

CAMBODIA

THE WAR AGAINST FREE SPEECH

Letter from Human Rights Watch and the New Cambodian Press Law

Over the last year, the Royal Cambodian Government has waged a campaign to silence its critics, targeting independent newspapers and political figures for prosecution and harassment. On more than a dozen occasions, it has suspended, shut or confiscated newspapers or brought criminal complaints against journalists.¹

A controversial new press law is unlikely to halt these abuses as it allows confiscations, closures and criminal prosecutions to continue. This report contains the text of a Human Rights Watch letter to the Cambodian government protesting the censorship campaign and the text of the new press law.

The press law, enacted after much debate and controversy, contains a number of positive features, among them the guarantee that the press has the right to preserve the confidentiality of its sources, the prohibition of pre-publication censorship, and the right of access to government-held information.² These assets, however, are undermined by the continued application of criminal law to the publishing of material that “may affect national security or political stability.”³ The government is presently seeking the investigation and prosecution of as many as five Khmer-language newspapers and one English-language bi-weekly, the *Phnom Penh Post*. The case of the *Post* illustrates the weakness of the press law’s guarantees in the face of the government’s determination to press criminal charges. At issue is an article written by Nate Thayer titled “Security jitters while PMs away,” describing various security measures and political intrigues while the prime ministers attended a major donors meeting, attributing some of the information to unnamed official and diplomatic sources. Despite the guarantee that the press has the right to preserve the confidentiality of its sources, a government lawyer has told the *Post* that the government seeks to learn the identity of these sources for the article at issue.

¹ For further details on actions against the press, see Human Rights Watch, *Cambodia at War* (New York: Human Rights Watch, 1995), pp. 78-85.

² 1995 Press Law, Arts. 2, 3, and 5 (text in Appendix II).

³ Ibid. Article 12.

The government has not hesitated in the past to use the criminal code as a weapon against critical journalists in situations where Cambodian law and the international guarantees of free expression would not support a prosecution. The latest trial of a journalist illustrates this blatant disregard for legality. Thun Bun Ly, the editor of *Odom K'ek Khmer* ("Khmer Conscience") was initially charged with "disinformation" under the criminal law adopted by Cambodia's Supreme National Council during the U.N. peacekeeping mission.⁴ The charges rested on five articles and editorial cartoons the paper had published that were critical or satirical of government leaders. Thun Bun Ly explained that each of these was an expression of his own opinions and not a statement of fact, and cited as guarantees of his right to free expression Articles 31 and 41 of Cambodia's constitution.⁵ According to observers at the trial, the editor elaborated, "An editorial is merely that. That is what a journalist does. As a journalist, if you just hold up someone else's balls, the country will soon disappear." At this point the audience broke up in laughter and applause, and the judge adjourned the trial. When it resumed on August 28, approximately thirty military police in riot gear as well as additional police were posted in the vicinity of the court, and only members of the press and nongovernmental organizations were admitted to the courtroom. The judge rejected any distinction between providing an opinion and providing news. Although the new press law requires proof that the publications "affected national security," no details were introduced at trial, other than a simple assertion of a government lawyer to that effect. On August 28, the prosecution introduced for the first time the charge of defamation,⁶ over the protests of the defender Ang Eng Thong of the human rights group ADHOC.⁷

⁴ Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia During the Transitional Period (September 10, 1992) [hereinafter Criminal Provisions], Article 62, provides:

Disinformation

The director or other party responsible for a publication or other means of communication who took the decision to publish, distribute or reproduce by any means information which is false, fabricated, falsified or untruthfully attributed to a third person and did so in bad faith and with malicious intent, provided that the publication, distribution or reproduction has disturbed or is likely to disturb the public peace, shall be liable to a punishment of six months to three years in prison, a fine of three hundred thousand to three million riels [U.S. \$120-1200], or both.

⁵ The Constitution of the Kingdom of Cambodia, 1993, Article 31, provides in relevant part:

The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women's and children's rights.

Article 41 of the Constitution provides:

Khmer citizens shall have freedom of expression, press, publication and assembly. No one shall exercise this right to infringe upon the rights of others, to affect the good traditions of the society, to violate public law and order and national security.

