

Outrage as Cambodian Court Convicts Activists for Inciting ‘Social Chaos’

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In a move that has prompted outrage in Cambodia and beyond, the Phnom Penh Municipal Court on May 5 sentenced five activists from the environmental group Mother Nature Cambodia.

Arrested in Phnom Penh on Sept. 3, 2020, Long Kunthea, Phun Keoraksmeay and Thun Ratha were charged with incitement to commit a felony and were then denied bail in October 2020 as the judge deemed the environmentalists a serious threat to social stability.



(Left to right) Long Kunthea, Thun Ratha and Phun Keoraksmeay were arrested September 2020 and convicted May 5, 2021. Images from LICADHO (CC BY-SA 4.0).

The three had been campaigning to save Phnom Penh’s lakes, of which [more than 60 percent](#) had been filled in by December 2019, but it was Mother Nature Cambodia’s planned one-woman protest march that saw the three activists arrested.

Long Kunthea, 19 at the time of her arrest, had – with the help of Keoraksmeay, 22, and 29-year-old Ratha – planned to walk from Wat Phnom to Prime Minister Hun Sen’s mansion in

Phnom Penh where she hoped to discuss the risks associated with the lakes' infilling. This peaceful, one-woman march that never took place was decried by authorities as felonious and all three were placed in pre-trial detention.

In their bid to raise awareness about the threats to the biodiversity and sustainable livelihoods provided by Boeung Tamok – Phnom Penh's largest lake – the three activists spent eight months behind bars awaiting trial. The trial was initially set for Feb. 24, 2021, but Cambodia's latest COVID-19 outbreak caused delays as the government scrambled to curb local transmission.

As such, Kunthea and Keoraksmey had to wait until May 5 to be told that they would both be spending the next 18 months in prison and would each be fined 4 million riel – close to \$1,000 – for their part in planning a peaceful protest. Ratha meanwhile received a 20-month sentence, along with the \$1,000 fine.



A boatload of farmers sets out to harvest morning glory and other aquatic plants that sustain residents around Boeung Tamok lake. Image by Gerald Flynn for Mongabay.

Two other members of Mother Nature Cambodia, including the group's Spanish founder Alejandro Gonzalez-Davidson and Cambodian activist Chea Kunthin, were sentenced in absentia with Gonzalez-Davidson receiving 20 months in prison while Kunthin was handed 18 months. Both were also fined \$1,000 each.

"Mother Nature activists are used to being arbitrarily jailed and judicially harassed," said Gonzalez-Davidson, who is banned from entering Cambodia. "This has happened to us countless of times since our inception in 2013 and the end result has so far always been pretty much the same: We grow stronger, more united, become smarter, and even more people want to join our movement."

By Gonzalez-Davidson's calculations, members of his group have been arrested more than six times while carrying out their environmental activism, although he noted that most were

released shortly after their arrests.

“I do admit that we have never seen such a despotic level of repression as we have been seeing over the last couple of years, even state-sponsored terror one could call it, but this just makes the Hun Sen dictatorship even more unpopular and activates even more people into action,” he added.

Public outrage as lakes continue to be lost

The sentencing of young activists, particularly those as young as Kunthea and Keoraksmey, has prompted a public outcry in Cambodia and beyond, ranging from concern to downright anger.

Local human rights advocate Sar Mory of the Cambodian Youth Network took to social media to call the decision “baseless and shameful,” while Chak Sopheap, director of the Cambodian Center for Human Rights condemned the government for silencing activists rather than listening to them as ecological destruction runs rampant in Cambodia.

The risk of completely losing Boeung Tamok, which spanned 3,239 hectares (8,004 acres) when it was listed as state public land by sub-decree in 2016, has accelerated at a pace that has alarmed activists. While in 2018 and 2019, 119.2 hectares (295 acres) of the lake was filled in and sold off to developers, some [682 hectares \(1,685 acres\) was reallocated or sold to private developers in 2020 alone.](#)



A truck delivering a mix of sand and soil to fill in Boeung Tamok lake. These trucks now make up the majority of vehicle traffic in the area. Image by Gerald Flynn for Mongabay.



A row of dump trucks deposit infill to extend the shore of Boeung Tamok further into the lake. Image by Gerald Flynn for Mongabay.



Sources say that after filling in sections of the lake, the government is giving out parcels of the new land to wealthy developers and government agencies to build on. Image by Gerald Flynn for Mongabay.

Throughout 2021, there have been new threats to the estimated 1,000 families who live on the lake's shores and rely on it for fishing and farming. After intense criticism, the government backtracked on the decision to sell parts of the lake to developers, instead offering the land created by filling it in to government institutions for office space, but the exact volume of lake that will be lost is not publicly known.

Hun Sen lashed out at critics [who he called "jealous"](#) and vowed to continue sand mining to fill Cambodia's lakes in the name of development, reducing the incarceration of activists

such as Kunthea, Keoraksmey and Ratha to collateral damage in Phnom Penh's pursuit of modernity.

"It is outrageous that the Phnom Penh Municipal Court has sentenced and imprisoned three young Cambodian activists who did not commit any crimes," said Naly Pilorge, director of local human rights group LICADHO, which has been following the trial closely. "During the trial, not a shred of credible evidence was presented in court to support the ludicrous charges against all five Mother Nature activists."



Roadside vendors selling fish and snails caught in Boeung Tamok. Image by Gerald Flynn for Mongabay.

For Pilorge, the criminalization of peaceful protesters is an indication of the Cambodian government's attitude towards democratic principles and universal human rights.

