

## **End Judicial Harassment and Impunity for Attacks Against Independent Media in Cambodia, Burma, and Vietnam**

### **Public Statement**

2 November 2017

**The International Day to End Impunity for Crimes Against Journalists should be a wake-up call to end the repression and abuse of independent media workers. With a clampdown on independent journalism throughout the region, Civil Rights Defenders calls on the Governments of Cambodia, Burma, and Vietnam to abolish those laws permitting judicial harassment and creating a climate of impunity for attacks against independent media.**

According to UNESCO, since 2006 around 930 journalists throughout the world have been killed for their reporting. Nine out of ten cases go unpunished. Seeking to address this, in 2013, the United Nations General Assembly adopted a [resolution](#) establishing 2 November as the International Day to End Impunity for Crimes Against Journalists. This day should serve as a wake-up call to put an end to the escalation of judicial harassment, arbitrary detention, and violence targeting independent media workers in Cambodia, Burma, and Vietnam

Since 1993, at least 13 journalists have been killed in **Cambodia**, with no known convictions of the perpetrators. Leading up to parliamentary elections next July, Prime Minister Hun Sen has been waging a renewed assault against freedom of expression. Following the closure of independent radio station Voice of Democracy, by the end of August over 30 radio broadcasters had been closed, leading Radio Free Asia (RFA) to end its 20-year presence in the country. The independent, English-language *Cambodia Daily* has likewise been forced to end its 24-year operation, following the arbitrary imposition of a crippling 6.3-million-dollar tax bill, levied with no other purpose than to garrotte press freedom. Two *Cambodia Daily* journalists, Aun Pheap and Zsomer Peter, have been charged with 'incitement,' Article 495 of the Penal Code, a crime that carries up to two years in prison and is often used against human rights defenders engaged in peaceful expression and assembly.

After an initial reform of censorship regulations following the 2012 election, freedom of expression is again under heavy attack in **Burma**. Defamation charges are increasingly wielded to harass and detain journalists and bloggers. The criminal defamation provision of Section 66(d) [provides](#) for up to three years in prison, for “extorting, coercing, restraining wrongfully, defaming, disturbing, causing undue influence or threatening any person using a telecommunications network.” Since 2013, more than 70 people have been charged under the law, such as journalist Swe Win, who faces defamation charges for comments on Facebook, in which he accused extremist Buddhist monk Ashin Wirathu of hate speech against the Rohingya. Before 2015, and the transition to a nominally civilian government, Section 66(d) had only been used seven times, signalling an alarming spike in prosecuting free expression.

The 2014 death in military custody of journalist Ko Par Gyi, who had been arrested while reporting in a conflict zone, has still not been prosecuted. The Government abandoned its investigation in April 2016, and in December another journalist, known for reporting on illegal logging, Soe Moe Tun, was found murdered. His death, likewise, remains unpunished.

**Vietnam** is the world’s second largest jailer of citizen journalists<sup>1</sup>, who in Vietnam’s tightly controlled media landscape are the only source of independent information. From June to September 2017, three citizen journalists were given outrageous prison sentences. Me Nam (aka Mother Mushroom) and Tran Thi Nga were sentenced to ten and nine years respectively for spreading propaganda against the state, under Article 88 of the Penal Code. In September, citizen journalist Nguyen Van Oai was sentenced to five years in prison for allegedly violating the terms of his probation, having previously been sentenced under Article 79 of the Penal Code to four years of imprisonment plus three years of residential surveillance.

Bloggers and other human rights defenders in Vietnam are frequently attacked in public, such as in August 2015 when Tran Thi Nga and a group of bloggers were dragged from a bus and beaten on their way to visit fellow blogger Tran Minh Nhat. Perpetrators are seldom, if ever prosecuted.

When those who seek to exercise their fundamental freedoms, such as the freedom of expression, can be arrested and convicted without due process, it sends a signal. Judicial harassment of independent media is often associated with the dehumanization of journalists and bloggers. This emboldens acts of violence against them. As [noted](#) in the UN Plan of Action on the Safety of Journalists, “*Promoting the safety of journalists and fighting impunity must not be constrained to after-the fact action. Instead, it requires prevention mechanisms and actions to address some of the root causes of violence against journalists and of impunity.*” This means abolishing laws that target journalists and curtail the freedom of

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<sup>1</sup> See Reporters Without Borders 2017 World Press Freedom Index, <https://rsf.org/en/ranking>



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expression. For this reason, to mark the International Day to End Impunity for Crimes Against Journalists, Civil Rights Defenders calls on:

- The Governments of Cambodia, Burma, and Vietnam to immediately repeal those sections of their domestic laws that allow for the ongoing judicial harassment of journalists and media workers;
- The Governments of Cambodia, Burma, and Vietnam to immediately initiate independent investigations into unresolved cases of violence and extrajudicial killing of journalists and media workers;
- All United Nations Member States to support the appointment of a Special Representative to the United Nations Secretary General for the safety of journalists.