

Cambodia: Cambodia's Government Should Stop Silencing Journalists, Media Outlets

Free Arbitrarily Detained Media Workers, Restore Media Licenses

(Phnom Penh, November 2, 2020) - We, the 57 undersigned nongovernmental organizations express our deep concern about the Cambodian government's harassment of independent media outlets and their journalists. The government should immediately drop the the apparently politically motivated charges against the journalists listed below and unconditionally release them. It should repeal or significantly amend repressive laws that unjustifiably impede media freedom and freedom of expression, including media freedom. Finally, the government should immediately reverse the revocations of licenses of independent media outlets listed below and refrain from similarly revoking licenses in the future.

The Cambodian government is currently holding two journalists in pre-trial detention on politically motivated incitement or defamation charges: **Sok Oudom** and **Ros Sokhet**. A third journalist, **Rath Rott Mony**, is presently serving a two-year prison sentence on a similarly fabricated charge.

1. On June 25, 2020, the Phnom Penh municipal police's Cybercrime Bureau arrested **Ros Sokhet**, the publisher of the *Cheat Khmer* ("Khmer Nation") newspaper, based on two posts made on his Facebook page, addressing Prime Minister Hun Sen's succession plans and Cambodia's micro-loan debt crisis. The authorities charged Sokhet with incitement to commit a felony and sent him to pre-trial detention at Phnom Penh's Prey Sar prison. The Ministry of Information, which granted *Cheat Khmer* a media license in April 2020, announced a review of the license in light of the court case.
2. On May 13, 2020, police arrested **Sok Oudom**, owner of the *Rithysen* radio station and news website in Kampong Chhnang province, charging him with incitement to commit a felony for reporting on the same land dispute at Phnom Oral Wildlife Sanctuary in Kampong Chhnang province as journalist for *Sneha Cheat* online news site Keo Hour, and the court charged him with the same crime. Oudom is currently held in pre-trial detention at Kampong Chhnang provincial prison. Oudom regularly reported on longstanding land disputes between local farming communities and powerful officials.
3. On December 7, 2018, Thai authorities arrested **Rath Rott Mony**, a fixer for Russian state media outlet *Russia Today (RT)*, upon the request of the Cambodian government that alleged Mony had committed incitement when working with *RT* on a documentary that featured accounts of poverty-stricken families sending their daughters to engage in child sex trafficking. On December 12, he was deported to Cambodia and sent to pre-trial detention. In June 2019, a Phnom Penh court convicted him of incitement to discriminate (article 496 of Cambodia's penal code) and sentenced him to two years in prison. In June 2020, the Supreme Court ordered Mony's retrial.

In an especially outrageous case which exemplifies Cambodia's relentless attack on media freedoms, on October 5, the Phnom Penh municipal court convicted journalist **Sovann Rithy** - director of online news outlet *TVFB* - of incitement and sentenced him to an 18-month prison term. The five months and 28 days he spent in pre-trial detention were deducted, and the court suspended the remainder of the prison sentence; he was released from prison on the same

day. On April 7, 2020, Phnom Penh police arrested Sovann Rithy based on allegations that he had incited chaos by quoting on his Facebook page the following words from Prime Minister Hun Sen's speech on April 7 about the economic impact of Covid-19: "If motorbike-taxi drivers go bankrupt, sell your motorbikes for spending money. The government does not have the ability to help."

According to NGO reports, between January and May 2020, Cambodian police and judicial authorities summoned and questioned at least a dozen journalists for their reporting.

Independent journalists have long been harassed by the authorities, especially when reporting critically about the government. Two former *Radio Free Asia* (RFA) journalists, Yeang Sothearin and Uon Chhin, still face fabricated espionage charges based on unsubstantiated allegations that they had conspired with a foreign government; two former *Cambodia Daily* journalists, Zsombor Peter and Aun Pheap face a trial *in absentia* based on baseless incitement charges; and a reporter for *TV3*, Phal Dam, faces baseless incitement charges for reporting on land related issues.

At least nine other cases of harassment against journalists have been recorded since 2019, including cases against Keo Hour, a journalist for *Sneha Cheat* online news site, who the authorities released on bail without dropping the incitement charges; Hun Sokha, president of the Club of Independent Journalists; Keo Ratana, publisher of *TN Online*; Prak Sovann, *Rasmei Kampuchea Daily* journalist; and Sath Chanbuth, journalist for *Rasmei Kampuchea Daily* and *Apsara TV*.

Since the outbreak of Covid-19, the government has revoked four licenses of independent media outlets: online news site *CKV TV Online*, Rithysen radio station and online news site, and *TVFB* news site. In April, the Ministry of Information revoked *CKV TV Online*'s license, alleging it was in "severe violation of journalism that affects public order." Similarly, the Ministry of Information revoked *Rithysen* radio station's license alongside its separate news website's licenses based on unsubstantiated allegations that the radio station was "publishing information which is exaggerated information, contains incitement to violence, provocation to commit discrimination and provocation to cause social insecurity and chaos." Further, the Ministry of Information revoked *TVFB*'s broadcasting license on grounds that owner Sovann Rithypublished information which "was to generate an adverse effect on the security, public order and safety of society."

