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Cambodian Center for Human Rights

NOVEMBER 2023

The State of Freedom of Expression, Press Freedom, and Access to Information in Cambodia

Annual Report: 1 September 2022 – 31 August 2023

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Cambodian Center for Human Rights

The Cambodian Center for Human Rights ("CCHR") is a non-aligned, independent, non-governmental organization ("NGO") that works to promote and protect democracy and respect for human rights – in particular civil and political rights – throughout the Kingdom of Cambodia ("Cambodia"). CCHR's vision is of a peaceful Cambodia in which all people can enjoy the fundamental human rights to which they are entitled, all are subject to the rule of law without impunity, all are treated equally without discrimination, all are empowered to participate fully in the democratic process, and all can share in the benefits of Cambodia's sustainable economic development. CCHR's logo – a dove flying in a circle of blue sky – represents the twin principles of peace and freedom.

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About this report

This report is a joint output of CCHR's Advancing Rights in Cambodia: Advancing Access to Information ("ARC") project and Sustaining Independent Media and Fundamental Freedom in Cambodia ("FoEx") project (phase II). The ARC project, which was launched in September 2020, seeks to strengthen and promote access to information and press freedom in Cambodia. The phase II of the FoEx project, which was launched in January 2023, aims to create a widened civic space to allow for the promotion and protection of human rights and fundamental freedoms in Cambodia.

This report is the third annual report produced by the ARC and FoEx project.
The first and second reports, released respectively in April and November 2022, can be found on CCHR's website.

Queries and feedback

Should you have any questions or wish to provide feedback on this report, please email CCHR at info@cchrcambodia.org. This report, along with all other publications by CCHR, is available online on CCHR's website, www.cchrcambodia.org, or on the award-winning Cambodian Human Rights Portal, www.sithi.org, which is hosted by CCHR.

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List of Acronyms and Abbreviations

ARC	Advancing Rights in Cambodia
Cambodia	Kingdom of Cambodia
Constitution	Constitution of the Kingdom of Cambodia
CCHR	Cambodian Center for Human Rights
CSO	Civil Society Organization
FoEx	Freedom of Expression
FFMP	Fundamental Freedoms Monitoring Project
HRD	Human Rights Defender
ICCPR	International Covenant on Civil and Political Rights
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer
MoI	Ministry of Information
MoJ	Ministry of Justice
MPTC	Ministry of Post and Telecommunications
NGO	Non-governmental Organization
NIG	National Internet Gateway
OHCHR	United Nations Office of the High Commissioner for Human Rights
Reporting Period	1 September 2022 – 31 August 2023
RFA	Radio Free Asia
RGC	Royal Government of Cambodia
RSF	Reporters Sans Frontières/Reporters Without Borders
TRC	Telecommunication Regulator of Cambodia
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHRC	United Nations Human Rights Committee
VOA	Voice of America
VOD	Voice of Democracy
WHRD	Women Human Rights Defender

Scope and Methodology

Scope

The present report outlines key information pertaining to the rights to freedom of expression, press freedom, and access to information and findings regarding the state of these rights in the Kingdom of Cambodia ("Cambodia") over a one-year period, from 1 September 2022 to 31 August 2023 (the "Reporting Period"). This annual report focuses more specifically on the right to freedom of expression of journalists and human rights defenders ("HRDs"), as well as on access to information of journalists, and the general public in Cambodia.

Methodology

The information contained in this report was compiled using data systematically recorded from several sources. To report on the current situation regarding the rights to freedom of expression, press freedom, and access to information, desk research was conducted to present the international and domestic legal framework pertaining to these rights. A desk review in the form of a legal analysis of the *Law on the Amendment to Election Laws* and of the *Sub-Decree on Identity Registration of SIM-Enabled Telecommunication Equipment* was also carried out to assess their compliance with international human rights standards.

The data used in the report was gathered through daily media monitoring and through the collection of incident reports by CCHR's *Fundamental Freedoms Monitoring Project* ("FFMP"). This data was complemented with additional data recorded by the ARC and FoEx projects whenever needed. The report also includes case studies on key violations of freedom of expression, press freedom, and access to information, for which information was gathered from available internet sources.

