

JOINT MEDIA STATEMENT
Civil Society Condemns Conviction of Human Rights Defenders Involved in
Kampong Chhnang Land Dispute, Cambodia
Phnom Penh 26 January 2011

We, the undersigned members of civil society, deeply regret the conviction on defamation charges of community representative Reach Seima and ADHOC staff member Sam Chankea, following their work to help the victims of a land-grab in Kampong Chhnang province. The verdict is a setback for freedom of expression, and represents yet another instance where the Cambodian judiciary has been misused to punish a human rights defender who dared to publicly demand justice for victims of human rights abuses.

Sam Chankea, ADHOC's Kampong Chhnang provincial coordinator, was convicted and sentenced by the court on January 25, 2011. The court ordered him to pay a 1 million riel fine and an additional 3 million riel in compensation to the plaintiff, the K.D.C. International Company. Last week, the same provincial court also sentenced community representative Reach Seima, who was a victim of land grabbing by the same company. He was also convicted of defamation and sentenced to pay a 2 million riel of fine and an additional 8 million riel of compensation. He faces 6 months in prison if he cannot pay.

The Kampong Chhnang provincial court prosecutor accused Sam Chankea and Reach Seima of defamation after he provided a legal opinion on a land dispute in La Peang village, Ta Ches commune, Kampong Tralach district, Kampong Chhnang province. The ongoing dispute, which dates back to 2001, involves K.D.C International company, owned by Mrs Chea Kheng, who is the wife of the Minister of Ministry of Industry, Energy and Mines. In an interview with Radio Free Asia (RFA), broadcast on December 26, 2009, Sam Chankea said of the clearance of disputed land: "What the company is doing is an abuse because the court as yet to make a decision on this case, so the company should stop pending the court's decision." The freedom to express opinions is enshrined in article 136 and 167 of the new Civil Code of Cambodia, as well as in the Constitution.

During Chankea's trial on January 18, 2011, the proceedings emphasized that before providing legal opinion on RFA, Sam Chankea spoke extensively with villagers affected by the land dispute. Chankea also received a copy of villagers' complaint filed at the Kampong Chhnang provincial court on May, 2009. The court accepted the villagers' complaint but has yet to take any action on behalf of the villagers. The court also has not ruled on the disputed land ownership.

We, the undersigned members, are growing increasingly concerned over the uneven enforcement of the law and conclude that freedom of expression is being interpreted by the courts in the narrowest of ways. In practice, this means that those who dare to express their opinions expose themselves to charges of defamation. This problem is shrinking the space in which human rights defenders can demand justice when the powerless face a dispute with powerful and/or wealthy people. Furthermore, the case of Sam Chankea and Reach Seima will have a chilling effect on other human rights defenders; they may be increasingly fearful of expressing their opinions, participating in various activities to promote human rights, or helping seek justice for victims of human rights violations. This fear is unacceptable, given that freedom of expression is fundamental freedom fully guaranteed by Cambodia's constitution and United Nations' conventions ratified by Cambodia.

Therefore, we call upon the appeals court to promptly review the cases of Sam Chankea and Reach Seima, and to overturn the verdicts issued by the lower court. We appeal to the Cambodia's high figures to urge the Constitutional Council to review the provision of defamation, and to clarify the law's relationship to Cambodians' fundamental freedoms. The Council should insure that the law does not infringe upon Cambodians' constitutional right to freedom of expression. Moreover, we call upon the government and all relevant institutions to promptly undertake a program of judiciary reform to strengthen the rule of law and ensure proper enforcement of Cambodians' expressive rights. The law must protect human rights defenders and ensure that they are not threatened with legal and political intimidation.

Below are the names of NGOs and associations supporting the joint media statement:

| No. | Name of NGO/Association |
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| 1 | Cambodian Human Rights and Development Association ("ADHOC") |
| 2 | Cambodian Defenders' Project ("CDP") |
| 3 | Cambodian League for the Promotion and Defense of Human Rights ("LICADHO") |
| 4 | Khmer Institute of Democracy ("KID") |
| 5 | Community Legal Education Center ("CLEC") |
| 6 | Cambodian Center for Human Rights ("CCHR") |
| 7 | Khmer Youth Association ("KYA") |
| 8 | Cambodian Women in Crisis Center ("CWCC") |
| 9 | Legal Aid of Cambodia ("LAC") |
| 10 | Coordination of Action Research on AIDS and Mobility ("CARAM Cambodia") |
| 11 | Cambodian Center for Protection of Children's Rights ("CCPCR") |
| 12 | Cambodian Health and Human Rights Alliance ("CHHRA") |
| 13 | Cham Khmer Islam Human Rights and Development Association ("CKIMHRDA") |
| 14 | Mission of Generous Cambodian Alliance ("GENEROUS") |
| 15 | Human Rights Organization for Transparency and Peace ("HROTP") |
| 16 | Indradevi Association ("IDA") |
| 17 | Khmer Institute for National Development ("KIND") |
| 18 | Khmer Kampuchea Krom Human Rights Association ("KKKHRA") |
| 19 | Khmer Kampuchea Krom Human Rights and Development Association ("KKKHRDA") |
| 20 | People's Center for Development and Peace ("PDP") |
| 21 | Protection of Juvenile Justice ("PJJ") |
| 22 | Human Rights Vigilance of Cambodia ("VIGILANCE") |
| 23 | Center for Social Development ("CSD") |
| 24 | Center for Justice and Reconciliation ("CJR") |
| 25 | Building Voices of Community ("BCV") |
| 26 | Committee for Free and Fair Elections in Cambodia ("COMFREL") |
| 27 | Advocacy and Policy Institute ("API") |
| 28 | Khmer Students Association ("KSA") |