⁶ Raising a new charge at trial, of course, violates the defendant's right to be promptly informed of all charges and to have adequate time to prepare a defense. International Covenant on Civil and Political Rights, Articles. 9.2 and 14.3(b); 1993 Constitution of the Kingdom of Cambodia, Article 38.

Defamation is defined in the 1992 Criminal Provisions, Article 63(1) as:

Any bad faith allegation or imputation of a given fact which harms the honor or reputation of an individual is a defamation. The original publication or reproduction of the allegation or imputation is punishable, even if it refers to a person who is not explicitly named but whose identity is made evident from the defamatory speech, shout, threat, writing, printing, sign, poster, or audiovisual dissemination. Any allegation or imputation against a public figure which the author, the journalist, publisher, editor or producer knows to be false and nevertheless distributes, publishes, writes or circulates with malicious intent is also a defamation.

The article also provides for fines of up to ten million riel and imprisonment of up to one year as punishment, and

At the close of trial, the judge adjourned the court for fifteen minutes and then pronounced the verdict. Thun Bun Ly was found guilty under the criminal law of disinformation and defamation and fined ten million riel (approximately US \$4,000). The court ordered the newspaper closed on the authority of a 1992 press regulation enacted by the legislature of the Hun Sen party which was never adopted as Cambodian law by the Supreme National Council. The court further ordered Thun Bun Ly imprisoned for two years if he fails to pay the fine, a violation of international law prohibiting imprisonment for inability to pay a debt.⁸ Thun Bun Ly has appealed his sentence and is in the process of bringing a civil suit against the government for damages from prior forced closings of his newspaper.

holds employers, printers, publishers, and publishing or distribution companies jointly liable for payment of damages.

⁷ The French acronym for the Cambodian Human Rights Association (*Association des Droits de l'Homme en Cambodge*).

⁸ International Covenant on Civil and Political Rights, Article 11: "No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation."

Nor has government action been limited to professional journalists. On August 5, 1995, police arrested six men for distributing leaflets on the occasion of U.S. Secretary of State Warren Christopher's visit to Phnom Penh. Four of the men, Lim Nem, Kay Vichet, Sam Soun and Sam Sophann, were balloon-sellers in the market who were hired by a fifth man, Son Yin, to tie leaflets onto their balloons, to be floated over the city. Son Yin, in turn, was assisting the sixth man, Sith Kosaing Sin, who wrote the leaflets and was a former leader of the FUNCINPEC⁹ party youth group. The leaflets consisted of one tract politely criticizing the FUNCINPEC party for corruption and "victimizing those in favor of the nation and democracy" and another welcoming King Sihanouk back to the country, stating a list of requests to the government. The six have been charged under the criminal law with incitement that does not result in the commission of a crime,¹⁰ and their application to be released on bail has been refused as of early September. There is no evidence in the leaflets of any incitement to commit any criminal or violent act, although one leaflet did call on "nation-lovers" to "be absolutely against acts of human rights violations, absolute power and the suppression of the voices of the people," and the other called upon Secretary Christopher to "help Cambodia to abide by human rights, follow democracy, obey the law and promote independence of the courts, insure the press law can guarantee freedom of expression and the right to speak out against corruption."¹¹

These actions come against a backdrop of steady constriction of democratic institutions that are protective of freedom of speech. In June 1995, the controversial FUNCINPEC legislator and former minister of finance, Sam Rainsy, was expelled from the National Assembly after Prince Ranariddh had him removed from the party. There are no provisions of Cambodian law that allow the expulsion of a member of parliament (and the consequent loss of parliamentary immunity) under these circumstances, and courts so far have refused to hear Sam Rainsy's legal challenge to his party expulsion. In August 1995, Ieng Mouly, a BLDP¹² legislator and minister of information, expelled from his party Kem Sokha, the head of the National Assembly's human rights committee, along with five other BLDP members.¹³ It is not yet known whether the National Assembly will be asked to expel the four of these members who are legislators also. Many of these legislators have received threats to their safety over the last year. The seriousness of such threats was underscored by the detention of Sam Rainsy's personal bodyguards on July 13-14, in an incident where they claimed they were beaten and forced to "confess" to Sam Rainsy's association with the Khmer Rouge; the government, however, denies that the four men were mistreated.¹⁴ Three journalists known for their critical views have died in

⁹ The French acronym for the royalist party, the United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (*Front Uni National pour un Cambodge Independent, Neutre, Pacifique, et Cooperatif*).

