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ការិយាល័យនៃឧត្តមស្នងការអង្គការសហប្រជាជាតិ



Public Statement, 16 July 2008

Killing of Khim Sambor and his son on 11 July 2008

The Office of the United Nations High Commissioner for Human Rights (OHCHR) in Cambodia expresses its concern and sadness at the killing of Mr. Khim Sambor and his son, Khat Sarinpheata, on 11 July 2008 in central Phnom Penh. The Office shares the grief of the victims' family, their friends and colleagues, and extends its heartfelt condolences to them.

While it is too early to determine whether this murder was connected to the articles which Khim Sambor had been writing, several contextual indications suggest that this could be the case. Khim Sambor was a veteran reporter for the newspaper *Moneaksekar Khmer* (Khmer Conscience), which is affiliated with the opposition Sam Rainsy Party. In the weeks leading up to his killing, he had written numerous articles critical of the ruling Cambodian People's Party. This newspaper has a long history of conflict with the government, resulting from its critical reporting. It was closed down for a month in 2002 after publishing critical articles, and was fined \$4,500 in 2006 for accusing a government minister of corruption. *Moneaksekar Khmer* is the only remaining major SRP-affiliated newspaper. In June 2008, its editor was detained for a week and charged in relation to the reporting of a controversial speech by Sam Rainsy and the subsequent legal action brought against him by a minister.

Irrespective of the motive of the murder, this act inevitably has an impact on public perceptions, reviving in people's minds the fear of politics. It is thus essential that the Royal Government authorities conduct a prompt, thorough and credible investigation, bring to justice those who effectively committed this crime, and clarify beyond reasonable doubt its motive. This is all the more warranted in the context of the continued impunity for past killings of journalists, which have left the impression that perpetrators are above the law, and that journalists are not protected by it.

The killing of any journalist is a violation of the basic right to freedom of expression. This murder, in the run-up to the national assembly elections on 27 July 2008, has cast a shadow over the campaign - which until this point had been largely free of the kind of serious violence that has marked previous elections. Such an assassination is devastating, not just for the victims' family, friends and colleagues, but also for the newspaper itself, the journalistic community and the rights to freedom of expression and to participate in legitimate political opposition in Cambodia.

The OHCHR notes that in recent years the level of violence against journalists had markedly decreased, as compared to the previous decade. Conflicts with journalists have been increasingly addressed through legal action, although, regrettably, criminal proceedings have continued to be preferred over civil claims for damages. This murder revives the fear that journalists may again become the target of killings.

It is important for the exercise of the constitutional right to freedom of expression that the authorities also make renewed efforts to protect journalists against acts of violence, and that perceived instances of defamation are dealt with through civil rather than criminal action. The freedom to express one's views peacefully and to contribute to public debate on issues of concern in society is a key condition for the development of a democratic environment.

The Cambodia Office of the High Commissioner for Human Rights is ready to explore with the Ministry of Information and other relevant institutions and interested actors, how it could contribute to strengthen, promote and protect the peaceful exercise of the constitutional rights to freedom of expression and press in the Kingdom.

Background Information: Past instances of murder and attempted murders of journalists and impunity

The killing of Khim Sambor follows eight similar murders and attempted murders of journalists in Cambodia since 1994, all cases in which the perpetrators continue to enjoy impunity. They include:

- Nuon Chan, editor of *Samleng Yuvachuon Khmer* (Voice of Khmer Youth), was shot and killed by two men on a motorcycle in Phnom Penh on 7 September 1994.
- Sao Chan Dara, a journalist for *Koh Santepheap* (Island of Peace), was shot and killed in Kompong Cham on 8 December 1994. A military officer was tried for the murder, but acquitted. The Appeal Court upheld the acquittal and no appeal to the Supreme Court was made.
- Ek Mongkul, a journalist for FM 90 radio was shot several times as he drove on a street in central Phnom Penh on 21 October 1995. He survived the attack.
- Thun Bun Ly, editor of *Udom Katte Khmer* (Khmer Ideal) newspaper, was shot and killed by two men on a motorcycle in Phnom Penh on 18 May 1996. Half an hour before his death, he had informed a friend that he feared for his safety. In 1995, he had been prosecuted and convicted twice for publishing articles critical of the Government.
- Leng Sam Ang, editor of *Komnet Kaun Khmer* (Ideas of Cambodian People), was beaten and shot by police on 2 January 1997. He survived the attack.
- Michael Senior, a freelance photographer of Cambodian descent, was shot and killed by soldiers as he attempted to photograph troops looting a public market in Phnom Penh on 8 July 1997.
- Thong Uy Pang, editor of *Koh Santepheap*, was shot in Phnom Penh on 8 June 1998. He survived the attack. The previous year, two grenades had been thrown into the newspaper's office.
- Chour Chetharith, a journalist for *Ta Prohm* radio, was shot and killed by two men on a motorcycle as he arrived at work on 18 October 2003.

During the same period, three other journalists met violent deaths in circumstances that have not been resolved (Thou Chan Mongkul, editor of *Antarakum* ("Intervention") newspaper, 11 June 1994; Pich Em, TVK technician in Sihanoukville, 5 May 1997; and Ou Saroeun, a reporter for *Samleng Reas Khmer* (Voice of the Khmer People) newspaper, 14 October 1997. Journalists continue to be frequently subject to threats, and death threats, which often oblige them to go into hiding or seek political asylum.

Successive Special Representatives of the Secretary-General for human rights in Cambodia have concurred in their analysis that impunity is the single most important factor undermining the rule of law in Cambodia. In the majority of cases where journalists have been killed, the authorities have stated that investigations are continuing, yet little or no progress has been made to date, and to the knowledge of OHCHR, no one has been brought to justice for any of these crimes.