In addition, interviews of journalists and HRDs were conducted to collect their views on the current state of freedom of expression, press freedom, and access to information, as well as their experiences and challenges in exercising these rights while conducting their reporting duties or activism. In the context of the present report, CCHR staff interviewed eight journalists, including two female citizen journalists, as well as ten HRDs, including six women human rights defenders (WHRDs) in July and August 2023. The interviews were conducted both in person and online. As requested by the interviewees, the names of the journalists and HRDs and the publications and organizations involved remain confidential. However, the value of their testimony lies in the views and experiences they have to share rather than in their identity.

CCHR also interviewed 10 journalists (including five women) and five HRDs (including one woman) between November 2022 and March 2023 to draft their portraits ahead of World Press Freedom Day 2023. The information and input they provided is also used throughout this report.

Limitations

It should be noted that the collected data and the reported cases are not exhaustive, as some instances of violation of freedom of expression, press freedom or access to information may go unreported.

Executive Summary

The right to freedom of expression is an umbrella right that also encompasses the right to press freedom and the right to access information. These three rights are intertwined and interdependent. Their realization is fundamental to an equitable and free society in which democracy can flourish and thrive.

Freedom of expression, and with it press freedom and access to information, is protected under both international and Cambodian law. However, Cambodian legislation sets numerous barriers to the full enjoyment of freedom of expression in the country. Legislative developments frequently deal new blows to freedom of expression, as they fail to align with international human rights standards. During the Reporting Period, the Royal Government of Cambodia ("RGC") adopted a *Law on Amendments to the Election Laws* that further restricted the right to freedom of expression in a way that is incompatible with Cambodia's international obligations. In the same way, while legislation protecting access to information is encouraged, the RGC's draft *Law on Access to Information* ("draft law on A2I") does not fully comply with international human rights standards and would benefit from amendments bringing it better in line with such standards.[1] In addition, the RGC has been delaying its adoption despite calls from civil society to promptly legislate on the matter.

Repressive laws are just one of the many tools that the RGC has been wielding to crackdown on freedom of expression in recent years. Intimidation, surveillance, threats, or judicial harassment are also used on a regular basis to target those who dare to speak up, with journalists and HRDs being the primary targets of the RGC's witch hunt against critical voices. The right to freedom of expression of HRDs and press freedom continued to be undermined between 1 September 2022 and 31 August 2023, with at least 16 journalists and 100 HRDs bearing the brunt of the RGC's ongoing repression and zero-tolerance policy towards criticism. Similarly, Cambodia still has a long way to go before the right to access information is fully upheld.

This report outlines the state of freedom of expression, press freedom, and access to information within this period. It contains key data on the state of freedom of expression and its corollaries collected during the Reporting Period, which shows multiple instances of legal harassment of journalists and HRDs, the revocation of several media licenses, and the various challenges in accessing information in Cambodia. This data is complemented by testimonies of journalists and HRDs on the challenges they face in exercising their legitimate work in an increasingly dangerous environment.

In this context, this report provides various recommendations to the RGC to take concrete measures to fulfill its international human rights obligations to protect and promote freedom of expression, press freedom, and access to information in Cambodia.

[1] For a full legal analysis on the draft law on A2I, see CCHR, "The state of freedom of expression, press freedom, and access to information in Cambodia: Annual Report 1 September 2020-31 August 2021", (*CCHR*, April 2022).

Introduction

Freedom of expression is a key pillar of a flourishing democracy.[2] Yet, it has been under sustained attack around the world for the last 17 years. Freedom House data shows that freedom of expression, both for the media and for individuals, has declined more than any other civil liberty over that time period, and that infringement on free expression is one of biggest drivers of global democratic decline.[3]

Cambodia is no stranger to the deterioration of freedom of expression. The country continues its worrying trend of over-policing free speech and silencing critical voices, a repression that was exacerbated ahead of the July 2023 general election. Since 2017, the human rights situation has continued to deteriorate and the civic space to shrink, with the sustained targeting by the RGC of all those who dare express opinions and ideas that are contrary to those of Cambodian leaders, including independent media and HRDs. CCHR's most recent FFMP Report shows that freedom of expression is regularly stifled in Cambodia, with journalists frequently interfered with when reporting on topics deemed "sensitive" such as land issues, or subject to lawsuits for exercising their right to freedom of expression.[4] In addition, the right to access information is far from being upheld in the Kingdom. Obtaining information from public bodies remains challenging in a country in which opacity reigns and in which there is little accountability of government institutions.