¹⁰ Criminal Provisions, Article 60, provides:

Any person who, by one of the means listed in Article 59, incites the commission of one of the crimes or misdemeanors covered by the present text, without the offense actually being committed, shall be liable to a punishment of one to five years in prison.

The means in Article 59 include "speech," "writings," and "publications" among other methods of communication (not specifying, however, balloons).

¹¹ Texts on file at Human Rights Watch/Asia; see also Amnesty International, "Kingdom of Cambodia: Detention of Six Prisoners of Conscience," (August 14, 1995; AI Index ASA 23/13/95).

¹² The acronym for the Buddhist Liberal Democratic Party.

¹³ The others are Son Sann, the leader of the party, Son Soubert, Pol Ham, and Koy Chhoeurn, all legislators, as well as Keat Sokhun, who is not a legislator.

¹⁴ Human Rights Watch/Asia interviews, July and September, 1995.

suspicious circumstances since 1994, and in no case has the government succeeded in identifying and convicting those responsible.¹⁵

¹⁵ See Human Rights Watch, *Cambodia at War*, pp. 83-85.
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Recommendations:

Human Rights Watch/Asia calls on the Cambodian government to cease criminal prosecutions of journalists immediately and to free the six individuals imprisoned for peacefully attempting to leaflet during U.S. Secretary of State Warren Christopher's visit. The Cambodian government should amend the press law to prohibit criminal prosecution of journalists in any circumstances that go beyond the narrow limits allowed by international law. Human Rights Watch/Asia reiterates its concern for the safety of individuals and public figures who have openly criticized the government, and calls on the government to ensure their security.

Human Rights Watch/Asia

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. The staff includes Kenneth Roth, executive director; Cynthia Brown, program director; Holly J. Burkhalter, advocacy director; Robert Kimzey, publications director; Jeri Laber, special advisor; Gara LaMarche, associate director; Lotte Leicht, Brussels Office Director; Juan Méndez, general counsel; Susan Osnos, communications director; Jemera Rone, counsel; Joanna Weschler, United Nations representative; and Derrick Wong, finance and administration director. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Asia division was established in 1985 to monitor and promote the observance of internationally recognized human rights in Asia. Sidney Jones is the executive director; Mike Jendrzeczyk is the Washington director; Robin Munro is the Hong Kong director; Jeannine Guthrie is NGO Liaison; Dinah PoKempner is Counsel; Patricia Gossman and Zunetta Liddell are research associates; Mark Girouard and Shu-Ju Ada Cheng are Henry R. Luce Fellows; Diana Tai-Feng Cheng and Jennifer Hyman are associates; Mickey Spiegel is a research consultant. Andrew J. Nathan is chair of the advisory committee and Orville Schell is vice chair.



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Appendix I: Letter from Kenneth Roth to the Prime Ministers of the Kingdom of Cambodia

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August 25, 1995

First Prime Minister Samdech Krom Preah Norodom Ranariddh

Second Prime Minister Samdech Hun Sen

Your Excellencies:

Human Rights Watch is deeply concerned by reports that the Royal Government has pressed criminal charges against the *Phnom Penh Post* under Article 62 of Cambodia's 1992 criminal code, seeking to prosecute and fine the publisher and close the newspaper. This is but the latest in a series of government actions, both judicial and legislative, to curtail the freedom of the press and stifle the right to hold and express opinions. Indeed, the Ministry of Information has announced that it intends to pursue prosecutions of other Cambodian journalists as well. We urge you to reverse these actions and put an end to the impression that basic civil liberties in Cambodia have severely deteriorated since the 1993 elections.

Article 62 of the criminal code provides for a fine and up to three years of imprisonment for those who publish false or falsely attributed information "in bad faith and with malicious intent" when the publication "has disturbed or is likely to disturb the public peace." Each of these three elements -- falsity, malicious intent, and disturbance of public peace -- must be present for the government to charge an individual under this law.

