

Observers hail Takeo court ruling

BY SEBASTIAN STRANGIO
AND CHHAY CHANNYDA

LOCAL and international organisations have welcomed the acquittal of a Radio Free Asia reporter and four rights activists by Takeo provincial court on Friday, saying the ruling could set an important precedent for future defamation and disinformation cases.

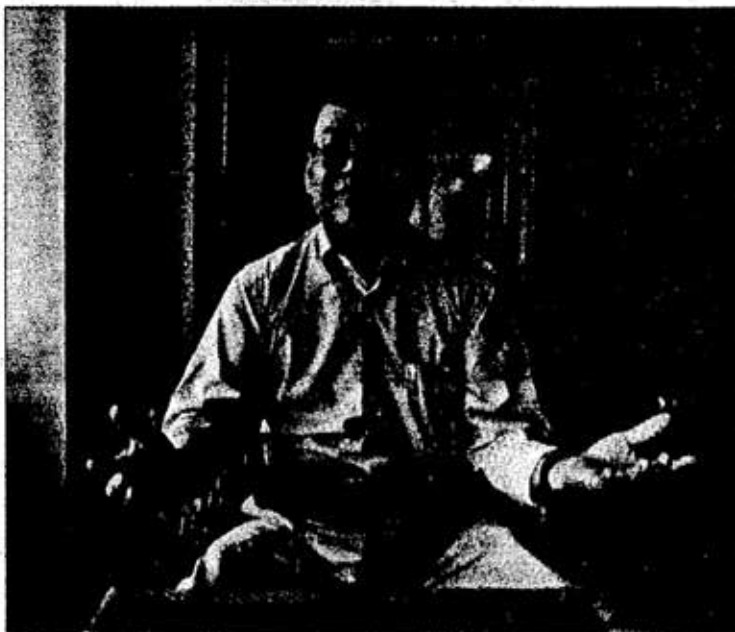
In a statement issued on Friday, the Office of the UN High Commissioner for Human Rights (OHCHR) in Cambodia hailed the ruling of the court as a step forward in the struggle for freedom of expression.

"The Court's decision is a significant step towards the protection of the right of human rights defenders and journalists to freely and peacefully express themselves on matters of public interest, without fear of reprisals," the statement said.

On Friday, the court acquitted rights activists Cheab Chiev and Khoem Sarum, Radio Free Asia journalist Sok Serey and two Cham community representatives, Ny San and Seb Sein, on charges of disinformation. Ny San was found guilty of destruction of property and sentenced to five months in prison.

The five were first charged in September last year under the 1992 UNTAC Criminal Code, following a radio interview the previous December that discussed a dispute between Cham community leader Rim Math and 206 members of his mosque in Takeo's Kampong Youl village.

The OHCHR praised the fact that the court's ruling was based explicitly on the lack of any malicious intent on the part of the accused, saying it could



Radio Free Asia reporter Sok Serey, pictured Sunday, was acquitted of disinformation charges in Takeo provincial court on Friday. SOVAN PHILONG

act as a precedent for future cases.

"The Office encourages magistrates to draw inspiration from this ruling in their interpretation and application of the law, in order to limit restrictions on freedom of expression in compliance with Cambodia's human rights treaty obligations," it concluded.

Moeun Chhean Nariddh, director of the Cambodian Institute for Media Studies, said that before deciding to convict in such cases, judges need to conclude not only that the accused peddled false information, but that this was done with malicious intent.

"As human beings [journalists] can make mistakes, but they do not necessarily have any malicious intent," he said.

According to some observers, the issue of intent has never directly been addressed in previous defamation and disinformation cases, making the Takeo case a "very significant" step forward.

"This could be a tool for advocates of free speech to use in future court cases," said Ou Virak, president of the Cambodian Centre for Human Rights.

In light of the spate of lawsuits filed against journalists and government critics in 2009, however, Moeun Chhean Nariddh said the leniency of the ruling was likely linked to the fact that Sok Serey worked for Radio Free Asia, a US-backed media outlet.

"It would make the courts of Cambodia look bad if they put a journalist

working for a US-funded radio station in jail," he said, though he added that the ruling was nonetheless a "good sign" for press freedom in Cambodia.

Ek Kandara, lawyer for the plaintiff Rim Math, said on Friday that his client would not appeal the verdict, describing the trial as "fair and just".

Damning report

The issue of Cambodian media freedom was also raised in a report released by the Paris-based Reporters Without Borders on Friday. The report claims the jailing of *Khmer Machas Srok* publisher Hang Chakra in July last year broke a pledge made by Prime Minister Hun Sen in 2006 that journalists would no longer be jailed for what they wrote.

"The jailing of several opposition journalists has cruelly shown that the promise has not been kept. It has been compounded by judicial harassment of government opponents and the journalists who interview them," the 11-page report stated.

"The international community has strongly condemned these reversals and there is still time for Hun Sen's government to make lasting improvements to respect for press freedom."

Phay Siphon, spokesman for the Council of Ministers, rejected the accusation that the prime minister had "broken his promise" to the nation, saying the government generally welcomed criticism.

"The law gives journalists the right to express themselves," Phay Siphon said. He added, though, that reporters should be "fair" and avoid making personal insults. "Journalists have to be professional and adhere to a code of conduct," he said. ■