

Cambodia: Charges against journalists Yeang Sothearin and Uon Chhin must be dropped

On 4 October 2019, the ICJ and 36 other civil society organizations called on the Government of Cambodia to drop charges against former Radio Free Asia (RFA) journalists Yeang Sothearin and Uon Chhin, who are being tried on spurious charges for multiple offences in connection with carrying out their journalist functions.

This comes after the latest hearing in the case yesterday by the Phnom Penh Municipal Court, where it postponed delivery of its verdict for a second time. The Court has now ordered that the case be returned to a new investigating judge for a reinvestigation.

The case is emblematic of a pattern of instances where journalists, human rights defenders, community activists, members of the political opposition and others have been subjected to intimidation and harassment for exercising their fundamental freedoms through misuse of laws and the judicial system.

The ICJ and other organizations have called for a cessation of this practice and urged the government to comply with their obligations under international law to protect these freedoms.

The trial of the two journalists which concluded on 9 August, had initially been expected to result in a verdict on 30 August, before it was postponed until yesterday's hearing, when it was again postponed.

"These charges should have never been brought against Yeang Sothearin or Uon Chhin – They were brought with the sole purpose of silencing their work as journalists and chilling other independent voices in the country from speaking," said Frederick Rawski, ICJ's Asia and Pacific Regional Director.

The ICJ has stressed that the case against journalists does not comply with Cambodia's international legal obligations to respect the right to liberty and to a fair trial.

"Given the arbitrary legal bases upon which the journalists have been charged and tried, the prolonging of their case prolongs this harassment and additionally violates their right to be tried without undue delay," said Rawski.

In November 2017, Yeang Sothearin and Uon Chhin were arrested and detained in Prey Sar prison before they were provisionally charged with "supplying a foreign state with information prejudicial to national defence" under Article 445 of Cambodia's Criminal Code. In March 2018, they were further charged with alleged production of pornography under Articles 38 and 39 of the Law on the Suppression of Human Trafficking and Sexual Exploitation.

Both men face up to 16 years in prison. They are currently under judicial supervision, following their release on bail after being held in pre-trial detention for more than nine months.

The journalists were arrested following the shutdown of RFA's Cambodia bureau in the midst of a sharp deterioration in the situation for human rights and the rule of law in Cambodia prior to the 2018 national elections.

In September 2017, in a [statement](#) to the UN Human Rights Council, the ICJ had highlighted that civil society, independent media and the political opposition were under sustained attack in a "carefully orchestrated effort to silence dissenting voices in the lead up to national elections" and that laws were "being weaponized to this end".

In October 2017, the ICJ in a [report](#) on the human rights situation similarly warned that the government was "relying on judges and prosecutors who lack independence to silence dissent

and dismantle democracy” through “an endemic system of political interference in high-profile cases and an equally entrenched system of corruption in all others”.

Following the national elections, this trend has only worsened.

In [August](#) and [September](#) 2019, the ICJ and other organizations highlighted the “ongoing human rights crisis” in Cambodia and called for strengthened scrutiny at the Human Rights Council of the human rights situation in the country.

[\[Link to joint statement\]](#)

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Background

Under the International Covenant on Civil and Political Rights, to which Cambodia is a party, States have the obligation to protect a range of human rights and fundamental freedoms, including freedoms of expression, association and assembly and the rights to a fair trial, to liberty and security, and the right to be free from ill-treatment.

In the context of its crackdown on perceived opponents following the national elections of July 2018, the Government of Cambodia has persistently failed to comply with Cambodia’s obligations to respect, protect and fulfil these rights.

In recent months, harassment and intimidation of members of the political opposition has intensified, and significantly through the misuse of laws and the judicial system. In 2017, Cambodia’s Supreme Court [dissolved](#) main opposition Cambodia National Rescue Party (CNRP) and banned 118 CNRP members from political activity for five years.

In 2019, the courts and the police issued summonses against at least 147 individuals linked to the CNRP, ordering them to report to the court or police stations on arbitrary legal bases. 26 individuals connected to the CNRP have been detained. Reports of physical attacks against individuals linked to the CNRP by unknown assailants have also emerged – a dozen reported attacks have detailed individuals being attacked from behind while riding motorbikes.

In September 2019, the Phnom Penh Municipal Court charged senior leaders of the CNRP with alleged “attempt to stage a coup” and “intention to commit armed rebellion”, following an announcement by CNRP leader Sam Rainsy of his plan to return to Cambodia from self-exile in November 2019.

Since 2 September 2019, CNRP President Kem Sokha has been held in detention and thereafter under court-imposed conditions amounting to house arrest for two years. He was arrested in 2017 on charges of alleged treason.

Members of the political opposition are not the only persons to have been targeted in recent months. In July 2019, youth activists, Kong Raya and Soung Neakpoan, were detained on charges of “incitement to commit a felony” following their efforts to commemorate the third [anniversary](#) of the murder of prominent political commentator Kem Ley in Phnom Penh.

In September 2019, speaking to the UN Human Rights Council in Geneva, the UN Special Rapporteur on the situation of human rights in Cambodia, Rhona Smith, expressed concerns about the situation in Cambodia and called on Prime Minister Hun Sen to “reset the approach to rights and freedoms in Cambodia and ensure that all rights and freedoms voluntarily

accepted by the government are enjoyed by everyone in the country.” She also urged the government to release Kem Sokha.

See also

ICJ et. al, [Cambodia: ICJ joins call to renew mandate of Special Rapporteur, address abuses](#), 25 September 2019

ICJ et. al, [Cambodia: NGOs call for heightened scrutiny by UN](#), 30 August 2019

ICJ, [Cambodia: continued misuse of laws to unduly restrict human rights \(UN statement\)](#), 26 September 2018

ICJ, [Misuse of law will do long-term damage to Cambodia](#), 26 July 2018

ICJ, [Cambodia: weaponization of the law \(UN Statement\)](#), 22 March 2018