As a result of the above, Cambodia ranked 147th out of 180 countries assessed by Reporters Without Borders ("RSF") in its 2023 World Press Freedom Index.[5] Similarly, Freedom House's 2023 Freedom in the World Report[6] classified Cambodia as being "not free," with a poor global freedom score of 24 out of 100; and its 2023 Freedom on Net Report[7] classified it as a "partly free" country with an internet freedom score of 44 out of 100. Lastly, the Economist Intelligence Unit's 2022 Democracy Index ranked Cambodia 121st out of 167 countries assessed, defining it as an "authoritarian country."[8] The 2022 Democracy Index also highlighted the constant decline of democracy in Cambodia between 2006 and 2022,[9] leading to its demotion from a hybrid to an authoritarian regime in the last decade.

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[2] See UNHRC, "Views on Rafael Marques v. Angola", (UN Doc. CCPR/C/83/D/ 1128/2002, 29 March 2005), para.6.8.

[3] Freedom House, "Freedom in the World 2023: Marking 50 Years in the Struggle for Democracy", (*Freedom House*, 2023) .

[4] CCHR, "Cambodia Fundamental Freedoms Monitor: 2022 Annual Report", (*CCHR*, September 2023), page 25, 26.

[5] RSF's World Press Freedom Index evaluates the situation for journalists each year in over a hundred countries and territories, giving them a score out of 100 and classifying them into different categories. The 2023 World Press Freedom Index classifies the press freedom situation of the assessed countries into five categories: good, satisfactory, problematic, difficult, and very serious. See 2023 World Press Freedom Index for more details about Cambodia.

[6] The Freedom in the World Report published by Freedom House assesses the global freedom of countries and territories around the world, giving them a score out of 100 and classifying them in three categories based on their score: free, partly free, or not free countries. See Cambodia's 2023 Freedom in the World Country Report for more details.

[7] The Freedom on the Net Report is an annual survey and analysis of internet freedom around the world conducted by Freedom House. It gives the assessed countries a score out of 100 and classifies them into three categories based on their scores: free, partly free, or not free. See Cambodia's 2023 Freedom on the Net Country Report for more details.

[8] The Democracy Index published by the Economist Intelligence Unit (EIU) assesses the state of democracy worldwide. The Index gives assessed countries a score on a zero to ten scale and classifies them into four categories based on the scores: full democracies, flawed democracies, hybrid regimes, and authoritarian regimes. See the EIU Democracy Index 2022, page 10.

[9] *Ibid*, page 16.

2023 Freedom in the World	2023 Freedom on the Net	2023 World Press Freedom	2022 Democracy Index
Global Freedom Score:	*Internet Freedom Score:*	*Press Freedom Score:*	*Democracy Score:*
24/100	44/100	42.02/100	3.18/10
Not free	**Partly free**	**Difficult situation**	**Authoritarian**

I. The importance of freedom of expression, press freedom, and access to information

The right to freedom of expression is an umbrella right also encompassing the rights to press freedom and access to information. These three rights are intertwined and interdependent, meaning that no right can be realized in the absence of the others. To create a more equitable and free world, the ability for individuals to speak their minds and share and receive information is essential. It allows them to challenge harmful norms and ideologies and to ensure that democracy thrives. Digital technologies have accelerated the rate at which individuals see and consume information and express themselves and have rendered the realization of these rights even more important. They have, however, also provided repressive governments with the rife opportunity to curtail them seemingly without limit.

Freedom of expression

Freedom of expression covers all forms of expression, including spoken and written expression, and a broad range of means, such as books, posts, banners, audio-visual, electronic, and other internet-based models of expression. It also encompasses individuals' right to engage in many discussions, including political discourse, discussions on human rights, or journalism.[10] It is a core pillar of a well-functioning, inclusive and pluralist democracy, allowing individuals to form their own opinions on issues of public importance, disagree with those in power, and expose corruption or wrongdoing. It also enables transparency in both the public and private sectors. When freedom of expression is not guaranteed, citizens cannot challenge the power structures of government or corporate institutions. Freedom of expression is also the foundation for the protection of other human rights,[11] such as the rights to freedom of thought, conscience and religion, assembly, and association.

[10] UNHRC, "General Comment No. 34 – Article 19: Freedoms of opinion and expression", (UN Doc. CCPR/C/GC/34, 12 September 2011), para. 2 (UNHRC, General Comment No. 34).
[11] *Ibid*, para. 11 and 12.

