

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the situation of human rights in Cambodia; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

REFERENCE: AL G/SO 216/1 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)
KHM 3/2014

20 May 2014

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in Cambodia; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 24/29, 25/2, 24/5, and 25/18.

In this connection, we would like to bring to your Excellency's Government's attention the information we have received concerning the acts of intimidation and threats against Mr. **Vann Sophath**.

Mr. Vann Sophath is the Project Coordinator of the Land Reform Project at the Cambodian Centre for Human Rights (CCHR). CCHR, which was founded in November 2002, is a non-aligned, independent, non-governmental organisation that works to promote and protect democracy and respect for human rights throughout Cambodia. CCHR is a member of International Freedom of Expression Exchanges (IFEX) and the World Organisation Against Torture (OMCT) SOS-Torture Network.

According to the information received:

On 25 April 2014, Mr. Sophath and his team visited the site of a land dispute case to film a documentary about one of the concerned families that lived on the disputed land. About ten security guards from the Khun Sear Company, which has claimed ownership of the disputed land, allegedly tried to interrupt the filming by verbally attacking one of the family members. One of the security guards took pictures of the team.

On 9 May 2014, at around 4.30 p.m., Mr. Sophath went to the site of the land dispute to continue filming when Khun Sear Company security guards were demolishing one of the family homes. Mr. Sophath's filming was reportedly interrupted by a group of about six security guards who were armed with knives, axes and hammers. They forced him off the site while others threatened to cut him into pieces. One of the security guards allegedly yelled "Old fool! I will not allow you to be free". Another security guard took pictures of Mr. Sophath and his car's number plate.

Serious concern is expressed at the intimidation and threats targeting Mr. Vann Sophath in his peaceful work promoting and protecting the rights of the families on the disputed land.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Has a complaint been lodged by or on behalf of Mr. Sophath?
3. Please provide the details, and where available the results, of any investigation or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please kindly indicate what measures have been taken to ensure that human rights defenders in Cambodia are able to carry out their peaceful and legitimate work in a safe and enabling environment without fear of threats, intimidation or harassment of any sort.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Vann Sophath are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Surya Prasad Subedi
Special Rapporteur on the situation of human rights in Cambodia

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection to the above concerns, we wish to refer your Excellency's Government to articles 19 and 22 of the International Covenant on Civil and Political Rights, ratified by Cambodia on 26 May 1992, which guarantees the right to freedom of opinion and expression and the right to freedom of association.

Moreover, we would like to refer to the principles enunciated by Human Rights Council Resolution 24/5, and in particular operative paragraph 2, which "reminds States of their obligation to respect and fully protect the rights of all individuals to... associate freely, online as well as offline... including human rights defenders... seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders: article 6 point a) which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms; and article 12 paras 2 and 3 which provide that the State has the duty to protect human rights defenders.