The *Phnom Penh Post* story in question, an article by Nate Thayer in the March 24-April 6 edition titled "Security jitters while PMs away," describes various alleged security threats and measures taken by the Royal Government while the prime ministers attended the April 1995 donors' meeting. The article clearly marks many assertions as "rumor" or the opinions or statements of unnamed third parties. The law should never be used to force a journalist to disclose sources merely to prove they are genuine unless there is a highly compelling need. That is because any forced compromise of confidential journalistic sources severely curtails the ability of the press to report on and the people's right to be informed about matters of public interest, such as government abuse. In Mr. Thayer's case, far from showing a malicious intent, he contrasted many of the allegations raised by unnamed sources with statements from named government representatives. This is a standard journalistic technique, and demonstrates at a minimum that the author made an effort to verify and represent the government's position on the subject of the report. Nor is there any evidence that this report "has disturbed" the public peace, let alone that it will do so now, some five months after publication.

Mr. Thayer's story cited "human rights officials" as saying that recent government actions against the press, the U.N. Centre for Human Rights, and opposition politician Sam Rainsy "are the beginning of an official effort to put an end to criticism of the government

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that leaders say undermines its image at home and abroad as a democratic country." This is clearly a statement of opinion rather than information, and as such, could not be subject to Article 62 at all. Indeed, the prosecution of journalists for reporting such opinions serves only to deepen the impression of government abuse.

This is not the first time the Royal Government has initiated a prosecution under Article 62 on dubious grounds. Two journalists have already been convicted under Article 62 for articles that plainly purported to express opinions rather than report facts. On May 19, the editor of *Oddom K'tek Khmer* ("Khmer Ideal"), Thun Bun Ly, was fined five million riel (\$2,000) and sentenced to one year of imprisonment should he fail to pay for printing a letter to the editor titled "Stop Barking Samdech Prime Ministers." The following day Hen Vipheak, the publisher of *Serei Pheap Thmei* ("New Liberty News") was fined five million riel and sentenced to two years of imprisonment should he fail to pay for a cartoon and satire that criticized the three branches of government. A third trial, again of Thun Bun Ly, for six articles expressing opinions highly critical of the government and political figures, is now underway. These cases present a clear misuse of the law, which is narrowly drafted to apply only to misrepresentations of fact and only in circumstances when such misrepresentations are intentional or made with reckless disregard for the truth, and when a disturbance of public peace can be demonstrated. Such provisions should be invoked by the government only in the most egregious circumstances when there is no doubt as to any element of the violation.

For these reasons, we are profoundly concerned that Ministry of Information officials have in the last two days indicated the government is seeking criminal prosecution on unspecified charges of anywhere between two and five other newspapers. One of them, *Samleang Yu Vachuan Khmer* ("Voice of Khmer Youth"), has already received a court summons, although the charges against it are still obscure. Indiscriminate resort to criminal sanctions will place writers in fear of imprisonment should they make honest factual errors or merely express opinions.

Criminal prosecutions are only one of the Royal Government's actions that threaten to destroy freedom of the press in Cambodia. On more than a dozen occasions over the last year, the Ministry of Information has ordered the closure, suspension, or confiscation of newspapers, in many cases relying on a 1992 press regulation that was never adopted as law by Cambodia's sovereign authority of the time, the Supreme National Council. At least three journalists have been killed in the same period in circumstances that have raised questions about official complicity; in no case has the government found and convicted those responsible. These events have instilled a climate of fear that is stifling free debate.

Nor have journalists been the only targets of government prosecutions that undermine free speech. On August 16, 1995, the Royal Government charged and jailed six men under Article 60 of the criminal code for allegedly attempting to incite a crime that was never committed, an offense which can draw up to five years of imprisonment. The accused were arrested on August 5 while trying to tie leaflets to balloons and release them during U.S. Secretary of State Warren Christopher's August 5 visit to Phnom Penh. The leaflets, while critical of government corruption and other alleged abuses, nowhere urge violence or the commission of any crime. One of the leaflets appeals to Secretary of State Christopher to "help Cambodia abide by human rights, follow democracy, obey the law and promote independence of the courts, ensure the press law can ensure freedom of expression and the right to speak out against corruption." Four of the men imprisoned, Lim Nem, Kay Vichet, Sam Soun and Sam Sophann, are balloon sellers who were hired by a fifth, Son Yin. Son Yin, in turn, assisted the sixth detainee, Sith Kosaing Sin, who was the author of the leaflets. Human Rights Watch urges the immediate and unconditional release of these men, whose actions are protected under international guarantees of freedom of expression.

