

HUMAN RIGHTS WATCH

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August 25, 1995

First Prime Minister Samdech Krom Preah Norodom Ranariddh
Second Prime Minister Samdech Hun Sen

Your Excellencies:

Human Rights Watch is deeply concerned by reports that the Royal Government has pressed criminal charges against the *Phnom Penh Post* under Article 62 of Cambodia's 1992 criminal code, seeking to prosecute and fine the publisher and close the newspaper. This is but the latest in a series of government actions, both judicial and legislative, to curtail the freedom of the press and stifle the right to hold and express opinions. Indeed, the Ministry of Information has announced that it intends to pursue prosecutions of other Cambodian journalists as well. We urge you to reverse these actions and put an end to the impression that basic civil liberties in Cambodia have severely deteriorated since the 1993 elections.

Article 62 of the criminal code provides for a fine and up to three years of imprisonment for those who publish false or falsely attributed information "in bad faith and with malicious intent" when the publication "has disturbed or is likely to disturb the public peace." Each of these three elements -- falsity, malicious intent, and disturbance of public peace -- must be present for the government to charge an individual under this law.

The *Phnom Penh Post* story in question, an article by Nate Thayer in the March 24-April 6 edition titled "Security jitters while PMs away," describes various alleged security threats and measures taken by the Royal Government while the prime ministers attended the April 1995 donors' meeting. The article clearly marks many assertions as "rumor" or the opinions or statements of unnamed third parties. The law should never be used to force a journalist to disclose sources merely to prove they are genuine unless there is a highly compelling need. That is because any forced compromise of confidential journalistic sources severely curtails the ability of the press to report on and the people's right to be informed about matters of public interest, such as government abuse. In Mr. Thayer's case, far from showing a malicious intent, he contrasted many of the allegations raised by unnamed sources with statements from named government representatives. This is a standard journalistic technique, and

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