



Submission to the Expert Mechanism on the Rights of Indigenous Peoples on the Militarization of Indigenous land in Cambodia

This submission is prepared in response to a call for inputs issued by the United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) for its upcoming report on “The militarization of indigenous land: a human rights focus”

<https://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/Report-Militarization-Indigenous-Land.aspx>

The submission is prepared by

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The International Work Group for Indigenous Affairs (IWGIA) is a global human rights organization dedicated to promoting, protecting, and defending Indigenous Peoples’ rights. A core ambition of IWGIA, is that Indigenous Peoples’ rights to land, territories and resources and their self-determined development are promoted, respected, and protected. IWGIA’s Land Defence and Defenders programme leverages Indigenous Peoples’ efforts to safely and securely claim and exercise their rights to land, territories and natural resources at national, regional and international levels.

The submission is 5 pages plus references.

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Problem statement

During 2021, Cambodian authorities have aggressively advanced a strategy to weaponize laws and the court system to repress Indigenous environmental activism. While illegal logging is continuing uncontrolled, the authorities have continuously attempted to impede forest protecting activities by Indigenous environmental defenders. In the Prey Lang Forest Complex, in north-eastern Cambodia, reports by Indigenous environmental defenders of threats, harassment and intimidations by the authorities are surging. Forest activists are increasingly subject to arrest and accused of operating illegally, while conducting peaceful activities and investigating illegal logging. The development has caused serious concern of the security of Indigenous Environmental Rights Defenders. Increasingly, widespread illegal logging and the repression of environmental activism are among the gravest threats to Indigenous Peoples of the Prey Lang.^{1, 2} Thirty-three threats to Indigenous environmental defenders were documented using a forest monitoring app in the Prey Lang. The threats ranged from harm against Indigenous environmental defenders or their families (27), arrest (3) or death threats (3). However, most threats remain unreported, as documenting threats with a smartphone has increasingly become a risk in itself.

Indigenous Peoples of the Prey Lang, Cambodia

The Prey Lang Forest complex remains the largest continuing lowland forest in Southeast Asia. The Prey Lang Wildlife Sanctuary, a biodiversity hotspot, which spans four provinces (Kratie, Preah Vihear, Stung Treng, and Kampong Thom), was gazetted in 2016.^{3, 4} The greater Prey Lang area is the home of more than 250,000 people, most of them Kuy Indigenous People. The culture and spiritual life of the Kuy is inherently connected to the forests, which include ancestral burial places, as well as sacred and spiritual areas.⁵ Furthermore, forest resources are vital to the livelihoods of many Kuy People, whom collect oleoresins from Dipterocarp trees, practice shifting agriculture, and collect edible, and medicinal plants, firewood, and wood for construction in the forest.^{6, 7}

In the early 2000s, a group of mainly Kuy Indigenous founded the Prey Lang Community Network (PLCN), an alliance of Kuy indigenous communities from each of Prey Lang's provinces. The network was founded in response to a growing concern over land encroachment, and illegal logging associated with economic land concessions (ELC), which frequently operates outside their designated areas. The PLCN advocates for forest protecting, through campaigns, and through peaceful patrols and the confiscation of chainsaws and illegally logged timber.^{8, 9} In 2015, the PLCN began to patrol and monitor the forest using a smartphone app to record and upload information about illegal logging and transportation of illegal timber. The data is subsequently analysed and validated in collaboration with the UCPH and published in annual Monitoring Reports.¹⁰

PLCN has actively defended and protected the Prey Lang Forest for two decades, preceded by centuries of non-destructive coexistence based on accumulated indigenous knowledge. On numerous occasions, the PLCN has stood up against powerful illegal logging interests. Meanwhile, Cambodian authorities have turned a blind eye and allegedly facilitated the rampant destruction of this vital ecosystem.¹¹

Armed rangers from Ministry of Environment ban local and Indigenous Peoples from Prey Lang Wildlife Sanctuary and obstruct annual tree blessing ceremony

In February 2020, across the Prey Lang Wildlife Sanctuary, armed and masked rangers deployed by the Ministry of Environment (MoE) forcibly prevented PLCN members, Buddhist monks, students, and citizens from celebrating their annual tree-blessing ceremony. The peaceful event, which combines Buddhist spirituality with the traditions of the Indigenous Kuy, has been held for several years across the Prey Lang Wildlife Sanctuary to raise awareness about illegal forest destruction,¹² and to pray for the forest.¹³ Blessed Buddhist saffron robes are wrapped around trees to stir respect and ward off illegal loggers.¹⁴ Relevant authorities were informed about the event in advance.