"The convictions are a blow to all young Cambodian activists who only want their government to protect the country's natural resources," Pilorge said. "Instead of sending them to Cambodia's notoriously overcrowded prisons, the authorities should listen to the activists and preserve Cambodia's fast-depleting natural resources."

Cambodia's prisons a public health risk amid the pandemic

Her concerns over the activists' wellbeing in prison are well-founded – Cambodia's entire penal system holds some 40,000 inmates across facilities designed to hold just 26,593 and overcrowding has long posed a huge risk amid the COVID-19 pandemic. Of those 40,000 prisoners, around 17,200 are believed to be in pre-trial detention and many wait months, if not years, before they even get to stand trial.

Despite [warnings from rights groups](#) and a [COVID-19 scare in December 2020](#), Cambodia's prisons have faced criticism for doing little to address the public health risk posed by the pandemic and more recently, an outbreak in Sihanoukville Prison has seen at least 34 inmates test positive for COVID-19 as of May 8, 2021.

Kunthea and Keoraksmey will be imprisoned in Correctional Center 2 (CC2) – a women’s prison in the Cambodian capital – until March 2022, while Ratha will remain incarcerated in Correctional Center 1 (CC1) until May 2022.



A farmer’s house is visited by a boatman in the rapidly shrinking Boeung Tamok lake. Image by Gerald Flynn for Mongabay.

Both prisons have been identified as notoriously overcrowded. [As far back as 2010](#), long before Cambodia’s failed war on drugs saw the prison population explode in 2016, CC1 was believed to be operating at 165% of occupant capacity, while CC2 held inmates at a rate of 259% overcapacity.

Nouth Savna, deputy-director of the General Department of Prisons, declined to comment on how overpopulated CC1 or CC2 were currently, but while some new facilities have been built since 2016 and others expanded, the [prison population has gone one way: Up](#).

As of March 2021, LICADHO estimated that CC1 currently holds 7,466 inmates, operating at 364% of the facility’s capacity of 2,050. Things appear to be even worse at CC2, which was designed to hold just 350 prisoners, but now houses 1,301 – 371% overcapacity and straining the effectiveness of public health measures.

The crisis brewing in Cambodia’s prison system, coupled with the charges against and subsequent conviction of the Mother Nature activists for inciting “social chaos,” has drawn harsh criticism from various international observers.

Human Rights Watch, [Amnesty International](#) – who recognize the jailed activists as prisoners of conscience – and [Civicus](#) all released independent statements lambasting Cambodia’s persecution of environmental activists.

“These environmental activists show incredible bravery by shining a light on corruption and rights abuses connected to crony business projects that threaten Cambodia’s

natural resources and biodiversity,” said Phil Robertson, deputy-director of Human Rights Watch’s Asia division.

“Today’s convictions are part of the Cambodian government’s continued vendetta against Mother Nature, a thorn in the government’s side that the officials are now moving to destroy through bogus criminal charges,” he added.

Robertson called on the UN, foreign governments and donors to demand the activists’ freedom.

Shortly after, three UN special rapporteurs led by Mary Lawlor – who specializes in human rights defenders – [wrote a joint statement](#) condemning the court’s verdict and the lack of due process in the activists’ trial.

“While the three human rights defenders may still file an appeal, I urge the Cambodian Government to immediately and unconditionally release them,” Lawlor said. “No one should be criminalized for undertaking legitimate human rights work.”

Ambassadors from the U.S. and Australia also took to social media voicing “[deep concern](#)” and suggesting that Mother Nature Cambodia’s activism was merely the exercising of a “[basic human right](#).”

Environmental degradation the real source of social instability

For all the noise made by local and international rights defenders, it appears unlikely that Cambodia’s politically controlled judiciary will reverse its decision.

Spokesperson for the Ministry of Justice Chin Malin declined to comment on the situation, directing reporters to his [official Facebook page](#) instead. Here, Malin claimed that Mother Nature Cambodia was supporting a foreign agenda and that the trial had been conducted in accordance with Cambodian laws that could not be influenced by foreign interventions.



Five people steer their boat through the vegetation atop the surface of Boeung Tamok while new land

created by filling in the lake looms in the background – and over the future. Image by Gerald Flynn for Mongabay.

But as spats over the court’s decision continue to flare, the environmental destruction that prompted Mother Nature’s activism continues unabated. Cambodia’s lakes aren’t the only things disappearing; the country has lost more than 30% of its primary forest cover since the turn of the century, according to satellite data from the University of Maryland (UMD) [visualized on Global Forest Watch](#). Preliminary data suggest indicate 2021 is on track to be a particularly bad year for the country’s remaining forests, with UMD detecting “unusually high” numbers of deforestation alerts in March and April.

Gonzalez-Davidson warns that for all the accusations of creating social instability that have been leveled at the activists, the threats posed by environmental degradation are much more real.

“The destruction of the environment for the benefit of a very small Cambodian elite has been seen for over decades – done, of course, under the facade of development – this is starting to cause not just social instability but also land dispossession, food insecurity, floods and draughts,” he said, noting that Cambodia’s environment is linked closely to its culture, religion and economy.

The current level of destruction, he argued, could bring about massive social upheaval.

“I think that we are already starting to see this, but it will become even more evident in the years to come when we factor in other elements such as climate change,” he said. “It could be slowed down or even reversed to, but only if the Hun Sen dictatorship ends.”

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Featured image: Another Mother Nature Cambodia activist, Chhoeun Daravy, was arrested August 2020. Image courtesy of LICADHO (CC BY-SA 4.0).

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