



## **CCHR PRESS RELEASE – Phnom Penh, 2 July 2015**

### **CCHR welcomes the acquittal of a land activist in Koh Kong Province**

CCHR welcomes the acquittal of Ms. Phav Nhieng, a community representative of the Preaek Chik village, Chi Kha Kraom commune, Srae Ambel district, Koh Kong province, involved in a heated land conflict with the *Heng Huy Agriculture Group Co Ltd.* Ms. Phav Nhieng was accused of poisoning and killing two cows belonging to the group, and charged with intentionally causing damage under article 410 of Cambodian Criminal Code.

The case was aligned with a long-lasting land dispute dating back to 2008, when the company was granted a land concession of 799 hectares for farming sugarcane at Chhuk Village, Chi kha Leu Commune, Srae Ambel district, Koh Kong province. This prompted a legal controversy about land ownership with a local tycoon, Mr. Sok Hong. A year later, the Supreme Court issued a decision upholding the grant of the land to the *Heng Huy Agriculture Group Co Ltd.* The company subsequently went on to implement the verdict with the support of armed security forces, while illegally encroaching other sites including land belonging to the Preaek Chik village. This resulted in a dispute affecting 80 hectares of land and 24 families.

In October 2010, a group of villagers agreed to sign a settlement and handed over the land to Mr. Heng Huy, the owner of the company. In early 2014, five of those villagers, including Ms. Phav Nhieng, filed a complaint to the Koh Kong provincial court requesting that the agreement be nullified. According to the complaint, villagers were intimidated and coerced into signing the agreement. Ms. Nhieng and eight other villagers also expressed their intention to commit a suicide in front of the Supreme Court if they lost the case. On 2 May 2014, just a few days after Ms. Nhieng and other villagers filed the lawsuit requesting the nullity of the contract, the *Heng Huy Agriculture Group Co Ltd.* filed a complaint with the Koh Kong Provincial Court accusing Ms. Phav Nhieng of killing the two cows. The timing of this case suggested that the *Heng Huy Agriculture Group Co Ltd* tried to use the judicial apparatus to harass and threaten the villagers.

CCHR welcomes the acquittal verdict issued on 30 June 2015 by the Koh Kong provincial court of first instance, which found that objective evidence was lacking. While the judiciary is a tool regularly used to serve the rich and powerful in Cambodia, CCHR commends this correct application of the basic principle of the presumption of innocence for which a court must find the defendant not guilty unless the evidence presented have proven the defendant guilty beyond a reasonable doubt. This decision should set a precedent for other decisions based on the respect of this crucial fair trial right.

#### **Vann Sophath, CCHR's Land Reform Project Coordinator, comments:**

*"In Cambodia, the interests of companies are regularly prioritised before the rights of local people, despite communities rely on their land for their very survival. The Koh Kong provincial court of first instance has demonstrated that the judiciary can play a big role in protecting the rights of*

*Cambodian people and facilitate the process of land dispute resolution. It is to be hoped that this will not be an isolated case of justice and will encourage other tribunals to do the same."*

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Notes to Editor:

CCHR, founded in November 2002, is a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia. CCHR is a member of the International Freedom of Expression Exchange (IFEX), the global network for freedom of expression. CCHR is also a member of the World Organisation Against Torture (OMCT) SOS-Torture Network.

The Cambodian Human Rights Portal [ww.sithi.org](http://www.sithi.org) is the 2011 winner of the Information Society Innovation Fund Award in the category of Rights and Freedoms and the 2013 winner of the Communication for Social Change Award awarded by the Centre for Communication and Social Change at the University of Queensland in Brisbane, Australia.