

HUMAN RIGHTS WATCH / ASIA

- 485 Fifth Avenue, New York, NY 10017-6104 TEL (212) 972-8400 FAX (212) 972-0905 E-mail: hrwnyc@hrw.org
 1522 K Street, NW, #910, Washington, DC 20005-1202 TEL (202) 371-6592 FAX (202) 371-0124 E-mail: hrwdc@hrw.org
 10951 West Pico Boulevard, #203, Los Angeles, CA 90064-2126 TEL (310) 475-3070 FAX (310) 475-5613 E-mail: hrwatchla@igc.apc.org
 33 Islington High Street, N1 9LH, London, UK TEL (4471) 713-1995 FAX (4471) 713-1800 E-mail: hrwatchuk@gn.apc.org
 15 Rue Van Campenhout, 1040, Brussels, Belgium TEL (322) 732-2009 FAX (322) 732-0471 E-mail: hrwatcheu@gn.apc.org
 Flat D, 16th Floor, 57 Spring Garden Lane, Wan Chai, Hong Kong, TEL (852) 2574-6275 FAX (852) 2572-8910 E-mail: mmunro@igc.apc.org

SIDNEY JONES

Executive Director

MIKE JENDRZEJCZYK

Washington Director

ROBIN MUNRO

Hong Kong Director

JEANNINE GUTHRIE

NGO Liason

DINAH POKEMPNER

Counsel

PATRICIA GOSSMAN

ZUNETTA LIDDELL

Research Associates

MICKEY SPIEGEL

Consultant

For Release:

May 22, 1995 00:01 GMT

For Further Information:

Dinah PoKempner, Washington, D.C. 202 371-6592 (w)

202 332-8537 (h)

Sidney Jones, New York 212 972-8400 (w)

718 398-4186 (h)

Free Speech Under Assault in Cambodia

Advisory Committee

Andrew Nathan, Chair

Orville Schell, Vice Chair

Floyd Abrams

Maureen Aung-Thwin

Edward J. Baker

Harry Bamee

Robert L. Bernstein

Julie Brill

Jerome A. Cohen

Adrian W. DeWind

Clarence Dias

Delores A. Donovan

Adrienne Germain

Arle Goldman

Deborah M. Greenberg

Charles Halpern

David Hawk

Paul Hoffman

Sharon Hom

Roumaq Jahen

Virginia Leary

Daniel Lev

Perry Link

Rt. Rev. Paul Moore, Jr.

Yuri Orlov

Victoria Riskin

Sheila Rothman

Barnett Rubin

James Scott

Judith Shapiro

Nadine Strossen

Maya Wiley

Human Rights Watch / Asia today protested a series of Cambodian government actions that together represent one of the most serious assaults yet on freedom of expression in post-UNTAC Cambodia. The actions included the convictions of two Cambodian newspaper publishers for printing pieces that were critical or satirical of the government, the acquittal and release of the alleged murderer of another Cambodian journalist, and moves to expel the outspoken opposition politician Sam Rainsy.

"Each of these incidents represents a serious setback for the rule of law," said Sidney Jones, executive director of the human rights monitoring group, which was formerly known as Asia Watch. "Together they amount to an all-out war on freedom of speech."

On May 19, a Cambodian court convicted Thun Bunly, the publisher of *Oddom Kate Khmer* ("Khmer Ideal") under the disinformation and defamation provisions of the UNTAC-era criminal law for printing a letter to the editor by a reader entitled "Stop Barking Samdech Prime Ministers." The court rejected arguments that the article was an expression of opinion, and imposed a five million riel fine (\$2,000) and stipulated a one-year prison term should he fail to pay it. On May 20, Hen Vipheak, the publisher of *Serei Pheap Thmei* ("New Liberty News") was also convicted under this law for a cartoon showing Prime Minister Hun Sen holding a gun to Prime Minister Ranariddh's head, and an article satirizing and criticizing the various branches of government. The court also levied a five million riel fine, stipulating a two-year prison term should it not be paid. Both Cambodian law and the International Covenant on Civil and Political Rights, to which

Cambodia is a party, clearly prohibit both punishment for expression of political opinions and the imposition of jail sentences for failure to pay a court-ordered fine.

Also on May 19, a Cambodian court acquitted Colonel Sat Soeun of murdering Chan Dara, a journalist for *Koh Santepheap* ("Island of Peace") who had published stories charging him with corruption, despite evidence that Sat Soeun's wife attempted to bribe Chan Dara's widow into dropping charges. Sat Soeun was released, although two other criminal charges, another murder and a serious wounding, are still pending against him.

Human Rights Watch/Asia expressed concern as well at statements by government officials that the National Assembly would move to expel Sam Rainsy, the outspoken former finance minister who was stripped of his membership in FUNCINPEC, the royalist party, last week. According to the human rights group, there is no basis in Cambodian law for the expulsion of a parliamentarian who has lost his or her party membership, nor any internal procedures for dismissal of a legislator more generally. As in many countries, legislators are guaranteed parliamentary immunity. "There is little doubt that expulsion of a legislator for merely expressing views critical of the government would not only gravely jeopardize Cambodia's democracy, but would also constitute a serious violation of freedom of speech," said Jones.

###

Human Rights Watch/Asia (formerly Asia Watch)

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Mendez is general counsel; and Susan Osnos is the communications director. Robert L. Bernstein is the chair of the executive committee and Adrian W. DeWind is vice chair. Its Asia division was established in 1985 to monitor and promote the observance of internationally recognized human rights in Asia. Sidney Jones is the executive director; Mike Jendrzeczyk is the Washington director; Robin Munro is the Hong Kong director; Dinah PoKempner is counsel; Zunetta Liddell and Patricia Gossman are research associates; Jeannine Guthrie is the NGO liaison; Mark Girouard is a Luce fellow; Diana Cheng and Jennifer Hyman are associates; Mickey Spiegel is a research consultant.

Copy
Nate
Matthew
Michael
Headfile

Human Rights Watch / Asia 1522 K STREET N.W., SUITE 910
(FORMERLY ASIA WATCH) WASHINGTON, D.C. 20005
TEL: (202) 371-6592
FACSIMILE COVER SHEET Fax: (202) 371-0124

Date : May 23, 1995
Pages : 1
From : Dinah PoKempner

If you do not receive a complete transmission, please call (202) 371-6592.

Supplemental message:

CORRECTION

The May 22, 1995 00:01 GMT press release from Human Rights Watch/Asia entitled "Free Speech Under Assault in Cambodia" misstated the sentences given to two Cambodian newspaper publishers in their trials for misinformation and defamation.

Thun Bunly, the publisher of *Oddom Kate Khmer* ("Khmer Ideal") was on May 19, 1995, fined five million riels (\$2,000) and sentenced to a one-year prison term should he fail to pay it. Hen Vipheak, the publisher of *Serei Pheap Thmei* ("New Liberty News") was on May 20, 1995 fined five million riels and additionally sentenced to a one-year prison term; one more year would be added to his prison sentence should he fail to pay the fine. Both newspapers were permanently closed by the judiciary, which apparently relied on an April 1992 "press law" unilaterally enacted by the State of Cambodia after the peace accords established a quadripartite sovereign authority known as the Supreme National Council. This "press law" was not adopted by the Supreme National Council and was ignored by UNTAC.