

# AMNESTY INTERNATIONAL

## Public Statement

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### Cambodia: Opposition leader convicted in flawed trial

Amnesty International strongly condemns the 18 month prison sentence imposed today on opposition leader Sam Rainsy by the Phnom Penh Municipal Court after finding him guilty of defaming the President of the National Assembly Prince Norodom Ranariddh and Prime Minister Hun Sen.

Sam Rainsy, leader of the party that carries his name, was tried *in absentia*. He has been in exile since February 2005 when the National Assembly, in a closed session, waived his parliamentary immunity and that of two other opposition lawmakers, Chea Poch and Cheam Channy.

The opposition leader was found guilty on charges of criminal defamation under Article 63 of the 1992 Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period (known as the UNTAC Law) currently in force.

Sam Rainsy and Chea Poch left the country following the removal of the parliamentary immunity, which paved the way for prosecution, while Cheam Channy was almost immediately arrested.

Cheam Channy was tried and convicted in August 2005 of setting up an illegal armed force and fraud in a trial that fell far short of international standards for fairness and failed to produce any evidence to corroborate the charges against him. He was sentenced to seven years' imprisonment, which he is serving at the Military Prison in Phnom Penh. Cheam Channy is considered a prisoner of conscience by Amnesty International.

Today's hearing of the case against Sam Rainsy is yet another demonstration of how the court system in Cambodia lacks independence, impartiality and credibility.

The guilty verdict of Sam Rainsy is another setback for Cambodia, where two government critics were jailed in October 2005 for voicing peaceful dissent. Radio journalist Mam Sonando and union leader Rong Chhun remain in pre-trial detention and are also considered prisoners of conscience.

#### Background

International human rights law acknowledges the right of individuals to protect themselves from unfair or untrue comment or criticism. However, the misuse of defamation suits has a suppressive effect on the public debate and can be used to silence opposition. The UN Special Rapporteur on Freedom of Opinion and Expression has repeatedly called on states to repeal criminal defamation laws in favour of civil defamation laws. Besides using such civil laws, where necessary, a government and other people in high-ranking positions have ample opportunity to defend themselves from criticism by other means, such as by responding directly to accusations without stifling public debate.

