

To:

Ms Fatou Bensouda,
The Prosecutor,
International Criminal Court
Den Haag
Netherlands

16 March 2021

Open Letter:**Supporting the Cambodian Land Grabbing Case**

Dear Madam Prosecutor,

In your 17 February 2021 speech to the Institute of International and European Affairs, you confirmed that your Office will soon take a decision on the pending Cambodian land grabbing situation, which you already referred to in your December 2020 report on preliminary examinations activities¹. This is extremely welcome news. We offer our strong support for positive action on this case.

The Cambodia situation offers a unique opportunity for the ICC to engage with the single greatest threat facing humankind - the **climate and environmental emergency**. Land grabbing is not only about the violent forced evictions of residents, or the beatings, murders, or unlawful imprisonment of land activists. In many countries around the world, land grabbing is the harbinger for **illegal resource exploitation, persecution of indigenous people, and environmental destruction**. Putting the brakes on illegal land grabbing will help protect the environment and combat climate change.

As demonstrated in Article 15 Communications, filed in 2014 and 2015 by Richard J Rogers of Global Diligence LLP² with the support of FIDH and Global Witness,³ evidence suggests that the mass crimes associated with land grabbing in Cambodia amount to a widespread or systematic attack against poor Cambodians. Hundreds of thousands of people have been forcibly displaced, including a significant proportion of the minority indigenous population. This has laid the ground for an environmental catastrophe – over a quarter of Cambodia’s ancient rainforests have been destroyed during the ICC’s short lifetime.

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- 1 ICC Office of the Prosecutor, Report on Preliminary Examination Activities 2020, 14 December, para. 35: <https://www.icc-cpi.int/itemsDocuments/2020-PE/2020-pe-report-eng.pdf>.
 - 2 Richard J Rogers is now Executive Director at Climate Counsel.
 - 3 See Global Diligence and FIDH press statement “Cambodia: ICC preliminary examination requested into crimes stemming from mass land grabbing”, including a summary of Article 15 communication and Q&A, October 2014: <https://www.fidh.org/en/region/asia/cambodia/16176-cambodia-icc-preliminary-examination-requested-into-crimes-stemming-from>.

Pursuing the Cambodia situation would send a crucial message to would-be violators globally that, in the most extreme cases, the **crimes associated with land grabbing may amount to crimes against humanity**. Politicians and businesspeople alike would have to re-think practices that cause mass human harm and environmental degradation.

Madam Prosecutor, merely by opening a full examination into the situation in Cambodia, your Office can start to play a meaningful role in tackling the climate and environmental crisis, consistent with your 2016 policy on case selection and prioritization. This is your chance to support the rights of future generations.

Patrick Alley, Co-Founder, **Global Witness**

Eléonore Morel, CEO, **FIDH**

Richard J Rogers, Executive Director, **Climate Counsel**

This Open Letter is supported by the following UN Experts, civil society organisations, and individuals. (For security reasons, we have not included Cambodian-based organisations).

United Nations Experts:

1. **UN Working Group on the use of mercenaries**, Ms. Jelena Aparac (Chair-Rapporteur), Ms. Lilian Bobea, Mr. Chris Kwaja, Mr. Ravindran Daniel, and Ms. Sorcha MacLeod.

Organisations:

2. **Africa Europe Faith Justice Network (AEFJN)**, Belgium
3. **Alternative ASEAN Network on Burma**, Burma
4. **Al-Haq**, Palestine
5. **Amazon Frontlines**, Ecuador, Mitchell Anderson, Executive Director
6. **ASEAN Parliamentarians for Human Rights**, Southeast Asia, (HQ: Jakarta)
7. **Association Marocaine des Droits Humains (AMDH)**, Morocco
8. **Australian Earth Laws Alliance**, Australia, Dr Michelle Maloney, National Convenor
9. **Avocats sans frontières (ASF)**
10. **Cambodia Democratic Council**, USA, Vibol Touch, Founder
11. **Center for International Environmental Law**, USA, Carroll Muffett, President & CEO
12. **Center for Constitutional Rights (CCR)**, USA
13. **Centro de Políticas Públicas y Derechos (Equidad)**, Peru
14. **Comisión De Derechos Humanos De El Salvador**, El Salvador
15. **Corporate Responsibility Coalition (CORE)**, UK
16. **Diakonia**, Sweden

17. **Earth Law Center**, United States, Canada and Mexico, Grant Wilson, Executive Director
18. **Egyptian Initiative for Personal Rights**, Egypt
19. **FIAN International**, Switzerland
20. **Finnish League for Human Rights**, Finland
21. **Focus on the Global South**
22. **Forum-Asia**
23. **Greenpeace International**, Netherlands, Charlie Holt, Legal Counsel (Campaigns and Action)
24. **Human Rights Commission of Pakistan**, Pakistan
25. **Indigenous People's Rights International**, Philippines, Joan Carling, Co-Founder
26. **International Partnership for Human Rights**, Belgium, Simon Papuashvili, Program Director
27. **INTERPRT**, Norway, Nabil Ahmed, Founder and Director
28. **Justice for Iran**, Iran
29. **Latvian Human Rights Committee**, Latvia
30. **Ligue des Droits de l'Homme et du Citoyen**, France
31. **Ligue des Droits de l'Homme en Iran**, Iran

32. **Maldivian Democracy Network**, Maldives
33. **Mouvement Laotien pour les Droits de l'Homme**, Laos
34. **Narasha Community Development Group**, Kenya
35. **Not1More**, UK, Fran Lambrick, Co-Founder
36. **Odhikar**, Bangladesh
37. **Programa Venezolano de Educación – Acción en Derechos Humanos (PROVEA)**, Venezuela
38. **Promise Institute for Human Rights, UCLA School of Law, USA**, Kate Mackintosh, Executive Director
39. **Sisters' Arabic Forum for Human Rights (SAF)**, Yeman
40. **Stop Ecocide Foundation**, Netherlands, Jojo Mehta, Chair & International Director
41. **Vietnam Committee on Human Rights & Que Me: Action for Democracy in Vietnam**, Vietnam
42. **Wild and Legal**, France, Marine Calmet, President
43. **Women's Initiatives for Gender Justice (WIGJ)**, Netherlands
44. **Women's Rights Action Watch Asia Pacific**

Individuals:

45. **Barrett, Nicole**, Director, International Justice and Human Rights Clinic, Allard School of Law, University of British Columbia and former UN Prosecutor (ICTY)
46. **Batesmith, Alex**, Law Lecturer, University of Leeds, UK, and former UN Prosecutor (ECCC)
47. **Robinson, Darryl**, Professor at Queens University, Canada, and former Advisor to ICC Prosecutor
48. **Heather Ryan**, Former court monitor (OSJI) at ECCC, USA
49. **Schromen-Wawrin, Lindsey**, City Council Member, Port Angeles, Washington, USA
50. **Toussaint, Marie, MEP**, Green Member of the European Parliament, France
51. **Work, Courtney**, Assistant Professor, National Chengchi University, Taiwan