

# HONG SOK HOUR

## Summary

Sam Rainsy Party (SRP) Senator Hong Sok Hour was charged in August 2015 with forgery and incitement under the Criminal Code for a video he posted on Sam Rainsy's Facebook page. The video included Khmer-language text he alleged to be Article 4 of a 1979 treaty between Cambodia and Vietnam, which said that the two countries had agreed to dissolve the border. Since this version of the article was fake (the real version makes no mention of dissolving the border), Hong Sok Hour was tried for forgery of public documents, as well as incitement. As a Senator, his arrest was based on the authorities' argument that he was caught "in flagrante delicto" (in the act of committing a crime) and the Senate therefore lifted his parliamentary immunity. On 7 November 2016, he was convicted and sentenced to seven years in prison.



## Charges

### Criminal Code, Article 629: Forgery of Public Documents

Any forgery committed in an authentic document or in any document issued by a public administration to confirm a right, an identity or a status, or to grant an authorization is punishable by an imprisonment from 5 (five) years to 10 (ten) years.

### Criminal Code, Article 630: Use of Forged Public Documents

The use of forged public documents as defined in Article 629 (Forgery of Public Documents) is punishable by an imprisonment from 2 (two) years to 5 (five) years and a fine from 4,000,000 (four million) riels to 10,000,000 (ten million) riels.

### Criminal Code, Article 494: Conditions for Existence of Incitement

For the purpose of enforcement of the present Chapter, the incitement is punishable when it is committed:

1. by speech of any kind, made in a public place or meeting;
1. by writing or picture of any kind, either displayed or distributed to the public;
1. by any audio-visual communication to the public.

### Criminal Code, Article 495: Incitement to commit a felony

The direct incitement to commit a felony or to disturb social security by employing one of the means specified in Article 494 (existence of incitement) of this Code shall be punishable by imprisonment from six months to two years and a fine from one million to four million riels, where the incitement was ineffective.

## 2015

**13 August** – Sam Rainsy Party (SRP) Senator Hong Sok Hour goes into hiding after Prime Minister Hun Sen makes a speech accusing him of posting a fake section of the 1979 Cambodia-Vietnam border treaty to his Facebook page the previous day (12 August), and calls for his "urgent" arrest.<sup>1</sup>

**15 August** – Hong Sok Hour is arrested. He is sent to Prey Sar Prison and charged with forgery and incitement the next day (16 August).<sup>2</sup>

**17 August** – In a vote boycotted by the opposition, Cambodian People's Party (CPP) Senators vote to lift Hong Sok Hour's parliamentary immunity and allow for his prosecution.<sup>3</sup>

**19 August** – CNRP staffers Satya Sambath, Chong Leang Ueng, and David Sambath flee to Thailand to seek asylum after being implicated in the case during police interviews with Hong Sok Hour; the first two administer Sam Rainsy's Facebook page, while the third is Hong Sok Hour's personal assistant.<sup>4</sup>

**17 September** – The Court of Appeal denies a bail request for Hong Sok Hour.<sup>5</sup>

**7 October** – During a hearing, Hong Sok Hour claims he found the disputed treaty online and that he did not forge the document himself. The hearing is postponed by the judge when Hong Sok Hour's lawyer requests that the court use its own computer and internet connection to search for evidence of the disputed treaty online. The Phnom Penh Municipal Court orders Hon Sok Hour and his defense lawyer to provide his laptop as evidence to the court before 30 October – an order which Hong Sok Hour and his lawyer appeal.<sup>6</sup>

**19 November** – Investigating Judge Kor Vandy issues an arrest warrants for CNRP staffers Satya Sambath and Chong Leang Ueng, who are accused of incitement and conspiring to forge and use forged public documents in relation to the case against Hong Sok Hour.<sup>7</sup>

**30 November** – The Court of Appeal rejects an appeal to secure Hong Sok Hour's release and to avoid him being forced to hand over his laptop.<sup>8</sup>

## 2016

**26 February** – Hong Sok Hour requests that the Supreme Court grant him temporary bail on medical grounds, with a promise to deposit 5,000 USD and to leave with the court his French and Cambodian passports.<sup>9</sup>

