



Cambodian Center for Human Rights (CCHR)

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Human Rights Report

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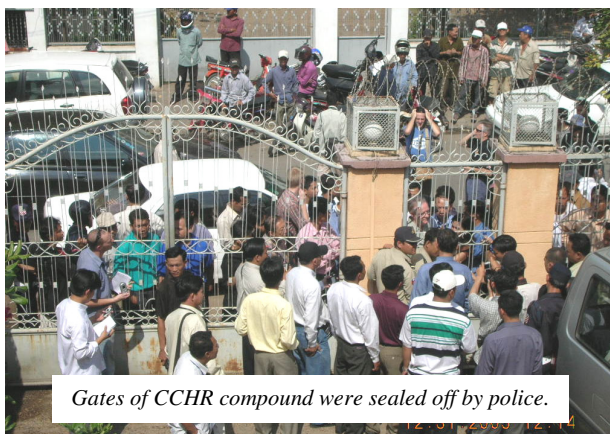
Fact Sheet: Arrest of CCHR President Mr. Kem Sokha and CLEC Director Mr. Yeng Virak

Cambodian Center for Human Rights (CCHR) President Mr. Kem Sokha and Mr. Yeng Virak, Director of Community Legal Education Center (CLEC) and member of organizing committee of the International Human Rights Day celebration on December 10, were arrested on separate occasions on December 31, 2005 by police authorities on charges of defamation related to the December 10 celebration.

The Incident

On December 31, at around 10:30 a.m., a group of uniformed and plainclothes police officers from Daun Penh district and Ministry of Interior arrived at the office of CCHR located at Street 242. It was a Saturday and CCHR was closed for work. However, during that time the President had a meeting with his officers in the office. The police officers entered the compound but were blocked by the security guards and staffs who were at the main door of the building. When asked by CCHR staffs about their purpose, the police officers, at first, said they wanted to talk to him, but later they presented a search warrant when told that Kem Sokha was busy. Some of the police officers went to the sides of the building trying to check any door.

When they insisted to search the building, CCHR lawyer, Mr. So Inn, checked the search warrant and confirmed it but did not mention the things to search in the office. The police officers reasoned out that the things to be searched are based on the other warrant, which they did not bring. The lawyer demanded to see the other warrant. Then some police officers went out and came back with the warrant. The warrant mentioned “to bring” Mr. Kem Sokha based on defamation complaints against him. The warrants were issued by Phnom Penh Municipal Court Investigating Judge Sao Meach with different dates.



The police were refused to search the office and see Mr. Kem Sokha as his lawyers were still being called. As negotiations between the police officers and CCHR officers dragged on, Embassy officials from U.S., British, German, and other embassies, representatives from local and international developmental organizations, United Nations Cambodia Office of the High Commissioner for Human Rights (UNCOHCHR), Human Rights Watch, local and international news reporters, staffs and officers from

local and international human rights NGOs, and CCHR supporters arrived and slowly increased in numbers. Supporters and onlookers gathered on the street and roadblocks were set up restricting public access on street 242.

At around 11:00 a.m., the investigating judge arrived, followed by Kem Sokha's lawyers, then the deputy prosecutor. Tension increased when police ordered to lock all the gates of the compound preventing people from going in and out. British Ambassador David Reader and US Ambassador Joseph Mussumeli and other representatives from local and international NGOs who came later were no longer allowed to enter the compound.

At around 1:30 p.m., Kem Sokha agreed to go to the court. When he emerged from the building followed by his wife, lawyers, US Embassy Deputy Head of Mission Mark Storella and Licadho President Kek Galabru, the summons for questioning was read to him.

Kem Sokha made his statements before the media before leaving the compound. As he entered the car he raised his hands in the air and the people shouted in support.



Kem Sokha as he emerged from CCHR building.

At the Phnom Penh Municipal Court, he was accompanied by his wife and his lawyers and was questioned by Investigating Judge Sao Meach for several hours. Police prevented reporters and supporters from entering the court compound. Intervention police armed with electric batons were deployed and dispersed the people crowding the street on Monireth Boulevard.