Press freedom

A free and uncensored press enables the dissemination of knowledge, views, and ideas that are necessary for individuals to develop viewpoints, be informed on issues of public interest and governmental decision-making, and exercise their rights.[12] It is essential to ensure that freedom of expression is realized and that democracy flourishes. An independent and diverse media relies on journalists' research, writing, and investigatory skills that allow them to uncover truths and disseminate important information to the public. This ensures that the information citizens receive is reliable, objective, and not biased by external interests. A free press means that no topic is off-limits out of fear of reprisals, thus equipping citizens with knowledge on all pertinent social, political, and economic issues and allowing them to develop opinions on these issues and advocate for change without fear of repercussions.

Furthermore, the press plays a vital role as a government watchdog, ensuring transparency and accountability and exposing government abuses and wrongdoing.[13] Without press freedom, there would be little to no checks on government activities, which could lead to widespread corruption, injustice, and government overreach into the lives of individuals. Thus, the media must be able to freely communicate and comment on information or ideas without censorship or restraint.

Access to information

Citizens have a right to seek and receive information in the public domain.[14] The right to access information also guarantees that the media has access to information on public affairs or of public importance.[15] Access to information ensures transparency of governmental bodies, facilitates the participation of citizens in public life, and increases dialogue and trust between the government and society.[16] If it is limited, transparency and accountability of the government or public officials are unattainable, and the citizens' ability to actively participate in decision-making processes is stifled. Since democracy is rooted in the free flow of information and ideas, access to information is what distinguishes democratic governments from regimes that seek to operate free from accountability and conduct their activities surrounded by a veil of secrecy.

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[12] Norway Ministry of Foreign Affairs, "International efforts to promote freedom of expression and independent media", (*MFA*, 30 November 2020).
[13] UN, "Press freedom more important than ever, as UN condemns killing of 59 media workers", (*UN News*, 23 Dec. 2020).
[14] Frank La Rue, "Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression", (UN Doc A/68/362, 4 Sept 2013), para 2.
[15] UNHRC General Comment No. 34, para 18.
[16] Andrew Ecclestone, "Suggestions on Strategy for Freedom of Information in Cambodia", (September 2008).

II. Legal framework on freedom of expression, press freedom, and access to information

Several international instruments ratified by Cambodia guarantee the right to freedom of expression, and its two key components. While freedom of expression is one of the keystones of every free and democratic society,[17] it is not absolute and can be restricted in narrow circumstances defined under international human rights law.

2.1. International law related to freedom of expression

International Law Protecting Freedom of Expression[18]	Legitimate Restrictions on Freedom of Expression
Article 19 (2) of the Universal Declaration of Human Rights ("UDHR"): guarantees everyone the right to freedom of expression, including the right to seek, receive, and impart information and ideas through any media and anywhere. ***"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."***	**Article 19 (3) of the ICCPR** allows for restrictions on freedom of expression if three cumulative conditions are met. ***"The exercise of the rights provided for in paragraph 2 [the rights to freedom of expression and access information] carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals."***

[17] UNHRC, General Comment No.34, para.1.
[18] The list provided in the table is non-exhaustive.

Article 19 of the International Covenant on Civil and Political Rights ("ICCPR"): guarantees everyone the right to freedom of opinion and expression, including the right to seek, receive, and impart information and ideas of all kinds, anywhere and in any form.

> ***"Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."***

- As the right to freedom of expression is broad in scope, the United Nations Human Rights Committee ("UNHRC"), which oversees the implementation of the ICCPR, has provided further details on what this right entails in **its General Comment No. 34.**[20]

Other international instruments such as:

- Article 5 (viii) of the International Convention on the Elimination of All Forms of Racial Discrimination;
- Article 21 of the Convention on the Rights of Persons with Disabilities;
- Article 13 of the Convention on the Rights of the Child;
- Article 16 of the Universal Declaration on the Rights of Indigenous Peoples.