The Cambodian government has mounted a broad attack on press freedom and freedom of expression since mid-2017. The government forced the closure of the *Cambodia Daily*, one of Cambodia's most respected independent English language daily newspapers. Another longstanding independent outlet, the *Phnom Penh Post* was forcibly sold in May 2018 to a businessman with ties to the Prime Minister and has since editorially mirrored government positions. In August 2017, the Cambodian authorities ordered the closure of 32 FM radio frequencies across 20 provinces, targeting stations that relayed Khmer language news broadcasts by RFA, *Voice of America* (VOA), and *Voice of Democracy*. RFA closed its office in Phnom Penh in September 2017 after 20 years of operations in Cambodia, citing threats to its staff. A few days after RFA's office closure, the Interior Ministry threatened journalists who had worked for RFA with legal action if they continued reporting for RFA.

In the past years, the Cambodian government adopted a series of repressive laws that have enabled a crackdown on independent media and social media and resorted to provisions in the penal code - in particular articles 494 and 495 - to silence critical reporting and its reporters.

During the Covid-19 crisis, the Cambodian government adopted a highly repressive Law on the Management of the Nation in State of Emergency that provides Prime Minister Hun Sen with unfettered, undefined and overbroad powers to monitor private communications and an unlimited restriction of reporting by all media outlets. We also understand the Cambodian

government has drafted a National Internet Gateway Sub-Decree, yet to be adopted, which would severely impact freedom of expression and information online, facilitate blanket surveillance of all online communications and would allow the blocking of certain types of content by the authorities if deemed to "affect safety, national revenue, social order, dignity, culture, traditions and customs."

Cambodia acceded to the International Covenant on Civil and Political Rights in 1992, and is obligated to respect and protect the right to freedom of opinion and expression without interference, and the right to seek, receive, and impart information and ideas through any media and regardless of frontiers. Any restrictions to these rights must be justified through a strict test of legality, necessity and proportionality with respect to a legitimate aim. None of these above-mentioned cases against journalists and their publications meet these principles: they do not assert or advance a legitimate aim and could not be necessary towards such any such aim, and therefor violate international human rights law and Cambodia's legal obligations. The UN Human Rights Committee has called on Cambodia to "[r]efrain from prosecuting journalists [...] as a means of deterring or discouraging them from freely expressing their opinions"

We call on the Cambodian government to drop the charges and unconditionally release all journalists jailed for exercising their rights to freedom of expression, end harassment of journalists and media outlets, repeal or significantly amend repressive laws so as to allow for a vibrant and free media landscape in line with its international human rights obligations, and reverse revocations of media licenses to facilitate media freedom and the right to freedom of expression and information.

This statement was endorsed by:

1. 197 land community, Chikhor Leur commune, Koh Kong province
2. Adil Soz - International Foundation for Protection of Freedom of Speech
3. Alliance for Conflict Transformation (ACT)
4. Amnesty International
5. Article 19
6. ASEAN Parliamentarians for Human Rights (APHR)
7. Asian Democracy Network (ADN)
8. Asian Forum for Human Rights and Development (FORUM-ASIA)
9. Asian Network for Free Elections (ANFREL)
10. Beong Tunle Mrech Community, Preah Vihear province
11. Boeung Bram Community, Battambang province
12. Boeung Chhouk Community, Phnom Penh
13. Boeung Trabek Community, Phnom Penh
14. Borei Keila Community, Phnom Penh

15. Bu Sra community, Mondulkiri province
16. Building Community Voices (BCV)
17. Cambodian Alliance of Trade Unions (CATU)
18. Cambodian Center for Human Rights (CCHR)
19. Cambodian Center for Independent Media (CCIM)
20. Cambodian Food and Service Workers Federation (CFSWF)
21. Cambodian Human Rights and Development Association (ADHOC)
22. Cambodian Institute for Democracy (CID)
23. Cambodian Journalists Alliance (CamboJA)
24. Cambodian Youth Network (CYN)
25. Center for Alliance of Labor and Human Rights (CENTRAL)
26. Chikhor Krom Land Community
27. CIVICUS: World Alliance for Citizen Participation
28. Civil Rights Defenders
29. Coalition of Cambodian Farmer Community (CCFC)
30. Committee for Free and Fair Elections in Cambodia (COMFREL)
31. Equitable Cambodia (EC)
32. Former Boeung Kak Women Network Community, Phnom Penh
33. Human Rights Watch
34. Informal Democratic Economy Association (IDEA)
35. International Commission of Jurists (ICJ)
36. International Federation for Human Rights (FIDH)
37. International Federation of Journalists (IFJ) Asia-Pacific
38. International Freedom of Expression Exchange (IFEX)
39. International Press Institute (IPI)
40. International Service for Human Rights (ISHR)
41. Lor Peang Community, Kampong Chhnang Province
42. Natural Resources Protection Community in Krakor district, Pursat province

43. Pailin Land Community
44. Pakistan Press Foundation (PPF)
45. PEN International
46. Phnom Bat Community
47. Phnom Kram Community, Siem Reap province
48. Phum 23 Community
49. Prey Peay Community, Kampot province
50. Prome Indigenous Community, Preah Vihear province
51. Railway Station, Toul Sangkae A community
52. Reporters Without Borders (RSF)
53. SOS International Airport Community
54. Thma Da commune, Pursat province
55. Toul Sangkae B Community
56. Trapeang Sangkae Community, Kampot province
57. World Organisation Against Torture (OMCT)