According to the lawyers, the investigating judge asked Kem Sokha about the banners used by CCHR on its booth during the December 10 activities. The judge said that the police presented to him photographs of the banners with writings against Hun Sen. The lawyers said that the criminal lawsuits were filed on behalf of the government rather Prime Minister Hun Sen.

At around 4:15 p.m., he was brought to Prey Sor prison.

Arrest of Yeng Virak

At around 3:00 p.m., police came to the office of Community Legal Education Center and demanded entry and meeting with Yeng Virak. The CLEC staff denied that Yeng Virak was in the office.

At around 3:20 p.m., a court clerk and deputy prosecutor arrived at CLEC office. Yeng Virak emerged and was brought by the police to the court. One of Yeng Virak's lawyers, Phoum Bunphann, said that he was questioned by Investigating Judge Sao Meach and was also charged with defamation related to the December 10 activities. The lawyer said that he was held "responsible of the whole ceremony," during the December 10 international human rights day. He said that Yeng Virak was only one of the members of the organizing committee.

The charges

Kem Sokha and Yeng Virak are being charged by the court with violation of article 63 of the Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period (known as Untac Law) which is punishable by eight days to one year imprisonment and/or a fine of one million to ten millions riels.

The defamation charges were based on the allegations of the government related to the International Human Rights Day activities on December 10 held at the Olympic Stadium ground in Phnom Penh.

The Cambodia Daily has quoted Municipal Court Director Chiv Keng saying that the “defamation was very serious.” According to the paper, he said that the banner allegedly accused the government of being a “treasonous regime” and “sells land to the Vietnamese, and accused the government of “being communist.” The source further quoted Chiv Keng that “The government permitted them to have the human rights day, but they wrote on the banners and badly cursed the government.” The paper further quoted him saying: “This curse is very serious. If the curse is allowed, it could become violent.

Background of the charges

On December 10, 2005, a group of 63 NGOs, including CCHR, organized the celebration of the 57th international human rights day with programs and booth displays where participating NGOs displayed their activities and products such as books, handicrafts, pictures, and audio-visual materials.

The event was participated by thousands of people invited by each participating group. The event was guarded by police officers and closely monitored by plainclothes police officers.

One of the booths was occupied by CCHR. It displayed materials such as books, stickers, brochures, and yellow ribbons for distribution. The booth which was prepared a night before that day was decorated with an old banner which served as the “signboard” of the booth.



The banner used by CCHR in its booth, as shown above, with handwritings on it was accused by the government as defamatory.

Another old banner was used as backdrop inside the booth. The banners which were used sometime in 2003 had prints in Khmer texts: “My vote is my life” and “I don’t vote for any party that sows fear to the people.” The banners had handwritings on them written by the people who participated in one of the public activities of CCHR in 2003. The handwritings were written using marking pens.

At around 11:00 a.m., CCHR staffs manning the booth were informed by the steering committee that the police authorities complained about the banners used by CCHR in its booth. Upon knowing it, CCHR staffs decided to remove the banners away.

After the celebration at around 4:30 p.m. on that day when CCHR carried its things using a truck going back to the office, police and traffic officers stopped the truck and demanded to be searched. CCHR staffs refused because the police did not have the court order to do so. After a few hours, CCHR was allowed after intervention from other groups, such as the UN Cambodia Office of the High Commissioner for Human Rights.



Police stopped the truck carrying CCHR materials used in the December 10 activities. Police were not allowed by CCHR staff to search the truck.

Updates

On the next day, January 1, 2006, Kem Sokha's wife, relatives, lawyers, CCHR staffs visited him at the prison but they were not allowed to see him by the guards saying that it was a holiday. However, they were allowed to send in some materials such as clothes, mat, mosquito net, water, food, and other things for personal necessities. They were assured that Kem Sokha received the materials after receiving a signed written note from Kem Sokha carried back by the prison guards.

The prison chief informed the group that Kem Sokha is staying with five people in the prison cell, including two foreigners.

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