



CONFIDENTIAL BRIEFING NOTE: LEGAL ACTIONS AGAINST MS TEP VANNY

Since mid-August 2016, Tep Vanny has been detained. She has since been convicted in two politically-motivated cases and faces trial and judicial investigation in two further cases, respectively. Three of these cases are years-old and were punitively reactivated against Tep Vanny and a number of fellow Boeung Kak Lake activists following their participation in the “Black Monday” campaign of solidarity with detained human rights defenders.

Case 1:

On 22 August 2016, Ms Tep Vanny and fellow Boeung Kak Lake activist Bov Sophea were convicted of “insult [of a public official]” under Article 502 of the Cambodian Criminal Code and sentenced to six days’ imprisonment. Both women had been arrested by para-police on 15 August during a peaceful “Black Monday” campaign ceremony held within the Boeung Kak community and, on 17 August, initially charged with “incitement to commit a felony” under Articles 494 and 495 of the Criminal Code. At trial, the prosecution was unable to present evidence of “incitement.” During the delivery of the verdict, the judge announced he had altered the charges and convicted both defendants of “insult” under Article 502 of the Criminal Code instead – depriving Tep Vanny and Bov Sophea of their right to know the charges against them and adequate time to prepare a defence against the new charges.

Case 2:

On 19 September 2016, Tep Vanny and three other BKL activists were convicted and sentenced to six months’ imprisonment for “insult [of a public official]” and “obstruction of a public official with aggravating circumstances” under Articles 502 and 504 of the Criminal Code, respectively. This case relates to a land rights protest in November 2011 outside Phnom Penh city hall. The summons to trial was issued on 19 August while she was still in pre-trial detention for the “Black Monday” case. The case had previously remained dormant since 2012. At trial, evidence presented did not meet the legal standard of proof.

On 15 February 2017 the Court of Appeal heard the appeal of Tep Vanny and her three BKL co-defendants. During the hearing, Tep Vanny was ordered to be silent by the prosecutor before being physically removed by police – during her removal a police officer was observed holding Vanny around the neck while attempting to cover her mouth to prevent her speaking. Community supporters were also prevented from entering the court site and had materials confiscated by the same para-police who employ the plaintiffs in this case. Neither plaintiff was present for the hearing, evidence was extremely limited, video evidence was denied despite defence counsel requests, and cross-examination was obstructed by the reading of statements on to the record without live testimony. Both the judge and prosecutor immediately closed down any broader reference to the Boeung Kak Lake land conflict. The verdict will be announced on 27 February 2017.

As the sentence is less than one year, in accordance with the provisions of Criminal Procedure Code the sentences will only be enforced once the verdict becomes a final judgement.



Case 3:

On 3 February 2017 Tep Vanny stood trial on unfounded charges of “intentional violence with aggravating circumstances” under Article 218 of the Criminal Code relating to a land rights protest outside the Prime Minister’s house in 2013 which also called for the release of a then-detained BKL political prisoner. The case was revived while Tep Vanny was detained in the “Black Monday” case in August 2016 (simultaneous to Case 2) and she was immediately placed under pre-trial detention. On 3 February the trial was postponed and Vanny returned to detention after the judge declared the court room chaotic and cited his own ill health. The trial will resume on 23 February 2017. The postponement came after a plaintiff known to be a particularly violent member of the Daun Penh para-police entered the court room late and provoked a confrontation with the defendant and observing community members. He was removed by court police and absconded shortly afterwards. After their late arrival, only one plaintiff and one prosecution witness were briefly present at the hearing; however, the trial had already commenced and was proceeding despite the inability to cross-examine key witnesses and the alleged victims.

If convicted, Tep Vanny faces two to five years’ imprisonment.

Case 4:

Tep Vanny and five other members of the BKL community - Nget Khun, Heng Mom, Cheang Leap, Tol Sreyrov and Kong Chantha - face charges relating to a complaint made by a former member of the BKL community in 2012. They are charged with “public insult” under Article 307 of the Criminal Code and “making death threats” under Article 233 of the Code. The case was revived in late 2016, despite the complainant having dropped her petition, and the investigating judge is currently conducting interviews.