We are also deeply troubled by the Royal Government's proposal and the National Assembly's adoption of a press law that would allow criminal prosecutions to continue when material "affects national security and political stability." The law also permits the Ministry of Information and the Ministry of Interior to confiscate publications or temporarily suspend publications without the approval of a court. Although this law contains many positive features, such as a prohibition of pre-publication censorship, we fear that these protections are meaningless if the threat of closure or prosecution effectively causes journalists to practice self-censorship.

A further assault on free expression is the recent expulsion and threat of expulsion of opposition legislators from the National Assembly because of their political opinions. While political parties are free to set their own conditions of membership, the request by political leaders that the National Assembly strip legislators of their position and parliamentary immunity clearly presents a serious restraint on free speech within the legislature. Sam Rainsy, an outspoken critic of the government, has not only lost his parliamentary seat, but has endured death threats, and the bodyguards he employs to protect him say they have been abducted and assaulted by government officers in an effort to coerce them to implicate Sam Rainsy as a "Khmer Rouge." Now a split in the Buddhist Liberal Democratic Party threatens yet further expulsions from the legislature, including the expulsion of the chairman of the Commission on Human Rights and Complaints.

The impression that the Royal Government endorses this pattern of intimidation and suppression of free speech is reinforced, unfortunately, by First Prime Minister Ranariddh's statement this August that "the Western brand of democracy and freedom of the press is not applicable to Cambodia." The guarantees in the Paris Accords of democracy and fundamental rights such as press freedom were not "Western" but universal, and as such were supported by each Cambodian party and eighteen nations. Freedom of expression and opinion are integral provisions in Cambodia's constitution and the International Covenant on Civil and Political Rights, to which Cambodia is a signatory.

The creation of a free press and a democratic form of government in Cambodia is still recent, and some conflicts are to be expected. However, neither the inexperience of some journalists nor the challenges of managing a coalition government are reasons to curtail universally recognized rights. It is these rights which have fostered some of Cambodia's most striking achievements: a varied and thriving press, a flourishing community of nongovernmental associations, and open debate among those of different political views.

We urge you to protect free speech vigilantly, by abandoning criminal prosecution of journalists and punitive measures against all who peacefully advocate dissenting political views. Such actions would speak loudly, and restore confidence that the Royal Government is genuinely committed to respecting universal rights.

Yours sincerely,

/S/

Kenneth Roth
Executive Director
Human Rights Watch

Appendix II: The Press Law of Cambodia (Translation courtesy of David Ashley)

Kingdom of Cambodia
Nation Religion King

The Press Law

Chapter I **The Rights and Freedoms of the Press**

Article 1:

This Law determines the press regime and guarantees the freedom of the press and freedom of publication in accordance with Articles 31 and 41 of the Constitution of the Kingdom of Cambodia.

Article 2:

The press has the right to preserve the confidentiality of its sources.

Article 3:

In order to preserve the independence of the press, pre-publication censorship is prohibited.

Article 4:

The publication of official information such as communiqués, meetings, minutes of meetings, reports, etc. may not be penalized if such publication is completely in accordance with the truth or is an accurate summary of the truth.

Official information covered by this article refers to:

1. Communiqués, meetings, minutes of meetings, or reports of the National Assembly including all committees and commissions of the National Assembly, except if the National Assembly meets in secret as enshrined in Article 88 of the Constitution of the Kingdom of Cambodia;
2. Communiqués, meetings, minutes of meetings, or reports of the executive including communiqués of ministers and officials;
3. All aspects of the judicial process, including all procedures, except in the following cases:
 - where it is closed to the public by court order;
 - where it is regulated by Article 16 of this law relating to the privacy of individuals in the judicial process;
 - where the case is still under investigation by the court.

Article 5:

1. General Principles

The press has the right of access to government-held information except for any information which causes:

- a serious threat¹⁶ to national security;
- a serious threat to relations with other countries;
- an infringement of the rights of individuals, including, for example, files of civil servants, medical files and other confidential official dossiers and documents;
- an exposure of confidential commercial or financial documents obtained from an individual or a lawful body and an exposure of information relating to the regulation or supervision of financial institutions;
- harm to an individual's right to a fair trial;
- danger to public officials implementing the law or carrying out their duties.

2. Requests for Information

Requests for information must be made in writing and must clearly specify the information requested from the institutions.

