

JOINT PRESS RELEASE – Phnom Penh, 14 November 2017

CSOs Call for Immediate Release of Mother Nature Cambodia Activists Hun Vannak and Doem Kundy

We, the undersigned Cambodian and international civil society organizations (CSOs), call for the immediate release of **Hun Vannak** and **Doem Kundy**, environmental activists affiliated with the recently deregistered NGO, Mother Nature Cambodia (MNC), who have been wrongfully detained for over two months on spurious charges. We are deeply concerned by the arbitrary nature of their arrest and pre-trial detention, which appears to be an attempt to stifle and punish their legitimate work as environmental human rights defenders.

Hun Vannak and Doem Kundy were arrested on 11 September 2017, while filming two large vessels anchored off the coast of Prek Khsach in Koh Kong province, which they suspected of [illegally](#) carrying sand for export. Their arrest was [reportedly based](#) on a complaint by Ly Yong Phat, one of Cambodia's most powerful and well-connected businessmen, for violation of privacy and incitement. Ly Yong Phat is owner of the [LYP Group](#) and a ruling Cambodian People's Party Senator. The pair were interviewed by the prosecutor of Koh Kong court without any defense lawyer present and then detained in Prek Svay prison in Koh Kong province. On 13 September 2017, they were [charged](#) with "incitement to commit a felony" (Criminal Code Article 495) and "violation of privacy" (Criminal Code Article 302).

They are being held in Koh Kong prison, which is suffering from severe overcrowding, deplorable sanitary conditions, and a lack of basic provisions such as water and, food and medical care. Hun Vannak and Doem Kundy are reportedly detained in an extremely cramped 4 x 4 meters cell, together with up to twenty other inmates. No date has yet been set for trial, and their bail motion, which was submitted on 28 September 2017, was [denied](#) on 3 October 2017.

Article 203 of the Cambodian Code of Criminal Procedure states that the imposition of pre-trial detention should only occur in exceptional circumstances, a requirement which reflects international human rights law [specifically Art. 9(3) of the International Covenant on Civil and Political Rights (ICCPR)]. The investigating judge of the Koh Kong court justified the imposition of pre-trial detention on the basis that the investigation 'had not yet been completed'. This justification does not align with any of the six narrow bases upon which pre-trial detention may be imposed, as outlined in Article 205 of the Code of Criminal Procedure.¹ As such, it appears that pre-trial detention was imposed without adequate consideration of alternative pre-trial measures, in violation of Cambodian and international law.

¹ Article 205 states: 'Provisional detention may be ordered when it is necessary to: stop the offense or prevent the offense from happening again; prevent any harassment of witnesses or victims or prevent any collusion between the charged person and accomplices; preserve evidence or exhibits; guarantee the presence of the charged person during the proceedings against him; protect the security of the charged person; or preserve public order from any trouble caused by the offense'.

Rather than being grounded in facts and law, this prosecution appears to be an attempt by the Cambodian authorities and powerful business interests to silence these young activists, other environmental groups, and any Cambodian who dares to speak out against corruption or environmental destruction.

The activists said they filmed the vessels while in the open sea, rather than on private property, a fact which would render the charge of “violation of privacy” baseless. Article 302 of the Criminal Code explicitly requires “taking [a] picture of a person in a private place” to support this charge. Furthermore, the pair was conducting monitoring activities in order to combat illegal sand-dredging activities in the region, something which the Ministry of Mines and Energy had explicitly [encouraged](#) civil society actors to do. As such, the “incitement” charge – a criminal offence often used to suppress legitimate activism in Cambodia – appears to be equally baseless. This arrest and detention occurred two days after MNC had publicly released a [video](#) highlighting a USD30 million [discrepancy](#) between Taiwan and Cambodia’s customs records in relation to the amount of silica and quartz sand imported from Cambodia.

MNC has a history of successful campaigns against sand dredging. In November 2016 the Royal Government of Cambodia (“RGC”) issued [a temporary ban](#) on sand extraction after MNC activists exposed massive discrepancies in reported trade of reclamation sand between Cambodia and Singapore. Subsequently, on 10 July 2017, the RGC instated a permanent [ban](#) on sand exports from Koh Kong for construction and land-reclamation purposes. The effectiveness of activists linked to MNC in exposing potential corruption and raising awareness of environmental issues appears to be the true motivation for this prosecution.

The arrest of Hun Vannak and Doem Kundy is the latest in [a series](#) of legal actions against MNC activists since September 2014. On 15 September 2017, the NGO was officially [de-registered](#), following [a request](#) by MNC on 23 August. MNC activists claim the request was filed by the group’s nominal directors as a result of years of harassment by the authorities.

We call upon the Cambodian authorities to abide by their constitutional and international human rights obligations by immediately releasing Hun Vannak and Doem Kundy, and ensuring full respect for the presumption of innocence and other fair trial rights. We further call for these groundless charges to be immediately dropped, and appropriate compensation to be paid to Doem Kundy and Hun Vannak in recognition of this arbitrary deprivation of their liberty.

This statement is endorsed by:

1. Affiliated Network for Social Accountability Cambodia (ANSA Cambodia)
2. Asian Forum for Human Rights and Development (FORUM-ASIA)
3. Cambodia Development People Life Association
4. Cambodian Center for Human Rights (CCHR)
5. Cambodian Food and Service Workers Federation (CFSWF)

6. Cambodian Human Rights and Development Association (ADHOC)
7. Cambodian Independent Teacher Association (CITA)
8. Cambodian Indigenous People Organization (CIPO)
9. Cambodian League for the Promotion & Defense of Human Rights (LICADHO)
10. Cambodian Youth Network (CYN)
11. Center for the Alliance of Labor and Human Rights (CENTRAL)
12. Committee for Free and Fair Election in Cambodia (COMFREL)
13. FIDH, within the framework of the Observatory for the Protection of Human Rights Defenders
14. Frontline Defenders
15. Gender and Development for Cambodia (GAD/C)
16. Housing Rights Task Force (HRTF)
17. Independent Democracy of Informal Economy Association (IDEA)
18. Indradevi Association (IDA)
19. Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC)
20. Ponlok Khmer (PKS)
21. The Cambodian Defenders Project (CDP)
22. World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders