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Cambodia: Release jailed opposition editor

Journalists and opposition members under attack as elections near

The Cambodian government should release a jailed opposition newspaper editor and candidate and end its intimidation of journalists and opposition party candidates in the lead-up to National Assembly elections in July, Amnesty International and Human Rights Watch said today.

On June 8, military police arrested newspaper editor Dam Sith, 39, who is also running as a candidate for the opposition Sam Rainsy Party (SRP), after his newspaper published allegations about the current foreign minister.

“Dam Sith’s arrest demonstrates how the criminal justice system is used and abused to silence government critics,” said Brittis Edman, researcher for Amnesty International. “His arrest sends a message of fear to journalists and other media workers in the lead-up to national elections next month.”

Dam Sith’s newspaper, *Moneaksekar Khmer* (Khmer Conscience), quoted allegations by opposition leader Sam Rainsy over the role of the current Minister of Foreign Affairs, Hor Namhong, during the period of Khmer Rouge rule from 1975 - 1979. Hor Namhong filed a criminal complaint against Dam Sith for disinformation, defamation and libel under Cambodia’s 1992 penal code. Human Rights Watch and Amnesty International believe that public officials who consider themselves defamed should not seek redress through the criminal law in order to protect their reputation.

Moneaksekar Khmer is one of the few newspapers in Cambodia that is not affiliated with the government or the ruling Cambodian People’s Party (CPP) of Prime Minister Hun Sen, which also controls all television and most radio stations.

Human Rights Watch and Amnesty International said that the arrest of Dam Sith is part of a pattern of intimidation by the government against opposition and independent media in the run-up to the July elections. On May 21, Hun Sen threatened the independent Beehive radio station for running programming from opposition parties, stating: “You have one channel; we have 39 channels. If you curse me, you will receive bad merit. Those who [previously] cursed me already disappeared from the world.”

On May 28, the government shut down independent radio station Angkor Ratha (FM 105.25) in Kratie province. The station, whose headquarters is in Siem Reap province, was granted a license to broadcast in January 2008. The Ministry of Information abruptly cancelled the license for the station’s Kratie broadcasts after it sold air time to opposition parties.

“There’s little room for critical or opposition journalists in Cambodia, and those who express dissent risk harassment, intimidation and at times, imprisonment,” said Sara Colm, senior researcher at Human Rights Watch.

Amnesty International and Human Rights Watch called on the Cambodian authorities to respect and protect the right to freedom of expression, allowing journalists to report news and express opinions about politics without retribution.

Dam Sith, who is running as an opposition candidate in the capital Phnom Penh, was arrested in the midst of an intense campaign by the ruling CPP to induce opposition members to join the CPP and punish those who refuse. In March 2008, police arrested and detained local opposition SRP leader Tuot Saron in Kampong Thom. Tuot Saron is still detained and faces charges of illegal confinement after seeking to assist a distressed former party colleague following her alleged defection to the CPP under controversial circumstances. The court issued arrest warrants against three other local SRP leaders, who avoided arrest and remain in hiding.

“Arrests and other politically-motivated legal actions are being used to intimidate, coerce and silence opposition members and journalists,” said Colm. “With elections pending, it’s crucial that Cambodians are able to receive information from a variety of news sources, and that opposition candidates are able to campaign without fear of reprisals.”

The right to freedom of expression is guaranteed in the Cambodian Constitution and enshrined in international human rights law. As a party to the International Covenant on Civil and Political Rights (ICCPR), Cambodia is obliged to promote and protect these rights and ensure that people can fully enjoy these rights.

The 1995 Press Law provides for some protection of journalists, but is rarely used. Instead, the so-called 1992 UNTAC Law, Cambodia’s current penal code, is used in most legal cases against journalists or media representatives. These cases often violate the right to freedom of expression.

Dam Sith has been charged with violating articles 62 and 63 of the UNTAC Law. Article 62 criminalises the publication, distribution or reproduction of false information that “has disturbed or is likely to disturb the public peace.” Amnesty International and Human Rights Watch consider the provision to be too vague and sweeping, enabling the government to intimidate and prosecute those who are exercising their right to freedom of expression.

Article 63 provides that allegations against public figures “which the author, the journalist, editor, or producer knows to be false” may constitute defamation. The article does not carry a custodial sentence. This article also restricts the right to freedom of expression in violation of international law and standards.

“It is time for Cambodia to repeal provisions in its laws that allow individuals, including journalists, to be criminally prosecuted for peaceful speech,” said Brittis Edman.

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