



KINGDOM OF CAMBODIA
Nation Religion King



**Permanent Mission of the Kingdom of Cambodia
to the United Nations Office and other
International Organizations at Geneva**

No: 2022/06/339

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organisations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to the joint communication No. AL KHM 1/2022 dated 4 May 2022 of the Special Procedures, has the honour to transmit to the latter herewith a reply from the Ministry of Justice as to the alleged case of Mr. Chhorn Phalla.

The Permanent Mission of the Kingdom of Cambodia would appreciate it if the said information could be conveyed to its high destinations.

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organisations at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 20 June 2022



Office of the High Commissioner for Human Rights
Geneva

**Rely from the Ministry of Justice of the Kingdom of Cambodia
to the joint communication of the Special Procedures
No. AL KHM 1/2022 dated 4 May 2022**

I. Factual grounds

Between 2019 and 2020, there were cases of encroachment and clearance of forest land by Mr. Chhorn Phalla to claim personal ownership in Samut Krom village, Seda commune, Lumphat district, Ratanakkiri province, according to testimony of the plaintiffs and witnesses.

██████████ and ██████████, who were the plaintiffs and victims, have claimed that they respectively possess about four to five hectares of land for plantation in Samut Krom village, Seda commune, Lumphat district, Ratanakkiri province. The land has been occupied and cultivated since 2014 and 2015. In the course of their occupation, no complaint from any authorities or anyone were lodged. Until 2019, Mr. Chhorn Phalla, a migrant who married a local woman in the village of Samut Krom, started to clear the forest land within an administrative zone for his personal ownership, filed a lawsuit against them and charged the long-time occupants of having cleared the forest land. Consequently, they filed a lawsuit against Mr. Chhorn Phalla in accordance with the law.

Other plaintiffs, ██████████ and ██████████, have claimed that they only possess a small portion of residential land, and do not own a plantation in Samut Krom village in Lumphat district. However, Mr. Chhorn Phalla, a migrant from Kampong Cham province marrying a local woman in the village, filed complaints to commune and district office as well as police stations by accusing them (the said plaintiffs) of having cleared the forest land. They denied the allegation and stated that the one who cleared the forest land was Mr. Chhorn Phalla, who was greedy for the land ownership and cleared several hectares of the forest land. He filed complaints against the people who have earlier lived in the village and accused them of having cleared the forest land. Hence, the villagers filed a counter complaint.

██████████ who is the Samut Krom village chief and a plaintiff, has testified that he has been living in Samut Krom village since his birth, and was given a job as a village chief for almost 20 years. The people with a real residence in Samut Krom village, have occupied and cultivated the land since 2014 and 2015. Some had expanded the existing land a bit further with a prior permission from the local authorities. He owns 4 hectares and 4 acres of farmland with title deeds. Mr. Chhorn Phalla, a migrant from Kampong Cham province, who settled in 2019, cleared 50 to

60 hectares of forest land, and lodged a complaint against the people living in the village, who have a small plot of land for a subsistence farming.

██████████, an environment official, stated that Mr. Chhorn Phalla had indeed cleared the forest land in Samut Krom village, Seda commune, Lumphat district, Ratanakkiri province, which is under the supervision of the Department of Agriculture, Forestry and Fisheries.

2-Legal grounds

Based on the factual accounts supported by statements of the witnesses, it is proved that Mr. Chhorn Phalla's actions had violated public order and affected natural resources that are punishable by the law. In view of his poor living conditions, commission of the first time crime and a physical illness, the court handed to Mr. Chhorn Phalla a sentence of a minimum of five years for clearing, bulldozing and enclosing forest land to claim personal ownership in Samuth Krom village, Seda commune, Lumphat district, Ratanakkiri province, which had taken place between 2019 and 2020. The punishment is given in accordance with the provisions of Article 97 (Point 6) of the Law on Forestry of the Kingdom of Cambodia.

3-Status of the case

After the Ratanakkiri Provincial Court of First Instance issued a verdict and pronounced it publicly with his presence, Mr. Chhorn Phalla has appealed the said ruling. The case is being processed by the Tbong Khmum Court of Appeal.

4- Conclusion

The above-mentioned factual grounds clearly prove the wicked intention of the convicted Chhorn Phall having logged, cleared, burnt, and bulldozed the forest land for his personal ownership in Samut Krom village, Seda commune, Lumphat district, Ratanakkiri province. He had sued the locals under the pretext of protecting the environment and natural resources for his personal gain.

The concerns raised by the Special Rapporteurs over the alleged arbitrary detention, attack, threat, criminalization and violations of the rights of the environmental human rights defender Mr. Chhorn Phalla do not reflect the reality and legal aspects of Cambodia.
