou Community (Phnom Penh)
45. Prek Trae Community (Preah Sihanouk)
46. Prey Chher Pich Sangva Laor Chhert Community (Kampong Chhnang)
47. Prey Peay Fishery Community (Kampot)
48. Psar Kandal Village Land Community (Banteay Meanchey)

49. Raksmeay Samaki Community (Kampong Speu)
50. Rum Cheik Land Community (Siem Reap)
51. Run Village Land Community (Banteay Meanchey)
52. Samaki Romeas Haek Land Community (Svay Rieng)
53. Sdey Krom Fishery Community (Battambang)
54. Skun Land Community (Siem Reap)
55. Somros Koh Sdech Fishery Community (Koh Kong)
56. SOS International Airport Community (Phnom Penh)
57. So Teub Community (Kampong Cham)
58. Spean Chhes Community (Preah Sihanouk)
59. Steung Bort village Land community (Banteay Meanchey)
60. Svay Village Land Community (Banteay Meanchey)
61. Tani Land Community (Siem Reap)
62. Ta Noun Land Community (Koh Kong)
63. Ta Trai Village Land Community (Banteay Meanchey)
64. The Land Community (Kampong Speu)
65. Thmor Thom Community (Preah Sihanouk)
66. Thnol Bort Village Land Community (Banteay Meanchey)
67. Thnong Land Community (Koh Kong)
68. Toul Samrong Community (Kampong Chhnang)
69. Tourism Employee and Service Union (Banteay Meanchey)
70. Tourism Employee Union (Banteay Meanchey)
71. Trapaing Anhchanh Thmey Community (Phnom Penh)
72. Trapaing Chor Community (Kampong Speu)
73. Trapaing Sangke Community (Kampot)
74. Tumnop II Community (Phnom Penh)

Cambodian Non-Governmental Organizations:

75. Advocacy and Policy Institute (API)
76. Affiliated Network for Social Accountability-Cambodia (ANSA)
77. Cambodian Center for Human Rights (CCHR)
78. Cambodian Defenders Project (CDP)
79. Cambodian Human Rights and Development Association (ADHOC)
80. Cambodian Independent Teachers' Association (CITA)
81. Cambodian League for the Promotion and Defense of Human Rights (LICADHO)
82. Cambodian Volunteers for Society (CVS)
83. Coalition of Cambodian Farmers Community Association (CCFC)
84. Committee for Free and Fair Election in Cambodia (COMFREL)
85. Equitable Cambodia (EC)
86. Gender and Development for Cambodia (GADC)
87. Khmer Kampuchea Krom for Human Rights and Development Association (KKKHRDA)
88. Khmer Youth Association (KYA)
89. Minority Rights Organization (MIRO)
90. Ponlok Khmer (PKH)
91. Sahmakum Teang Tnaut (STT)
92. Building Community Voices (BCV)
93. Youth Council of Cambodia (YCC)
94. Youth Resource Development Program (YRDP)