In February 2021, forest activists were again banned from conducting the tree blessing ceremony, as the MoE rejected a request by the PLCN to arrange the ceremony.^{15,16} According to the MoE, the tree-blessing ceremony was prohibited because the PLCN is not a registered organization with the Ministry of Interior¹⁷ referring to the Law on Associations and NGOs (LANGO)¹⁸. Despite past assurances from the Ministry of Interior that LANGO would not be used to hinder activities of grassroots groups, the law was used as a justification to prohibit the legitimate conservation activities of the PLCN. Fejl! Bogmærke er ikke defineret. According to global satellite data illegal logging has been rampant in the area since the armed blockage took place, especially during the COVID-19 imposed lockdown.¹⁹ In February 2021, a statement by Amnesty International, stressed the surge in human rights violations by Cambodian authorities in their report to the US National Security Council: *“Cambodian officials have been weaponizing the widely criticized [...] “LANGO” to repress independent civil society and grassroots activism. Activists working to expose rampant illegal logging in the Prey Lang rainforest have faced a barrage of attacks, including arbitrary detention and physical assaults, by both state authorities and corporate actors. The Cambodian authorities’ harassment and intimidation of environmental human rights defenders amounts to a wholesale assault against grassroots activism and Indigenous peoples’ rights and undercuts the global efforts to address climate change”*.²⁰

Armed rangers from Ministry of Environment ban Indigenous forest patrols in Prey Lang Wildlife Sanctuary

Following the armed blockage in February 2020, the PLCN has continuously been denied access to the Prey Lang Wildlife Sanctuary to conduct their routine community patrols.²¹ Following the ban, the PLCN has tried to conduct patrols and monitor the forests as usual, however, authorities consistently impede their access and activities,²² claiming that the PLCN do not have permission from the MoE to enter the forest.²³ On several occasions, the authorities have aggressively tried to coerce PLCN members to sign contracts to formally end their activities in the forest,²⁴ while other members have been threatened with arrest.²⁵ Concurrently, deforestation within the Prey Lang Wildlife Sanctuary has surged massively. In 2021, the PLCN stated that they have witnessed loggers carrying timber out of the sanctuary almost on a daily basis.²⁶ According to recent data published by the University of Maryland in partnership with Global Forest Watch over 9,000 hectares of forest was lost in Prey Lang during 2020. An alarming 20 percent more trees were lost in 2020 than in 2019. According to the latest data, deforestation alerts in Prey Lang have increased by 23 percent in the first six months of 2021, compared with the same period in 2020.²⁷ In 2022, the situation has worsened, according to PLCN members illegal logging activities are taking place day and night with logging trucks leaving the Prey Lang Wildlife Sanctuary unchecked.

We argue that the rampant deforestation in the Prey Lang Wildlife Sanctuary is linked to the two-year long ban on independent patrols. Amnesty International issued a statement that the ongoing repression of forest patrols seriously suppress and undermines environmental efforts to protect Prey Lang and Indigenous Peoples’ rights.²⁸ According to Global Initiative, the ban in 2020 and 2021 and the following high-level deforestation rates have demonstrated that the presence of PLCN patrols does deter illegal loggers. Consequently, the lack of community forest patrols has provided the perfect setting for unabated and uncontrolled deforestation and forest degradation. The Cambodian Youth Network, which works with the PLCN, stated that illegal logging has been relentless within the protected area, and the ban on community patrols was exacerbating the situation.²⁹ Cambodian Center for Human Rights executive director Chak Sopheap expressed concern with the fact that members of the PLCN were facing harassment as well as physical and legal threats. Sopheap underlined that environmentalist’s should not be facing such actions under a democracy.³⁰ Head of Crisis and the Environment at Amnesty International, Richard Pearshouse expressed that *“While Cambodian authorities prevent the Prey Lang Community Network and environmental defenders from protecting the Prey Lang wildlife sanctuary, illegal loggers are clearing land with impunity.”*³¹

Armed rangers, security guards and illegal loggers intimidate and harass Kuy and local communities

Thirty-three direct threats against PLCN members have been documented using the Prey Lang App since 2018.¹¹ The threats were mainly against the PLCN as a network (22), but also targeting family members (2) and individual members of the network (9), the reason being their participation in forest patrols and community meetings. Threats ranged from harm against patrol members or their families (27), arrest (3) or death threats (3). Many PLCN members increasingly refrain from using the app, since confrontations with illegal loggers have progressively escalated and tend to intensify when PLCN document encounters, thus most threats are not documented. PLCN members report an increase in encounters with illegal loggers who carry guns and homemade weapons. In September, October and December 2021, shots were fired against PLCN members during their forest patrols.

