



**Special Representative of the Secretary-General
for Human Rights in Cambodia**

ក្រសួងពិសេសបង្កេនអគ្គលោមជាជនបន្ទូរសិទ្ធិភណ្ឌបច្ចុប្បន្ន



The Special Representative expresses deep concern over the arrest of journalist Mam Sonando and trade unionist Rong Chhun and calls for their immediate release

The Special Representative of the Secretary-General for human rights in Cambodia, Peter Leuprecht, is deeply concerned about the recent arrests and detention of radio journalist Mam Sonando and Rong Chhun, President of the Cambodian Independent Teachers' Association.

Mam Sonando was arrested on 11 October 2005 under a court order (writ of capias) and detained that same day, charged with defamation. Rong Chhun was arrested on 15 October on charges of defamation and "incitement of others to commit a criminal offence without the offence being committed". Defamation under article 63 of the Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia During the Transitional Period -- commonly known as the UNTAC Law -- carries a maximum one-year prison sentence, while incitement to commit an offence under article 60 could lead to up to five years of imprisonment.

The charges relate to an interview on border issues conducted on 20 September on Beehive radio station, which Mam Sonando directs; and a statement, issued on 11 October by the Cambodia Watchdog Council, signed by Rong Chhun and three other Council members.¹ The statement criticised the border agreement between the Governments of Vietnam and Cambodia, which Prime Minister Hun Sen signed during a recent visit to Vietnam 10 to 12 October.

These events raise a number of concerns relating to freedom of expression, which is enshrined in Cambodia's Constitution and the International Covenant on Civil and Political Rights. Restrictions of freedom of expression are permissible only under the conditions and within the strict limits set out in paragraph 3 of Article 19 of the Covenant. A charge of incitement to commit an offence must relate to a specific crime or misdemeanor listed in the UNTAC Law itself. The statement of 11 October does not contain references to any acts that could be construed as amounting to a criminal offence. Procedurally the arrests are also illegal. Under Cambodian law, a writ of capias may only be issued when the accused fails to appear before the court on a specific date after having received a properly communicated summons. No such summonses were served prior to either arrest, to the knowledge of the Special Representative, nor were arrest warrants produced at the time of the arrests. The investigating judges also ordered preliminary detention orders without providing details on the legal grounds of that decision in accordance with Article 14 of the UNTAC Law.

The arrests and detention of Mam Sonando and Rong Chhun in Prey Sar prison are highly irregular, and illustrate a deeply worrying trend. During the period 2004 to 2005, the Government or government officials have brought at least eight charges of defamation against the media. The Special Representative urges the authorities to reconsider the charges against Mam Sonando and Rong Chhun, and to ensure that they have free and unhindered access to legal counsel and their families pending their release. The criminal proceedings against the other signatories to the 11 October statement, and against Prince Thomico Sisowath for opinions he has publicly expressed on border issues should also be immediately dropped.

The Special Representative strongly appeals to the Cambodian authorities to honour their commitments under domestic and international human rights law.

20 October 2005

¹ Men Nath, Director of Cambodia's Independent Civil Servants' Association, Chea Mony, President of the Free Trade Union of Workers of the Kingdom of Cambodia, and Ear Channa, Deputy Secretary General of the Students' Movement for Democracy.