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# *amnesty international*

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## £CAMBODIA

### @Arrest of newspaper editor Nguon Non

18 JULY 1994

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Amnesty International is calling for the immediate and unconditional release of newspaper editor Nguon Non arrested in July 1994 and charged under the Press Law passed by the former State of Cambodia Government in April 1992. Amnesty International believes that Nguon Non is a prisoner of conscience detained solely for peacefully exercising his right to freedom of expression.

Nguon Non is the 55-year-old editor of a Khmer-language newspaper *Dannoeng Pil Proek* (*Morning News*) which is published twice weekly. He was arrested on 8 July in connection with articles which appeared in the 8 July edition of the newspaper about the failed coup attempt of 2 July. The articles implicated senior members of the Cambodian People's Party (CPP)<sup>1</sup> by name. His arrest comes at a time when the press is coming under increasing pressure from the Royal Government of Cambodia not to publish articles critical of the government or otherwise relating to the failed coup attempt.

Nguon Non was brought before Phnom Penh Municipal Court on 9 July where he signed a statement admitting that he had published information damaging to the reputation of senior officials of the CPP.<sup>2</sup> After being briefly questioned by the judge, Nguon Non was

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<sup>1</sup> The CPP won the second largest number of seats in the 1993 elections and is part of the current coalition government.

<sup>2</sup> He also wrote letters of apology to Second Prime Minister Hun Sen, President of the National Assembly and of the CPP Chea Sim, and Minister of Interior and National Security Sar Kheng - all members of the CPP. These letters were subsequently reproduced in another Khmer language newspaper.

charged under Articles 28 and 29 of the 1992 Press Law. Article 28 states: "*No organ of the press may disseminate an article which by its nature: ...Incites other persons to do something detrimental to the country's domestic or international security...*". Article 29 states: "*Publishing incorrect, falsified or exaggerated information is prohibited if it is published with the intent: - To cause alarm among the citizenry or to impair public order...*". Offences under Article 28 are punishable by three to six months imprisonment and/or a fine; offences under Article 29 are punishable by six to 12 months imprisonment and/or a fine.

A witness at the pre-trial hearing stated that it lasted less than an hour and that the judge made and received several phone calls throughout the proceedings, giving rise to doubts about the fairness of the process. Nguon Non was not sentenced, but temporarily detained at "PJ" prison in Phnom Penh, until his trial on 16 July. While the defence lawyer made his opening remarks, a telephone call was received at the court. A message from the caller was given in writing to the prosecutor, who duly passed it to the judge. The judge then stated that the trial was to be delayed in order to give the prosecution more time to prepare the case. The trial hearing ended and Nguon Non was taken back to "PJ" prison where he remains as of 18 July. No date for resumption of the trial was given.

Nguon Non is held separately from other prisoners in "PJ" prison. Although he has been allowed access to a lawyer and a doctor, he has not been allowed to have any family visits and cannot leave his cell to exercise.

Nguon Non had been detained briefly in March 1994 after being accused of publishing articles critical of the governor of Phnom Penh. He was released after two days on the intervention of the King of Cambodia. He is a member of FUNCINPEC<sup>3</sup> - the party which won most seats in the 1993 elections - and which is also part of the current coalition government.

Amnesty International has learned that Nguon Non has neither used nor advocated violence through articles in his newspaper. It is concerned that he has been arrested solely for exercising - as an editor of a newspaper - his fundamental right to freedom of expression in contravention of Article 19 of the International Covenant on Civil and Political Rights to which Cambodia is a signatory. The organization believes he is a prisoner of conscience and is calling for his immediate and unconditional release.

Amnesty International is also calling on the Royal Government of Cambodia to ensure that journalists and editors are allowed to exercise their right to freedom of expression without being subjected to harassment, intimidation or threat of arrest by government security officials.

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<sup>3</sup> FUNCINPEC is the French acronym for The National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia.

## Background

In recent weeks the press has come under increasing pressure not to publish articles critical of the Cambodian Government. Staff of several newspapers in Phnom Penh have been threatened and harassed by government security officials, and three newspapers have been closed down after printing articles critical of the government. In June the editor of *Antarakhum* ("Intervention") newspaper died in suspicious circumstances, giving rise to fears that he had been deliberately killed in connection with articles in the newspaper which were critical of the government. In March a hand grenade was thrown into the offices of the same newspaper, wounding five people. As of mid July, no arrests had been made.

Two other Khmer language newspapers - *Sakal* ("Universe") and *Kolbot Angkor* ("Children of Angkor"), both of which published articles about the failed coup attempt of 2 July - are currently under investigation and unofficial sources say that it is likely they will also be closed down. The editor of *Odum Kati* ("Supreme Thought") has been warned by the Ministry of Interior not to continue to print articles about the coup or critical of the coalition government or he too will face arrest like Nguon Non. Other newspapers have reportedly received similar warnings from the government, either in writing or verbally.

A new Press Law which went before Parliament earlier in the year was widely criticized by local and international human rights groups and journalists for the broad powers it gave to the government. This law has been withdrawn for further consultation, leaving the sweeping powers of the 1992 Press Law in place.

**KEYWORDS:** PRISONERS OF CONSCIENCE / EDITORS / TRIALS / LEGISLATION / CENSORSHIP /

**INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM**

**RECOMMENDED ACTION: Please send express letters and faxes in French or English**

- ◆ **expressing your concern that Nguon Non was arrested on 8 July solely for exercising his right to freedom of expression in contravention of Article 19 of the International Covenant on Civil and Political Rights to which Cambodia is a signatory and calling for his immediate and unconditional release**
- ◆ **urging that Nguon Non should be allowed visits from his family and that conditions of his detention should conform to international minimum standards**
- ◆ **urging the Royal Government of Cambodia to ensure that journalists and editors are allowed to peacefully exercise their right to freedom of expression without being subjected to harassment, intimidation or threat of arrest by government security officials**

**APPEALS TO:**

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