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Cambodian Center for Human Rights

FREEDOM OF EXPRESSION RESPECTED IN IMPORTANT VERDICT BY THE TAKEO PROVINCIAL COURT

PRESS RELEASE

PHNOM PENH - 19 FEBRUARY 2010

The Cambodian Center for Human Rights (CCHR) welcomes the acquittals delivered by the Takeo Provincial Court today, Friday 19 February 2010, in the Disinformation cases of two community activists, Ny San and Seb Sein; two CCHR affiliated rights activists, Cheab Chiev and Khoem Sarum; and the Radio Free Asia journalist, Sok Serei. Although the CCHR is disappointed by the guilty verdict for Destruction of Property against Ny San- which was contrary to the evidence of the case - and his sentence of five months imprisonment and a payment of one million riels (\$250USD) to the complainant, the Disinformation acquittals and the reasoning behind these acquittals represent an encouraging development for freedom of expression in Cambodia.

The case arises from a petition made by the people of Kampong Youl Village, Takeo Province, which sought an election of new Islamic officials in the Cham Muslim village after allegations that the local Iman, Riem Math, and two other members of the local committee vested with the responsibility of managing the mosque's fund had mishandled a donation of 10 million Riels to the mosque authorities. As a result of this petition Ny San, Seb Sein, Cheab Chiev and Khoem Sarum were interviewed by Radio Free Asia by Sok Serei and Tin Zakariya on 25 December 2008. It is from this interview that the charges of Disinformation under Article 62 of the United Nations Transitional Authority in Cambodia (UNTAC) Criminal Code arose.

In his verdict, Judge and Deputy President of Takeo Provincial Court, Cheng Bunly, held that the defendants were to be acquitted of the charge of Disinformation owing to the absence of malicious intent – the mental pre-requisite for the offence - on their part. Moreover, the Judge opined that the CCHR affiliated activists as well as the journalist could not be found guilty on the charge of Disinformation as they had merely reported on the demands of the people of Kampong Youl Village. In the opinion of the CCHR, the reasoning of the Judge – insofar as the charges of Disinformation are concerned – is a welcome example of the correct application the offence of Disinformation to the acts giving rise to the criminal charge. In this regard, the CCHR welcomes this decision insofar as it respects the right to freedom of expression in Cambodia and hopes that this verdict serves as an example to the judiciary in their efforts to uphold this fundamental and universal human right.

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