



An Open Letter to Prime Minister Hun Sen on
The Deteriorating Free Expression Situation in Cambodia

The Office of Prime Minister Hun Sen
Phnom Penh
Kingdom of Cambodia

17 July 2009

Dear Prime Minister Hun Sen:

We, the undersigned, representing free expression advocacy groups from around Southeast Asia, are gravely concerned by a palpably deteriorating freedom of expression and civil rights environment in Cambodia. Since 2008, the government of Prime Minister Hun Sen has been witness and apparent party to an alarming series of crackdowns on news editors, reporters, members of parliament and human rights defenders.

We perceive a systematic attack on the press, parliament, and the legal community, all of which -- taken especially with the exploitation of a weak and politicized judiciary -- have severely compromised the environment for free expression in Cambodia.

Consider:

- On 11 July 2008, Khim Sambo, a journalist of "Moneaksika Khmer" (Khmer Conscience) newspaper was shot dead along with his son over his reports deemed critical by the government.
- A month before that, "Moneaksika's" editor Sam Dith was slapped with criminal charges over an article that suggested links between Cambodian Foreign Minister Hor Nam Hong and the past Khmer Rouge regime. While formal charges continued to hang over him, Sam Dith was released from detention after international pressure was brought to bear, and only after he was forced to apologize to the foreign minister. On 8 July this year, charges against Sam Dith were dropped, after another formal letter of apology (this time addressed to PM Hun Sen) -- along with a "voluntary" resolution to cease publication of his newspaper.
- On 26 June 2009, Hang Chakra, the publisher and editor-in-chief of the "Khmer Machas Srok" was meted a one-year prison sentence. He was tried in absentia, despite the fact that he never fled or left the country. He was also fined 9 million Riel or (about US\$2250), a considerable sum in Cambodia, for "disinformation" and for "dishonoring public officials".
- On 22 June 2009, the National Assembly controlled by the ruling Cambodia People's Party suspended the parliamentary immunity of two members of the opposition Sam Rainsy Party (SRP). The move paved the way for defamation

charges brought by PM Hun Sen and the Royal Cambodian Armed Forces against opposition legislators Mu Sochua and Ho Vann.

- Far from stopping there, the government then also went after the oppositionists' lawyers. Kong Sam Onn, the legal counsel who represented Mu Sochua and Ho Vann, was himself charged with defamation by PM Hun Sen. He was also threatened with disbarment. Like the editor Sam Dith, Kong Sam Onn was forced to apologize to the prime minister, and then compelled to join the ruling party, in return for the withdrawal of the case against him.

The developments above seem not only to be politically motivated, but also merely symptomatic of a general attempt to restrict the overall environment for free expression in Cambodia. We note that in all their cases against journalists, the country's political leaders have totally ignored Cambodia's Press Law of 1995, and instead invoked the more disproportionate provisions of the country's criminal code.

We urge the government of Cambodia to cease this campaign to roll back free speech and the fundamental rights of its citizens. PM Hun Sen and the ruling party of Cambodia must:

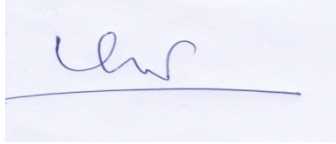
1. Drop all politically motivated charges against their critics, without precondition or further harassment;
2. Revamp Cambodia's rigid criminal code which contains broad and vague provisions, particularly on defamation and disinformation;
3. Use only appropriate legal instruments, namely the Press Law of 1995, to deal with issues concerning the media; and
4. Ensure the safety and respect for the work of human rights lawyers and advocates, and put a stop to all harassment (legal and otherwise) against the country's media community. Any legal proceedings against the government's critics should be pursued only in a transparent and fair manner, under assuredly independent courts, in accordance with the Cambodian Constitution and international norms.

Ultimately, Cambodia must demonstrate its commitment to its own Constitutional guarantees for free expression as well as to the International Covenant on Civil and Political Rights to which it is a party and signatory. It must also begin to live up to the spirit and values now expressed in the new ASEAN Charter which, among other things, acknowledges the need to uphold "respect for the fundamental freedoms (and) the promotion and protection of human rights" consistent with a principle for "upholding the United Nations Charter and international law".

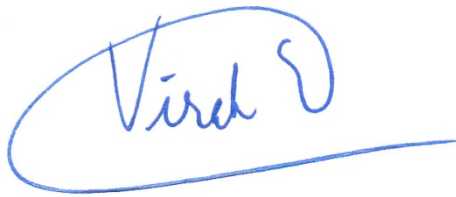
The recent actions of the Cambodian leadership threaten the rights of its citizens, and undermine the stated values, principles, and directions of the larger ASEAN community to which it belongs.



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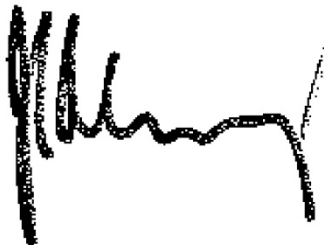
Boonrat Apichattraison, Vice President, Thai Journalists Association (TJA), Thailand



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cc:

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