



Source: CamboJA News

Trial Grade: D

CHARGES

Incitement to Disrupt Social Order

OUTCOME

Convicted and Sentenced to 18 Months' Imprisonment

FAIRNESS REPORT

Authored by Staff at the American Bar Association Center for Human Rights

CAMBODIAN JOURNALIST ROS SOKHET'S CONVICTION VIOLATED HIS RIGHTS

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

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A TrialWatch Fairness Report released today concludes that the trial of a Cambodian journalist was marred by serious human rights violations. The court convicted the journalist of "incitement to disrupt social order" under Article 295 of Cambodia's Criminal Code based on comments he posted to his Facebook page on behalf of his news outlet. He was then sentenced to 18 months' imprisonment.

The journalist, Ros Sokhet, had posted comments critical of Cambodian Prime Minister Hun Sen among other government officials. As the authorities stated, Mr. Sokhet committed a crime by "[criticizing the top leader.](#)" The Report, authored by staff at the American Bar Association Center for Human Rights, finds that the trial violated Mr. Sokhet's right to freedom of expression. The Report further finds that the trial violated his right to be presumed innocent due to the court's unquestioning acceptance of prosecution assertions, despite a lack of evidence that Mr. Sokhet had intended 'disruption.' More broadly, the Report concludes that Article 295's criminalization of 'disruption of social order' is inconsistent with international standards on freedom of expression.

The Report gives the proceedings a grade of "D" (on a scale of A to F) noting that they reflect "a pattern in which the Cambodian authorities have used incitement charges to target dissenting voices and have issued convictions despite scant evidence." As TrialWatch has [documented](#), Cambodia is increasingly weaponizing vague laws to quash dissent.

The Report elaborates on the ways in which Cambodia's incitement law violates international standards. It finds that the law's "sweeping language" is "insufficiently precise," making it difficult for individuals to know whether their conduct could be criminal. It concludes that the "imprecision of the term 'social order' potentially places a broad swath of non-violent political speech within the scope of the law," in violation of the international-law requirements of necessity and proportionality.

CFJ calls on the court of appeals to reverse Mr. Sokhet's conviction and reiterates its [call on the Government of Cambodia to repeal or reform its incitement law.](#)

BACKGROUND

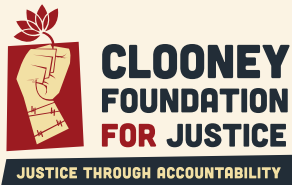
The charges against Mr. Sokhet were based on comments critical of Prime Minister Hun Sen, among others. For instance, one comment suggested that Prime Minister Hun Sen's three sons and Dy Vichea, his son-in-law and the Head of the National Police Espionage Unit, had been monitoring the Minister of the Interior's conversations in order to ensure that the latter would not become the next Prime Minister. Another comment suggested that Prime Minister Hun Sen had encouraged banks to confiscate the property of individuals who could not pay back their loans. Other comments accused prominent government figures of misconduct.

At trial, the prosecution offered no evidence that Mr. Sokhet had intended to incite disorder, as required by Cambodian law. Mr. Sokhet maintained that he had made the posts in order to drive traffic to his Facebook page and denied intent to incite disorder. Despite a lack of prosecution evidence with respect to intent, the court cursorily concluded that "[t]here [was] consistency between the statements of Ros Sokhet's confession and the photographic evidence proving that Ros Sokhet had used his Facebook account for posting ... which shows that Ros Sokhet actually posted articles on Facebook that were intended to cause serious social security unrest."

Further, the only evidence that incitement had in fact occurred was the testimony of a single police officer, who had not even read all of Mr. Sokhet's posts and admitted that the police department had not received any complaints about the posts. The officer did not specify what type of disorder might be incited or who could allegedly have been incited. The Report notes that yet again "[t]he judgment unquestioningly accepts the prosecution's account." The Report concludes that the verdict's lack of engagement with the issue of intent and the qualification of Mr. Sokhet's acts as incitement not only violated Mr. Sokhet's right to be presumed innocent, but also his right to a reasoned judgment.

For a full legal analysis of the trial and explanation of the grade that has been provided, please see the [Fairness Report](#).

ABOUT THE CLOONEY FOUNDATION FOR JUSTICE'S TRIALWATCH INITIATIVE



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, 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.