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Asia - Cambodia

Criticism forbidden

Heavy damages award against blogger threatens all netizens

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Online freedoms endangered by libel case ruling and proposed cybercrime law

A Phnom Penh municipal court found Phnom Penh-based British journalist and blogger **Rupert Winchester** guilty of defamation on 24 July, setting a disturbing precedent just a few months after the leak of a draft cybercrime law that also poses a threat to online freedom of information and expression.

In a country where the ruling Cambodian People's Party controls most the broadcast and print media, independent journalists and netizens have until now been free to post information and express views on the Internet, but for how much longer?

On 7 June 2013, Winchester posted an article on his blog, "[The Mighty Penh](#)," about the need to protect Cambodia's architectural heritage, citing the example of a property development company called CityStar that was trying to sell a colonial-era villa for 14 million dollars on the understanding that the purchaser could demolish the villa and build a seven-storey condominium on the site.

Etienne Chenevier, the French director of CityStar's Asia division, brought a libel suit against Winchester after previously denying any provision for tearing down the villa and threatening to sue if the story was published. After hearing the suit on 24 July, the Phnom Penh court fined Winchester 8 million riels (2,000 US dollars) and ordered him to pay 100 million riels (25,000 US dollars) in damages.

"We are dismayed by this ruling, which is a sad reminder of how little importance the Cambodian justice systems gives to freedom of information," said Benjamin Ismail, the head of the Reporters Without Borders Asia-Pacific desk.

"The penal code has again been used to convict a journalist in a totally disproportionate manner although there is a press law that does not criminalize defamation. This ruling even seems to ignore the fact that Winchester's story included Chenevier's denial of any plan to demolish the villa. The courts must be more careful about concluding that defamation has taken place."

Overseas Press Club of Cambodia vice-president Sebastian Strangio told Reporters Without Borders: "This conviction sets a terrible precedent for freedom of speech in Cambodia, especially for comments made on personal blogs and social media. It also draws attention to the inadequacies of Cambodia's defamation laws, which are ambiguous and broadly defined."

Strangio added: "The OPCC hopes that when the case goes to appeal, the judges will use their discretion to reconsider the verdict. As it stands, today's conviction sends the message that no online communication, however insignificant, lies beyond the reach of potential legal sanction by those with the time and money to bring charges."

The ruling is all the more disturbing in the light of a [proposed Cybercrime Law](#) whose existence was revealed by the London-based free speech NGO Article 19 in April.

Under article 28 of this proposed law, which defines the kinds of website content that would be monitored and censored, content "deemed to hinder the sovereignty and integrity of the Kingdom of Cambodia" would be punishable by one to three years in prison and a fine of 2 million to 6 million riels (365 to 1100 euros).

The use of vague expressions such as "publications deemed to incite or instigate anarchy (...) generate insecurity and instability (...) or undermine the integrity of any governmental agencies and ministries" also pose a threat to freedom of information in Cambodia.

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