PLCN describe an escalation of threats by security guards, often joined by MoE rangers, and employed by the company Think Biotech, one of the largest concession owners in Prey Lang. PLCN have been warned that they will face violence if they enter the Prey Lang Wildlife Sanctuary. Several coordinating PLCN members have informed us that they are under constant surveillance by the authorities. Members report being followed by police, when they leave their villagers, and if they attend meetings, they have on occasion been interrogated and forced to report their whereabouts and meeting agendas to police officials. Other members report how authorities have confiscated their smartphones and deleted pictures of illegal logging and coerced them to stop posting pictures of illegal logging on social media.¹

Furthermore, the State of Emergency Law imposed during the pandemic in 2020, has systematically been used by the authorities of Cambodia as a pretext to exercise social control by banning or limiting freedom of gatherings, freedom of movement and freedom of speech.³² At present, these restrictions have hindered numerous PLCN meetings and activities, while illegal logging has continued unhindered.

Military and ranger involved in corruption and facilitating logging cartels tied to the ruling elite

According to PLCN provincial representatives, the Cambodian military is employed to protect illegal logging activities around the economic land concessions (ELC) owned by the company Think Biotech. Consequently, community members who peacefully patrol have encountered armed military personnel on some occasions (pers. comm.). An investigative report by the Global Initiative similarly reveals how the government makes available security personnel from the Kratie provincial military unit to protect illegal logging operations by Think Biotech from interference by authorities, local people or the media. MoE forest rangers have also been identified accompanying loggers into the Wildlife Sanctuary providing illegal loggers with protection from arrest by authorities. Interviews with loggers employed by Think Biotech have confirmed that the company protected them from arrest. Think Biotech is owned by powerful Cambodians with close ties to the ruling elite and government bodies such as the Cambodian Development Council. Global witness has repeatedly reported on how forest crimes committed by logging syndicates were interconnected with corruption by high-level government officials. Recently, Global Initiative published a report showing that members of the logging syndicates enjoy de facto immunity from arrest and prosecution and that complicity and that corruption among civil servants supports the transnational organised crime.³³

Nine environmental defenders arrested by armed rangers and charged in politically motivated trials

In 2021, Chan Thoeun a long-time active PLCN member, who regularly conducts voluntary forest patrols and report about illegal timber on social media, was tried in absentia for “attempted murder” by the Kampong Thom Provincial Court of First Instance, after he took a picture of a truck carrying illegal timber with his phone. During the verdict the judge changed the charges and Thoeun was convicted of

¹ Sources are known to authors of submission but cannot be named due to fear of retribution from authorities

“intentional violence with aggravating circumstances” under Articles 217 and 218 of the Criminal Code and given a two-year suspended sentence. The suspended sentence is probably a result of Amnesty International engaging in the case. The alleged incident occurred in July 2020 in the Kampong Thom’s Sandan district when Thouen was documenting a forest crime of illegal timber being transported out of the protected Prey Lang Forest. According to PLCN the complainant is a timber trader who was engaged in illegal logging.^{34, 35}

Ros Sarath, of the Cambodian Center for Human Rights, expressed concern that environmental and human rights activists were being targeted by the authorities in an interview with Cambodja News: *“They abused the rights of those highly valued activists who prevent deforestation for our nation”* Sarath stated. According to Sarath the arrest was an attempt a coercing and demoralizing environmental protectors who continue to patrol the forest to monitor the uncontrolled illegal logging.³⁶

The court case and conviction is consistent with previous attempts by the authoritarian regime to silence and coerce environmental activists in Cambodia, where false charges, arrests and suspended sentences are frequently used to suppress peaceful activism. Recently, persecution and judicial harassment of environmental and human rights activists has increased significantly. In the past 20 months, 25 human rights activists have been arrested and charged.^{37, 38} As argued by Ming Yu Hah, Amnesty International’s deputy regional director for campaigns *“Time and time again, the Cambodian courts fail to deliver genuine justice in cases involving human rights defenders and environmental activists. Meanwhile, the Cambodian government continues to trample on Indigenous Peoples’ rights and allows logging companies to pursue their illegal activities with impunity.”*³⁹ Amnesty International has called on the Cambodian authorities to overturn Thoen’s verdict and to allow independent devoted environmental groups to undertake unrestricted monitoring of illegal deforestation.

