

The continued legal harassment of ex-RFA journalists Yeang Sothearin & Uon Chhin



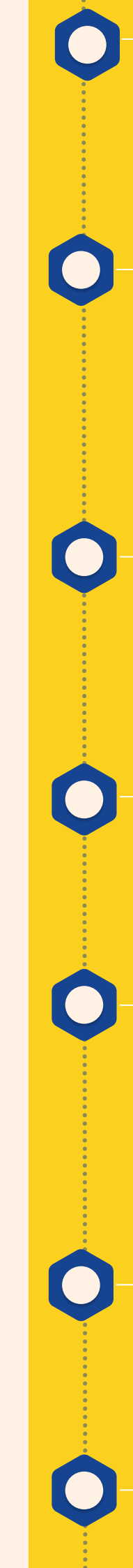
Yeang Sothearin and Uon Chhin are two freelance journalists who have been continuously persecuted by the Royal Government of Cambodia since their arrest in November 2017. Their case is one of the most emblematic cases of judicial harassment of independent journalists in Cambodia.

Facts of the Case

Journalists Yeang Sothearin and Uon Chhin used to work for Radio Free Asia media (“RFA”) in Phnom Penh and report on issues of social justice until the radio station decided to shut down its office in Cambodia in **September 2017**, citing the repressive environment and ongoing harassment of their journalists. After the shutdown of RFA in Cambodia, Chhin started a wedding and karaoke video production business that they operated from a hotel room in Phnom Penh.

Legal Harassment

On 14 November 2017, Yeang Sothearin and Uon Chhin were arrested by the police under accusations that they were continuing to report to the shutdown RFA by running an informal studio out of a hotel room. At the time of arrest, the police did not specify the reason for the arrest. The police later stated they arrested the pair for running an unlicensed karaoke studio. According to the preliminary judgment, the authorities decided to investigate them after conducting an administration inspection that led to the discovery of broadcasting devices and equipment in their hotel room.



On 18 November 2017, the Phnom Penh Municipal Court formally charged them with “supplying a foreign state with information prejudicial to national defense” under the article 445 of Cambodian Criminal Code, - otherwise termed as espionage- an offence that carries a sentence up to 15 years in prison. They were also placed in pre-trial detention in Phnom Penh’s Prey Sar prison.

On 28 March 2018, while they had been detained for over three months, the Phnom Penh Municipal Court additionally charged them with the alleged production of pornography under Article 39 of the Law on the Suppression of Human Trafficking and Sexual Exploitation, which carries a prison sentence of up to one year. These charges were based on pixelated images of people in sexual positions, published a day prior by government - aligned media outlets.

On 21 August 2018, they were released on bail, after more than nine months in the pre-trial detention, but were kept under judicial supervision, which entailed relinquishing their passports to ensure they did not flee the country and presenting themselves at the local police station on a monthly basis. Both journalists have claimed that their bail conditions have prevented them from earning a living.

On 26 July and 9 August 2019, the pair’s first hearings took place before the Phnom Penh Municipal Court. The prosecutor’s case allegedly revolved around documents found on Chhin’s computer and phones, such as messages he had exchanged with a communication officer at the Embassy of the United States.

On 3 October 2019, The Phnom Penh Municipal Court failed to issue a judgment on the espionage charges on the ground that further investigation was required due to insufficient evidence proving that the equipment found was used to commit the alleged crime and ordered a reinvestigation into both charges. However, no timeline was set for the completion of this second investigation.

Both journalists appealed against the reinvestigation into their charges. In December 2019 and January 2020, after the Phnom Penh Appeal Court rejected their appeals on the grounds that the Phnom Penh Municipal Court had not concluded their proceedings into the case. However, the appeal judge did not specify what proceedings needed to be completed by the Phnom Penh Court.

This decision of the lower courts to reinvestigate the espionage and pornography charges was upheld by the Supreme Court in July and October of 2020.

Current Status of the Case

The persecution of the pair was decried by Cambodian civil society and the international community. In 2019, the United Nations Working Group on Arbitrary Detention adopted an opinion on the case in which they declared that the deprivation of liberty suffered by Sothearin and Chhin was arbitrary as it contravened the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The UN Working group requested the RGC to take all the necessary steps to remedy their situation without delay, which the Cambodian authorities have failed to do so far.

On 7 April, 2022, Mr. Sothearin under judicial supervision requested for passport which court confiscated was rejected. The two journalists have been kept in legal limbo for the past four years, with the threat of criminal charges and lengthy prison looming over them despite the clear absence of substantial evidence against them.

Recommendation

The legal harassment that Yuang Sothearin and Uon Chhin have endured in the past four years constitutes a gross violation of freedom of expression and press freedom and exemplifies the RGC's weaponization of the subservient judiciary to prosecute critical voices in Cambodia in order to silence them.

CCHR recalls that press freedom is a key pillar of a flourishing democracy and urges the authorities to immediately and unconditionally drop all the charges against Yang Sothearin and Uion Chhin and to cease all judicial harassment of those who exercise their freedom of expression to raise issues of public interest.