



**អង្គការសហប្រជាជាតិ  
ការិយាល័យនៃឧត្តមស្នងការទទួលបន្ទុកសិទ្ធិមនុស្សប្រចាំកម្ពុជា**



**Cambodia Office of the High Commissioner for Human Rights welcomes the decision of Takeo Provincial Court to acquit local human rights defenders and journalist.  
19 February 2010**

The Cambodia Office of the High Commissioner for Human Rights welcomes the verdict of the Takeo Provincial Court to acquit two local human rights defenders, Mr. Cheab Chiev and Mr. Khoem Sarum as well as Radio Free Asia journalist, Mr. Sok Serey and Cham Community representatives Mr. Ny San and Seb Sein on charges of disinformation. The Court's decision is a significant step towards the protection of the right of human rights defenders and journalists to freely and peacefully express themselves on matters of public interest, without fear of reprisals.

Initially, charges were brought against the five individuals following a radio interview on Radio Free Asia given in December 2008, during which they alleged corruption on the part of local mosque officials in Kampong Youl village in Takeo Province. They were charged in September 2009 *inter alia* with the crime of disinformation under the UNTAC criminal provisions. This crime requires both an element of malicious intent and evidence that the information that has been spread would be “*disturbing or likely disturbing the public peace*”. It was clear that in this case, the statements made merely consisted of comments that can be considered well within the realm of what is deemed “public interest”. The comments made by the accused were consistent with the Cambodian Constitutionally guaranteed right to freedom of expression.

The Court in deciding to drop the disinformation charges specifically stated that there had been a lack of malicious intent on the part of the accused, a necessary element for the crime of disinformation. The Office encourages magistrates to draw inspiration from this ruling in their interpretation and application of the law, in order to limit restrictions on freedom of expression in compliance with Cambodia's human rights treaty obligations. This is all the more important with the new Penal Code coming in to force at the end of 2010, which has a number of provisions that could potentially be restrictive of freedom of expression.