

URGENT ACTION

ACTIVIST IMMEDIATELY JAILED AFTER FORCIBLE RETURN

Sam Sokha, a UNHCR recognised refugee, was arrested and detained by Cambodian authorities when forcibly returned from Thailand on 8 February. She had been convicted in absentia of “incitement” for her peaceful political activism and sentenced to over two years imprisonment plus a fine. Amnesty International considers her a prisoner of conscience.

Sam Sokha, a labour activist, was forcibly returned to Cambodia by Thai authorities on 8 February 2018. She had been recognised as a refugee in need of international protection by United Nations Refugee Agency (UNHCR) Thailand. At the border, Cambodia’s Ministry of Interior police officers arrested her on arrival. On 9 February, she was transferred to Kampong Speu prison to serve a two-year prison sentence. On 25 January 2018, the judge of the Kampong Speu Provincial Court had convicted and sentenced her in absentia of “insult of a public official” and “incitement to discriminate” for having twice thrown a sandal at a roadside billboard put up by the ruling party ahead of 2017 local elections. Sam Sokha has the right to file within 15 days an opposition against a judgment declared in her absence (Section 3 of the Cambodian Criminal Procedure Code).

Sam Sokha had fled Cambodia after facing threats by supporters of Cambodia’s ruling party and criminal charges were handed down as well as a warrant for her arrest was issued by the Kampong Speu Court. The sandal incident was documented in a video posted on Facebook and had attracted a lot of attention on social media.

On more than one occasion, Cambodian government officials requested the cooperation of Suan Phlu Immigration Detention Centre (IDC) in returning Sam Sokha to Cambodia. They did not meet with Sam Sokha personally. Just on 7 February 2018, one day before her deportation, the officials met with the IDC again.

Prior to her deportation, Sam Sokha had been held at the IDC in Bangkok since early January 2018 when she was first detained by Thai Police for being in the country without valid permission. Regarded as an “alien” “with permission expired” under the Immigration Act, Sam Sokha had been tried and sentenced to a suspended two months prison sentence for ‘overstaying’ in Thailand plus a 3,000 Thai Baht fine.

Please write immediately in English or your own language, urging the Cambodian authorities to:

- Immediately and unconditionally release Sam Sokha, and overturn her conviction and prison sentence, as they are based solely on her peaceful exercise of her right to freedom of expression;
- Pending her release ensure that she has regular, unrestricted access to her family, lawyers of her choice, and independent medical treatment, also due to the time spent in poor prison conditions at Suan Phlu IDC;
- Ensure that activists, human rights defenders, journalists, academics and members of the political opposition are able to peacefully exercise their human rights without fear of punishment, reprisal or intimidation.

PLEASE SEND APPEALS BEFORE 27 MARCH 2018 TO:

Minister of the Interior and Deputy Prime

Minister

Sar Kheng

75 Norodom Blvd

Khan Chamkarmon

Phnom Penh, Cambodia

Fax: +855 23 426 585

Salutation: Your Excellency

Prime Minister

Samdech Hun Sen

Office of the Prime Minister

Jok Dimitrov Boulevard

Phnom Penh, Cambodia

Fax: +855 23 360 666 / +855 23 880

624 (c/o Council of Ministers)

Salutation: Your Excellency

And copies to:

Minister of Foreign Affairs and
International Cooperation

Prak Sokhonn

No. 3 Samdech Hun Sen Street Khan

Chamcar Mon

Phnom Penh, Cambodia

Fax: + 855 23 216 141

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR MEAS KIM HENG, Royal Embassy of Cambodia, 64 Brondesbury Park Willesden Green NW6 7AT, 020 8451 7997, Fax 020 8451 7594, cambodianembassy@btconnect.com, www.cambodianembassy.org.uk, Salutation: Your Excellency

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

In 2017, the Kampong Speu Provincial Court in Cambodia had charged Sam Sokha in absentia of “insult of a public official” and “incitement to discriminate” (Articles 494, 496 and 502 of the Cambodia Criminal Code) . . She had been summoned twice to report to the Court for questioning in April and June 2017, when out of the country. In June 2017, the Court had issued a warrant for her arrest. Prior to fleeing to Thailand, Sam Sokha had been threatened verbally by supporters of the ruling party, the Cambodia People’s Party (CPP) after throwing a sandal at a roadside ruling party billboard displaying the Prime Minister and National Assembly President. The incident in 2017 took place at a time of an intense crackdown on the independent media, civil society and political opposition, ahead of the June 2017 Commune Council elections. On 25 January 2018, thus a few days before her deportation, the judge of the Kampong Speu Court convicted her in absentia of the said charges and sentenced her to two years in prison and imposed a 5 million Cambodian Riel (about USD1,250) fine

During 2017 there were increasing reports that Thai police officers and Cambodian government agents surveilled, harassed and intimidated asylum seekers and refugees from Cambodia in Thailand, as well as Cambodian human rights defenders and refugees. Thailand and Cambodia have an extradition agreement, signed on 6 May 1998. There is a real risk, if not already a reality, of an emerging harmful practice of peaceful activists seeking asylum in Thailand being extradited to face persecution in Cambodia, in violation of the international legal rule of non-refoulement, and *vice versa*. This danger goes beyond these two countries, with ASEAN countries’ increased cooperation in extradition and deportation matters. Thailand is in talks since 2016 with Viet Nam of setting up a similar extradition treaty to that with Cambodia. The Thai government has previously yielded to pressure from foreign governments and forcibly returned people to countries where their lives and freedoms are at serious risk. The deportation of Sam Sokha to Cambodia is one of those cases.

The last two years, ahead of the July 2018 General Elections, Cambodia has seen an increased number of arbitrary arrests, detentions and wrongful imprisonments of activists and human rights defenders on the basis of the peaceful exercise of their rights to freedom of expression and assembly. For example, prominent land activist Tep Vanny, from the Boeung Kak Lake Community, who remains in arbitrary detention since 15 August 2016 for her peaceful participation in a so-called “Black Monday” protest that called for the release of five detained human rights defenders. She has since faced a series of politically motivated charges and wrongful convictions based on her peaceful activism. In August 2017, political commentator Kem Sok was convicted on trumped up charges of “defamation and incitement to commit a felony” for allegedly linking the government to the murder of prominent political commentator Kem Ley in a radio interview. The silencing of independent voices inside the country stepped up post-Commune elections, by targeting also independent media channels, in particular independent press as well as radio stations and FM frequencies, hitting widely listened to broadcasting programmes from the US-based Radio Free Asia and Voice of America, as well as Cambodian radio programme Voice of Democracy.

2017 has seen an intensified and relentless onslaught on the political opposition and its supporters in Cambodia. The government rushed two controversial rounds of amendments through parliament, one to the Law on Political Parties, allowing for the dissolution of parties, and another to Cambodia’s election laws. On 3 September 2017, Kem Sokha, the president of the main opposition party, the Cambodia National Rescue Party (CNRP), was arbitrarily arrested on politically motivated charges of “conspiring with a foreign power” and has remained in arbitrary pre-trial detention ever since. On 16 November, a Supreme Court decision, clearly made at the government’s bidding, dissolved the CNRP on baseless allegations of having purported a so-called “colour revolution” with foreign assistance as well as banned 118 CNRP officials from political activities for five years. This crackdown has led more than half of the CNRP’s parliamentarians to leave Cambodia out of fear of being arrested.