



Source: CamboJA News

CAMBODIAN JOURNALIST CONVICTED ON VAGUE INCITEMENT CHARGES FOR POLITICAL CRITICISM

This statement can be attributed to a spokesperson for the Clooney Foundation for Justice. For further inquiries, please contact info@cfj.org.

CHARGES

Incitement to Disrupt Social Order

OUTCOME

18 Month Sentence (With Credit for Time Served)

TRIALWATCH MONITOR

American Bar Association Center for Human Rights

November 11, 2020

TrialWatch, a Clooney Foundation for Justice initiative, through the American Bar Association Center for Human Rights, monitored the trial of journalist Ros Sokhet in Cambodia. Sokhet was charged with ‘incitement’ under Articles 494 and 495 of Cambodia’s Criminal Code for Facebook posts critical of Cambodian Prime Minister Hun Sen, among others. During his one-day trial, the prosecution presented no evidence that Sokhet had intended to incite anyone, nor any evidence regarding the potential harm his posts could have caused. Yet, he was convicted today and sentenced to 18 months imprisonment in violation of his right to freedom of expression.

Ros Sokhet’s case is just one among many in which [Cambodia is misusing its ‘incitement’ law to prosecute journalists and activists.](#) Because this law imposes criminal penalties without being sufficiently precise, it violates the principle of legality.

Further, the UN Human Rights Committee has made clear that where speech is to be restricted because of a potential threat to public order, the authorities must “[specify the precise nature of the threat.](#)” Here, the primary evidence presented in court was the testimony of a police officer who said that he had “read some of [the posts] and . . . [thought that they] could provoke social insecurity.” This is plainly insufficient to meet international standards. With Sokhet suffering from serious health conditions, and having already spent more than four months in pre-trial detention, **CFJ calls on Cambodia to reverse Ros Sokhet’s unjust conviction and release him; CFJ further calls on Cambodia to reform its incitement law.**

BACKGROUND

Ros Sokhet is the publisher of the online outlet *Cheat Khmer* (“Khmer Nation”). The charges in this case stem from several Facebook posts that alleged, among other things, that Prime Minister Hun Sen had ‘conspired with criminals’ and was corrupt. Sokhet also argued in one post that Hun Sen should not appoint his son as his successor. On this basis, Sokhet was prosecuted under Articles 494 and 495 of the Criminal Code of Cambodia, which criminalize “direct incitement to commit a felony or disrupt social order by . . . writing or picture of any kind, either displayed or distributed to the public.”

At trial, Ros Sokhet explained that he had wanted to boost traffic to his Facebook page by giving his posts provocative titles and that he did not have any intent to incite social unrest. The prosecution presented no evidence to contradict Sokhet’s explanation of his intent. Further, a police officer testifying at trial—the only prosecution witness—admitted under examination that the police had received no complaints about the Facebook posts, but that he simply thought they “could provoke social insecurity.”

A full TrialWatch Fairness Report, based on monitoring of the one substantive hearing, will be made available shortly at www.trialwatch.com.

ABOUT THE CLOONEY FOUNDATION FOR JUSTICE’S TRIALWATCH INITIATIVE



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The Clooney Foundation for Justice's [TrialWatch](#) initiative monitors and grades the fairness of trials of vulnerable people around the world, including journalists, women and girls, religious minorities, LGBTQ persons and human rights defenders. Using this data, TrialWatch advocates for victims and is developing a Global Justice Ranking measuring national courts' compliance with international human rights standards.