



RESOLUTION ON THE KINGDOM OF CAMBODIA

In the past several years, the situation for free expression in Cambodia has worsened in the build-up to local and national elections, held in 2017 and 2018 respectively. Motivated by the desire to limit independent voices and stifle criticism of its governance in an effort to maintain power, the ruling Cambodian People's Party (CPP) has shut down independent radio programming, pursued politically-motivated charges against newspapers and other media outlets, arrested journalists, passed restrictive new laws, and targeted its political opponents. After voting on 29 July 2018, the ruling Cambodian People's Party claimed control of all the seats in parliament, largely eliminating credible opposition and further constricting the democratic processes in the country.¹ The result has been an increasingly restricted atmosphere for free expression, affecting writers, journalists, activists and everyday citizens. In addition, questions still surround the 2016 murder of one of Cambodia's best known political commentators—and writer and advisor to PEN Cambodia—Kem Ley.²

PEN International notes the following cases of grave concern:

Targeting of Writers

On 10 July 2016, political analyst **Kem Ley** was shot and killed, days after his criticism of Prime Minister Hun Sen and his family's financial holdings. At the time of his death, Ley had been writing an anthology of political fables. In March 2017, defendant "Chuob Somlab" (real name Oeuth Ang) was convicted of the murder. During the trial, prosecutors apparently made no attempt to explain or explore the glaring inconsistencies in the defendant's testimony—including the testimony that Somlab killed Ley over an outstanding financial debt despite evidence that the two had never even met—or to make any inquiry into whether the murder was an instance of political assassination.³

To this day, there has been no meaningful investigation of allegations that Kem Ley's death was politically motivated. In fact, Prime Minister Hun Sen and the Royal Cambodian Government have sued or arrested Cambodians who have made such allegations. Among them, political analyst **Kim Sok** was sentenced to eighteen months imprisonment in August 2017 for alleging that the government was involved in Kem Ley's murder.⁴ Kim Sok is currently serving this sentence.

Several people have been forced to flee the country because of persecution and the risk of being prosecuted. One of them is journalist Vuthy Hout (also known as Chun Chanboth), who fled the

¹ "Cambodia Re-Elects Its Leader, a Result Predetermined by One," *New York Times*, 29 July 2018, available at: <https://www.nytimes.com/2018/07/29/world/asia/cambodia-election-hun-sen.html>

² "Cambodia: Killing of Dr. Kem Ley is Yet Another Attack on Freedom of Expression," PEN International, 1 August 2016, available at: <https://pen-international.org/news/cambodia-killing-of-dr-kem-ley-is-yet-another-attack-on-freedom-of-expression>

³ Julia Wallace and Neou Vannarin, "A Life Sentence in Cambodia, but Kem Ley's Murder Is Far From Solved," *New York Times*, 23 March 2017, available at: <https://www.nytimes.com/2017/03/23/world/asia/cambodia-kem-ley-killing-life-sentence.html>

⁴ "Cambodian Analyst Kim Sok Handed Prison Term and Fines in Defamation Case", RFA, 10 August 2017, available at: <https://www.rfa.org/english/news/cambodia/case-08102017191610.html>

country in April 2017 after authorities charged him with “false declaration”—a charge that carries up to two years in prison—for allegedly failing to identify himself as a journalist when attempting to gain an audience with a prisoner.⁵ He is currently unable to return to Cambodia without facing these charges.

In November 2017, Radio Free Asia reporters **Yeang Sothearin** and **Uon Chhin** were arrested and charged with espionage, charges stemming from their reporting. They continue to face trial, on charges that could include up to 15 years’ imprisonment.⁶ Currently, both reporters remain in pre-trial detention.

Targeting of Digital Speech

In May 2018, three different governmental ministries published a joint ministerial order—a “prakas”—empowering them to block online content that falls under broad prohibited categories such as “undermining social order,” and to require internet service providers to adopt and install internet censorship and monitoring tools. Over 100 Cambodian civil society organisations have formally decried the ministerial order as “threaten[ing] the privacy rights and freedom of expression of every single internet and social media user in Cambodia.”⁷

In the past year, the government has also detained or arrested several people for their digital speech, using such charges as “defamation” or “incitement.”⁸ Such charges are criminal provisions that can include years in jail.

Targeting Independent Media Outlets and Sources

As part of an ongoing campaign to stifle potential sources of criticism, the Cambodian government has cracked down on independent media in Cambodia. In August of 2017, the Ministry of Information ordered more than 30 radio frequencies to stop broadcasting. In September of 2017, government pressure resulted in the shutdown of Voice of America – Cambodia. Also in September, the government compelled the shutdown of *The Cambodia Daily*, one of Cambodia’s best-known independent newspapers, and Radio Free Asia’s Phnom Penh office.⁹ Although authorities have alleged that these shutdowns are a result of neutrally-applied administrative or tax law, it is clear that these are instead politically-motivated decisions.

