



The Lèse-Majesté Criminal Offense



Criminal Code - Article 437-bis “Insulting the King”

On 27 February 2018, the Criminal Code of the Kingdom of Cambodia was amended to include Article 437-bis, entitled “Insulting the King”, also known as a “Lèse-Majesté” offense.

- ➔ This provision prohibits anyone from defaming, insulting or threatening the King through “any speeches, gestures, scripts/writings, paintings or items that would affect the dignity’ of the King”.
- ➔ Violating this article carries a prison sentence of up to five years and a fine of up to ten million riels (US\$2,500) for individuals.

International Human Rights Law

Article 437-bis is a restriction to the right to freedom of expression, as guaranteed by Article 42 of the Cambodian Constitution & Article 19 of the International Covenant on Civil and Political Rights (“ICCPR”).

Under the ICCPR, the right to freedom of expression may only be subject to restrictions that are:

- (1) Prescribed by law, and
- (2) Proven as necessary
- (3) for (a) the respect of the rights or reputations of others, or (b) the protections of national security or public order, or of public health or morals.

Article 437-bis, constitutes an impermissible restriction to the freedom of expression.*

Within one year after the promulgation of the lèse-majesté amendment to the Criminal Code, two individuals were convicted under the new article 437-bis for allegedly insulting the King on Facebook posts.



Case 1: Ban Samphy

STATUS: Convicted

In May 2018, Ban Samphy, a 70 years old barber and former Cambodian National Rescue Party (CNRP) Chi Kreng district deputy party leader, was arrested in Siem Reap for allegedly sharing a picture and text on Facebook deemed insulting to the King. In **October 2018**, he was **convicted** by the Siem Reap Provincial Court, and sentenced to one-year imprisonment, five months of which were suspended. After seven months in jail, Samphy should have been released, but the decision was reportedly delayed due to an Appeal from the provincial prosecutor that blocked his release.

Case 2: Ieng Cholsa

STATUS: Convicted

In June 2018, Ieng Cholsa was arrested in Phnom Penh under the lèse-majesté offense for posting messages and images allegedly criticizing the King on Facebook. On **9 January 2019**, he was **convicted** and sentenced to three years in prison and ordered to pay five million riels by the Phnom Penh Municipal court.

Case 3: Kheang Navy

STATUS: Reportedly charged & reportedly released from pre-trial detention

A 50-year-old primary school principal, Kheang Navy, was reportedly arrested and placed in pre-trial detention in Kampong Thom Province in May 2018 for allegedly making comments on Facebook about the purported role of the King in CNRP’s dissolution. He was reportedly released from pre-trial detention in December 2018.

Case 4: Sam Rainsy

STATUS: Charged

In June 2018, former opposition leader Sam Rainsy was summoned to appear at the Phnom Penh Municipal Court on 12 July 2018 for questioning in relation to a Facebook post that allegedly violated the ‘lèse-majesté’ offense. Sam Rainsy currently lives in exile and failed to appear in Court.

* For a full legal analysis of Article 437-bis of the Cambodian Criminal Code, see: CCHR, ADHOC, SC and ICNL, ‘Cambodia Fundamental Freedoms Monitor: Second Annual Report,’ (September 2018), available at: cchrcambodia.org/ffmp/report2