Renowned forest activist Ouch Leng arrested

On March 13th 2020, four forest activists, including two PLCN members were arrested near the Think Biotech concession in the Prey Lang Wildlife Sanctuary. The four activists were documenting illegal logging by Think Biotech including cutting down resin trees owned by local villagers. The activists were detained by the company’s security guards and forced into the concession owned by Think Biotech. While detained, one member of the group was violently assaulted by security guards. Moreover, the company confiscated the group’s cameras and GPS equipment. Among the arrests were Ouch Leng, an acclaimed forest campaigner, Goldman Environmental Prize winner and chairman of the Cambodian Human Rights Task Force who over the past years continuously has documented forest crimes in Prey Lang. The four activists were handed over to MoE and taken to court. Three days later, on March 16th, the activists were released without charges. However, the group was forced to sign a letter stating that they would suspend their forest patrols.⁴⁰ According to LIDACHO, all four remain under investigation, thus they are at risk of being subpoenaed at any time although all charges were dropped.⁴¹ The group subsequently filed a complaint of the violence by the security guards, but the police failed to follow up on their complaints.⁴²

Almost a year later, on February 5th 2021, forest activists, Heng Sros, Men Math, Heng Run, Choup Cheang, and Ouch Leng, were detained by Think Biotech security guards and later arrested by MoE rangers. The arrest occurred after the group peacefully had wrapped trees with blessed saffron robes and had put up signs stating, *“No Chainsaw”* and *“Help preserve our ancestral heritage forest”* to raise awareness of forest destruction in the Prey Lang Wildlife Sanctuary.⁴³ After three days of interrogation and detention, the activists were released on February 8, without charge after being forced to thump-print a document, ordering them to not undertake any conservation activities inside the protected area, or to share footage, photos, or information with other organizations, without permission from authorities.^{44,45} According to Cambodian Human Rights and Development Association (ADHOC), the activists, including two members of PLCN, remain under court supervision.⁴⁶ The representative of the UN High Commissioner for Human Rights in Cambodia, Pradeep Wagle, stated to DW akademie *“Most are subjected to judicial supervision – which is just another form of judicial harassment”*.⁴⁷

In June 2021, private security guards from Think Biotech detained Sen Sothea and Heng Sros in Prey Lang and threatened them with abduction and abuse. Sen Sothea died from injuries from a tragic motorbike accident as he and Heng Sros were forced to flee the area at night.⁴⁸

These arrests are the latest in a series of incidents of judicial harassment and intimidation against peaceful forest defenders.⁴⁹ The PLCN members were exercising their rights enshrined in the Constitution of Cambodia and the Law on Environmental Protection and Natural Resources Management, both of which encourage civilians to actively participate in the protection of the country's environment and natural resources. The Cambodian government has consistently denied the documentation by PLCN including remote sensing analyses provided by the University of Copenhagen, Global Forest Watch, and the Joint Research Centre of the European Commission.⁵⁰ Meanwhile, the government has continuously issued timber transportation permits, and failed to close sawmills.^{51, 52}

While Kuy Indigenous environmental activists of Prey Lang are struggling to protect the forest to safeguard their livelihood and culture, they are met with harassments, gun violence, threats, intimidations, arrests, and trumped-up charges. The illegal logging is undermining the human rights and erasing the traditions of Indigenous peoples in Cambodia. It spreads fear, distress, and insecurity among the affected communities and serves to break the spirit and destroy the culture of the Indigenous Kuy.⁵³

Conclusion

While the Cambodian authorities consistently ignores the rampant destruction of the Prey Lang, the PLCN has been standing up against powerful illegal logging interests for years. However, the Chan Thouen verdict, the arrests made by armed private security firms, police and rangers, the hiring of military personnel to protect illegal logging operations, and the ban of the forest patrols enforced by armed rangers and police amounts to a militarization of ancestral Indigenous lands in the Prey Lang Wildlife Sanctuary. It is part of the wholesale harassment and intimidation against human rights and environmental defenders in the country. The judicial system is being weaponised to silence any form of dissent, including peaceful activism that is protected under the right to freedom of expression, it reaffirms a trend of methodical and systematic erosion of civic and political space in Cambodia. Cambodia cannot promote itself as responsible climate actor in the international scene, while it resorts to harassment, intimidation, and convictions of Indigenous and environmental activists.⁵⁴



Photo documentation ⁵⁵

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