



អង្គការសហប្រជាជាតិ

ការិយាល័យនៃឧត្តមស្នងការអង្គការសហប្រជាជាតិ
សម្រាប់សិទ្ធិមនុស្សកម្ពុជា



OHCHR Cambodia questions compatibility of recent guilty verdicts in defamation and disinformation cases with international standards of freedom of expression

5 August 2009

In response to the guilty verdict in a defamation case yesterday, brought against opposition Parliamentarian Ms. Mu Sochua, the Cambodia Office of the High Commissioner for Human Rights emphasised the need to uphold the constitutional right to freedom of expression in Cambodia. This latest verdict marks the third defamation or disinformation conviction in just over a month.

Last month, Mr. Moeun Sonn, the Director of the NGO Khmer Civilisation Foundation was convicted of disinformation and sentenced to two years imprisonment, and a fine of 7 million riel and 8 million riel in compensation, for comments made in which he allegedly raised concern over the installation of a new lighting system in Angkor Wat.

On 26 June, Mr. Heng Chakra, editor -in-chief of the opposition-affiliated *Khmer Machas Srok* newspaper was convicted to one year imprisonment and a 9 million riel fine for articles published in his newspaper, which sought to expose alleged Government corruption.

Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which is part of Cambodian law, states that any restriction on freedom of expression must be provided for by law, and must be necessary for the respect of the rights and reputations of others or for the protection of national security or public order, or public health or morals. Under international law, freedom of expression is to be restricted only in exceptional cases, where clearly necessary and proportionate to the value that the restriction seeks to protect. These recent convictions and sentences seem inconsistent with these standards. Their cumulative effect risks stifling public debate on important issues of public interest and reduce the space for the exercise of the most core of democratic values; freedom of expression.

With at least two more high profile defamation cases yet to be adjudicated, the OHCHR appeals to the Cambodian judiciary to take full account of constitutional and international standards when considering these cases.

The Office recalls that in July 2007 the Constitutional Council directed all Cambodian courts to take into account international human rights standards, as contained in the treaties Cambodia is party to, when considering such cases. "It is now crucial that the Municipal Court of Phnom Penh lives up to this judicial duty" the OHCHR said.