**4 March** – The Supreme Court denies Hong Sok Hour's bail request, made on health grounds, citing a previous decision by the Court of Appeal.<sup>10</sup>

**13 September** – CNRP staffers Satya Sambath, Chong Leang Ueng, and David Sambath, who fled to Thailand after being implicated in Hong Sok Hour's case in August, arrive in France to seek asylum, after an extended stay in the Philippines.<sup>11</sup>

**26 October** – Hong Sok Hour's trial on incitement charges ends, with defense lawyers arguing that the prosecution had not provided sufficient evidence to prove the charges of forgery and incitement. The prosecution argues that the political tensions between the CNRP and CPP at the time of the incident, especially on the issue of the border, made Hong Sok Hour's video inflammatory, and that had the police not taken quick action, "chaos really would have happened."<sup>12</sup>

**7 November** – Hong Sok Hour is convicted on forgery and incitement charges and sentenced to seven years in prison.<sup>13</sup>

## 2017

**5 January** – The Court of Appeal postpones to an unspecified date in February the appeal hearing in Hong Sok Hour's case after he and his defense team fail to appear, following a request by the latter to postpone the hearing.<sup>14</sup>

**23 February** – Hong Sok Hour resigns from the SRP after the National Assembly passes controversial amendments to the Law on Political Parties.<sup>15</sup>

Updated March 2017

1 Phnom Penh Post, "SRP's Sok Hour arrested," 17 August 2015, <http://www.phnompenhpost.com/national/srps-sok-hour-arrested-0>.

2 Phnom Penh Post, "SRP's Sok Hour arrested," 17 August 2015, <http://www.phnompenhpost.com/national/srps-sok-hour-arrested-0>.

3 Phnom Penh Post, "Senate votes on Hong Sok Hour," 18 August 2016, <http://www.phnompenhpost.com/national/senate-votes-hong-sok-hour>.

4 Phnom Penh Post, "CNRP trio seek asylum," 10 September 2015, <http://www.phnompenhpost.com/national/cnrp-trio-seek-asylum>.

5 Phnom Penh Post, "Sok Hour denied bail again by Appeal Court," 18 September 2015, <http://www.phnompenhpost.com/national/sok-hour-denied-bail-again-appeal-court>.

6 Phnom Penh Post, "Court demands senator's laptop," 24 October 2015, <http://www.phnompenhpost.com/national/court-demands-senators-laptop>.

7 Phnom Penh Post, "Warrants issued for Sok Hour 'conspirators'," 2 December 2015, <http://www.phnompenhpost.com/national/warrants-issued-sok-hour-conspirators>.

8 Phnom Penh Post, "Sok Hour loses appeal," 1 December 2015, <http://www.phnompenhpost.com/national/sok-hour-loses-appeal>.

9 Phnom Penh Post, "Ill senator requests bail," 27 February 2016, <http://www.phnompenhpost.com/national/ill-senator-requests-bail>.

10 Phnom Penh Post, "Senator's final bail attempt shot down," 5 March 2016, <http://www.phnompenhpost.com/national/senators-final-bail-attempt-shot-down>.

11 Phnom Penh Post, "Fleeing CNRP youths arrive in France," 13 September 2016, <http://www.phnompenhpost.com/national/fleeing-cnrp-youths-arrive-france>.

12 Phnom Penh Post, "Senator Sok Hour's incitement trial ends," 27 October 2016, <http://www.phnompenhpost.com/national/senator-sok-hours-incitement-trial-ends>.

13 LICADHO, "Opposition Senator Convicted, Sentenced to Seven Years for Facebook Video," 7 November 2016, <http://www.licadho-cambodia.org/flashnews.php?perm=195>.

14 Phnom Penh Post, "Appeal date pushed back for Sok Hour," 6 January 2017, <http://www.phnompenhpost.com/national/appeal-date-pushed-back-sok-hour>.

15 Cambodia Daily, "Jailed Opposition Members Quit Over New Law," 24 February 2017, <https://www.cambodiadaily.com/second/jailed-opposition-members-quit-new-law-125795/>.