New Lèse Majesté Law

⁵ See Niem Chheng and Ananth Baliga, “RFA reporter Chun Chanboth in Bangkok ahead of court summons date,” Phnom Penh Post, 1 May 2017, available at: <https://www.phnompenhpost.com/national/rfa-reporter-chun-chanboth-bangkok-ahead-court-summons-date>

⁶ “Cambodia: Release Ex-Radio Free Asia Journalists”, Human Rights Watch, 12 May 2018, available at: <https://www.hrw.org/news/2018/05/12/cambodia-release-ex-radio-free-asia-journalists>

⁷ “Civil Society Rejects Government Attack on Freedom of Expression,” Cambodian Centre for Human Rights, 8 June 2018, available at: https://cchrcambodia.org/index_old.php?title=Civil-Society-Rejects-Government-Attack-on-Freedom-of-Expression&url=media/media.php&p=press_detail.php&prid=694&id=5&lang=eng

⁸ Those arrested or detained include **San Rotha**, **Keo Saravuth**, **Mey Voeun**, and **Chhea Dina**. Mech Dara and Yesenia Amaro, “Man arrested on wedding day for criticising government on Facebook”, Phnom Penh Post, 12 February 2018, available at: <https://www.phnompenhpost.com/national/man-arrested-wedding-day-criticising-government-facebook>; Khouth Sophak Chakrya, “Ex-officer detained for Facebook post aimed at police”, Phnom Penh Post, 08 March 2018, available at: <https://www.phnompenhpost.com/national/ex-officer-detained-facebook-post-aimed-police>; Niem Chheng, “Migrant arrested for insulting PM on Facebook”, Phnom Penh Post, 4 April 2018, available at: <https://www.phnompenhpost.com/national/migrant-arrested-insulting-pm-facebook>; Niem Chheng, “Man briefly detained in Poipet for Facebook post involving LDP head Khem Veasna”, Phnom Penh Post, 8 May 2018, available at: <https://www.phnompenhpost.com/national/man-briefly-detained-poipet-facebook-post-involving-ldp-head-khem-veasna>.

⁹ Mom Sophon, “Radio Free Asia Shuts Phnom Penh Office After 20 Years,” Khmer Times, 13 September 2017, available at: <https://www.khmertimeskh.com/5082702/radio-free-asia-shuts-phnom-penh-office-20-years/>; Thomas Beller, “The Devastating Shutdown of the Cambodia Daily,” New Yorker, 12 September 2017, available at: <https://www.newyorker.com/news/news-desk/the-devastating-shutdown-of-the-cambodia-daily>

In February 2018, the government established a new *lèse majesté* crime within the Cambodian Penal Code (Article 437). Any insult to the King expressed in “words, gestures, writing, painting or objects that affect personal dignity” is punishable by up to five years’ imprisonment in addition to a fine.¹⁰ Organisations found guilty of *lèse majesté* can be shut down. Cambodia has already arrested at least three individuals under the new *lèse majesté* provision, and has threatened to bring charges against critics.¹¹

The Assembly of Delegates of PEN International therefore urges the government of the Kingdom of Cambodia to:

- Release reporters Yang Sothearin and Uon Chhin from detention and drop all remaining charges against them; release analyst Kim Sok from imprisonment and vacate his conviction; and drop all remaining charges against journalist Huot Vuthy.
- Conduct a full, impartial, and independent investigation into the murder of writer and political commentator Kem Ley.
- Immediately end the politicised prosecution of radio stations and other media outlets.
- Repeal the *lèse majesté* provision of the Cambodian Penal Code, and release all those arrested or convicted under this provision.
- Decriminalise defamation, public insult, and other crimes that criminalise speech-based offenses; and review the cases of all those arrested or convicted for speech-based offenses with the goal of ensuring that such charges or convictions do not impinge upon international guarantees of free expression.
- Revoke the May 2018 *prakas* (joint ministerial order) and commit to ensuring that subsequent digital governance pronouncements will respect and uphold international guarantees of free expression and related rights, and release all those convicted of crimes connected to digital speech that are protected under international guarantees of free expression.

¹⁰ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22674&LangID=E>

¹¹ The three individuals arrested under this provision are **Kheang Navy**, **Ban Samphy**, and **Ieng Cholsa**. Niem Chheng, “Arrest for *lèse majesté* violation”, Phnom Penh Post, 14 May 2018, available at: <https://www.phnompenhpost.com/national/arrest-lese-majeste-violation>; Niem Chheng, “Second man charged under country’s *lèse majesté* law”, Phnom Penh Post, 22 May 2018, available at: <https://www.phnompenhpost.com/national/second-man-charged-under-countrys-lese-majeste-law>; Niem Chheng, “Third violator of *lèse majesté* law arrested”, Phnom Penh Post, 18 June 2018, available at: <https://www.phnompenhpost.com/national/third-violator-lese-majeste-law-arrested>.