The competent officials in charge of those institutions must answer those requests within a maximum of thirty (30) days. If the request is denied, in whole or in part, the reasons for the denial must be clearly specified in writing.

Chapter II **Responsibility of Journalists**

Article 6:

Journalists have the right to establish journalist associations. Such journalist associations must be independent. Each journalist association must adopt its statutes, which shall not be contrary to the law, through a vote of its members. Leaders of a journalist association who are members of its board of directors must be democratically elected.

Article 7:

Each journalist association must establish a code of ethics to be implemented within the association by which journalists shall be obliged to respect the following essential principles:

1. Journalists shall respect the truth and respect the public's right to know the truth.
2. Journalists must disseminate all information in good faith and make commentaries or criticisms accurately and in a spirit of fairness.
3. Journalists must report only facts which they have learned from first-hand sources. Journalists shall not suppress essential information or falsify documents.
4. Journalists shall use only honest methods to obtain news, photographs and documents.

¹⁶ The word translated here and in the next line as "serious threat" can also mean "disaster" or "damage", which meaning is intended here is unclear.

5. Journalists must correct any published information which is imprecise and leads to misunderstanding.
6. Journalists must avoid disseminating information which incites discrimination on the basis of race, color, sex, language, belief, religion, political opinion or tendency, national origin, social status, wealth or other conditions.
7. Journalists must respect the individual's right and freedom to have a private life.
8. Journalists must strictly respect Khmer grammar when writing articles.
9. Publication of obscene texts or pictures and depictions of violence is prohibited.
10. Violation of an individual's right to a fair trial as enshrined in the Constitution of the Kingdom of Cambodia is prohibited.
11. Journalists must regard the following as grave professional abuses:
 - plagiarism;
 - fraudulent misrepresentation, such as writing in an insinuating manner so that the reader has an unjust suspicion about an individual, group or party;
 - slander, defamation and insult;
 - acceptance of a bribe in any form or the soliciting of money in exchange for publishing or not publishing certain information.

Article 8:

Before a press organ begins distribution, the employer or editor must submit an application to the Ministry of Information in order to identify themselves. The Ministry must issue a receipt to the press organ on having received the completed application. Should the director of publications be a member of the National Assembly or any other institution that has immunity, the press organ shall appoint another co-director of publication.

Any employer or editor who fails to respect this formality prior to publication shall be fined five hundred thousand riel (500,000- riel) to one million, five hundred thousand riel (1,500,000 riel.) In case of the violation being repeated, the fine shall be doubled.

Article 9:

The form which must be completed by the employer or editor shall include:

- the identity of the press organ;
- the name and address of the employer or editor;
- the name and address of the printing house;
- a letter testifying to no criminal record.

The Ministry of Information must be notified of all changes in the above information five days (5 days) in advance, except in cases of force majeure.

Article 10:

Anyone who believes that a text, even by insinuation, or a drawing or photograph in a press organ is false, causing harm to his/her honor and dignity, has the right to demand that the organ makes a correction or has the right to reply and he/she can bring a case of defamation or insult for harm to his/her honor and dignity. A correction or reply must be published within a maximum of seven days (7 days) or in the next issue after receiving the demand for a correction or right to reply.

In cases involving a public figure, any false statement or imputation of blame which a journalist has published or reproduced with malicious intent against that public figure is defamation prohibited by law.

If the court finds that a publication is false as charged in a civil action brought by a plaintiff, it can order the press organ to:

- publish a correction;
- pay compensation;
- both publish a correction and pay compensation.

A correction that a journalist is obliged to publish must be published on the same page and in the same size of type as the text found to have harmed another's honor and dignity.

In addition, the court can impose a fine of one million riel (1,000,000 riel) to five million riel (5 million riel.)

Furthermore, in cases where a judgement is made about conduct described in the paragraph above, the court can order that its decision be posted at specified locations at the expense of the accused and the court can order its judgement to be published in one or more press organs and have the accused pay all expenses to a maximum of one million riel (1,000,000 riel.)

Article 11:

The press shall not publish anything which affects¹⁷ public order by directly inciting one or more persons to commit acts of violence.

Commission of the offense described above shall be penalized by a fine of one million riel (1,000,000 riel) to five million riel (5,000,000 riel.)

Victims of the above acts have the right to file a civil suit in the courts. In all cases, the court must examine the direct relationship between the inciting text and the act. Texts that are more than three months old may not be used as the basis for an accusation.

¹⁷ The Khmer word *pahpoal*, means affects negatively; it has been translated in this text variously as "affects," or "harms."

Article 12:

The press shall not publish or reproduce information that affects¹⁸ national security or political stability. The employer, editor or author of the text can be fined from five million riel (5,000,000 riel) to fifteen million riel (15,000,000 riel) without taking into account any possible punishment under criminal law.

The Ministry of Information and the Ministry of the Interior have the right to confiscate the offending text and the issue of the organ in which the offending text is published. The Ministry of Information has the right to suspend publication for a maximum of thirty days (30 days) and to submit the case to the courts.

Article 13:

The press shall not publish or reproduce falsehoods that insult or show contempt for national institutions. Such publications can be penalized by a fine of two million riel (2,000,000 riel) to ten million riel (10,000,000.)

Article 14:

The press shall not publish anything that harms¹⁹ the good customs of society, including:

- indecent words such as “*Ah*” and “*Meung*”²⁰;
- words explicitly describing sexual acts;
- drawings or photographs that depict human genitalia or nudity, unless published for educational purposes;
- degrading pictures that compare humans to animals.

Violations of this article can be penalized by a fine of one million riel (1,000,000 riel) to five million riel (5,000,000.)

Article 15:

Except where there is permission from the court, the press shall not disseminate information, photographs or drawings which may enable readers to know the name or identity of:

- a party in a civil case involving paternity, marriage, divorce or child custody;
- a youth under the age of eighteen (18) involved in a civil dispute or criminal case;
- a woman who is the victim of molestation or rape.

Should the person concerned or his/her custodian agree in writing, the press can disseminate this information unless such dissemination shall adversely affect the court’s investigation.

Any individual whose rights as described above have been infringed by the press have the right to file an action for compensation at the court. Violations of the above provisions shall be punished by a fine of one million riel (1,000,000 riel) to five million (5,000,000 riel.)

Article 16:

¹⁸ See Footnote 17.

¹⁹ See Footnote 17.

²⁰ Words used in colloquial Khmer to refer to someone in a contemptuous or very familiar manner.

A commercial advertisement can be considered deceitful if it excessively exaggerates the quality or qualities of a product or service leading to misunderstanding on the part of the consumer as to the product's or service's quality or qualities.

Such commercial advertisements are prohibited but the press organ that publishes such an advertisement is not legally responsible unless that organ continues to publish the advertisement after it has received a written order from the court or the competent ministry prohibiting it from so doing.

By contrast, the advertiser is responsible before the law and the courts if there is complaint by an individual or consumer association whose interests have been harmed as a result of this deceitful advertisement.

Deceitful advertisement can be punished by a fine of one million riel (1,000,000 riel) to five million (5,000,000 riel.)

Chapter III Competition

Article 17:

No natural or corporate person may own or manage more than two Khmer language press organs in the Kingdom of Cambodia.

Article 18:

The total number of Khmer language press organs owned or managed by foreigners shall not exceed twenty percent (20%) of the total number of Khmer language press organs in the Kingdom of Cambodia.

Press organs managed by foreigners, having been permitted to distribute, cannot be subjected to closure because of a reduction in the total number of Khmer language press organs.

Chapter IV Deposit

Article 19:

Editors or directors of publication must deposit two (2) copies of each issue with the National Library and six (6) copies with the Ministry of Information. This must be done within 15 (fifteen) days of the date of publication if printed in Phnom Penh and within 45 (forty-five) days if printed elsewhere.

Violations of this article shall be penalized by the Ministry of Information by a fine of thirty thousand riel (30,000 riel) to three hundred thousand riel (300,000 riel.)

Chapter V

Final Provisions

Article 20:

Any act committed by an employer, editor or author of a text which violates the criminal law shall be punished according to the criminal law. However, no one shall be arrested or imprisoned as a result of the expression of opinions.

Article 21:

All previous provisions relating to the press are considered null and void.

This law was approved by the National Assembly
of the Kingdom of Cambodia on 18 July 1995
during the fourth session of the first legislature.

Phnom Penh, 18 July 1995

[signed]

LOY SIM CHEANG

for the Chairman of the National Assembly