Any restriction on freedom of expression must therefore:[19]

1. **Be provided by law**: the law must be sufficiently precise and clear when determining what types of expression are restricted, not confer unfettered discretion to authorities, and provide sufficient guidance for them to determine which sorts of expression can legitimately be restricted or not. General bans are therefore forbidden.
2. **Pursue the legitimate aims of guaranteeing the respect of the rights or reputations of others or the protection of national security, public order, public heath, or morals**: measures prohibiting interference with citizens' privacy or unlawful attacks on their reputation, such as defamation laws, are permitted if the two other conditions are met. However, such measures must not suppress freedom of expression. Defamation should be decriminalized whenever possible and laws prohibiting defamation, insult, and threats to the monarchy (*lèse-majesté*) must be repealed. The prohibition of any propaganda for war or incitement to national, racial, or religious hatred is however compatible with international law.
3. **Be strictly necessary and proportionate to the legitimate aim pursued**: States must sufficiently demonstrate that the restriction on freedom of expression they wish to impose is necessary to target the precise nature of the threat by establishing a direct and immediate connection between the expression and the threat. In addition, the restriction cannot go further than what is strictly necessary to achieve the legitimate aim. Overbroad restrictions or general prohibitions on the dissemination of information based on vague and ambiguous ideas, including "false news" or "non-objective information" are incompatible with international human rights law.

[19] See UNHRC, Comment No.34 for more details; See also CCHR Annual FoEx Report 2020-2021, p. 12-15.
[25] See UNHRC, Comment No.34; See also CCHR, "The state of freedom of expression, press freedom, and access to information in Cambodia – Annual Report 1 September 2020 – 31 August 2021", (*CCHR*, April 2022) p. 10-11 (CCHR Annual FoEx Report 2020-2021).

2.2. Cambodian law related to freedom of expression

Freedom of expression, press freedom, and access to information are also guaranteed in Cambodian law.

Cambodian Law Protecting Freedom of Expression
Cambodian Constitution[21] • **Article 41: guarantees the right of all Khmer citizens to have freedom of expression, press, and publication.** ***"Khmer citizens shall have freedom of expression, press, publication, and assembly […]."*** • **Article 35: guarantees all Khmer citizens the right to participate actively in the political, economic, social, and cultural life of the nation.** • **Article 31: makes international human rights instruments ratified by Cambodia directly applicable in domestic law.** **In 2007, the Cambodian Constitutional Council confirmed that international human rights norms recognized by Cambodia are directly applicable in Cambodian courts.[22]**
1995 Law on the Press[23] • **Article 1: guarantees freedom of the press and freedom of publication in line with article 31 and 41 of the Cambodian Constitution.** • **Article 3: prohibits pre-publication censorship.** • **Article 5: guarantees the right for the press to access information in government-held records.** • **Article 20: prohibits holding anyone criminally liable for the expression of an opinion.**

However, the Cambodian legal framework also contains multiple legislative barriers to these rights, with increasingly repressive laws passed by the RGC in recent years. The list provided below is not exhaustive and only highlights the laws that can have an impact on freedom of expression as exercised by the media and HRDs.

[21] Constitution of the Kingdom of Cambodia, English Translation.

[22] Constitutional Council of the Kingdom of Cambodia, Dec. No. 092/003/2007 (*CCC*, 10 July 2007), p.2: "*The term "Laws" as above referred to means the national laws, including the Constitution which is the supreme law, all the laws that remain in force, and the international laws already recognized by the Kingdom of Cambodia*".

[23] Law on the Press, English Translation. In 2019, the MoI announced that he had begun reviewing the press law to bring some articles "*in line with the current situation and the need of the country*." The law is still under revision to date. See Voun Dara, "Gov't to amend Press Law to be 'in line with current reality'", (*Phnom Penh Post*, 6 May 2019) and "Review of Press Law begins", (*Phnom Penh Post*, 27 August 2019).

Cambodian Law Illegitimately Restricting Freedom of Expression
1995 Law on the Press[24] • **Prohibits a wide array of legitimate publications and uses vague terms, opening the door to broad interpretation and the unlawful censorship of media outlets;** • **Provides the RGC with publication confiscation and suspension power with no judicial review nor appeal recourse, making this law a potential tool for the authorities to stifle the media for political ends;** • **Sets up a licensing procedure for the press entirely managed by the RGC and provides the MoI with unchecked power to grant and revoke media licenses without any independent overview mechanism; and** • **Provides an exhaustive list of exceptions to the right to access information contained in government-held records with no recourse for requests for information denied by the government.**
2015 Law on Telecommunications & 2018 Prakas on Social Media and Website Control[25] • **The Telecommunications Law institutionalizes the surveillance of online expression, creates a series of criminal offenses related to the use of telecommunications devices and punishable by imprisonment and significant fines, causing a chilling effect on individual expression of opinion through telecommunications.[26]** • **The 2018 Prakas on Social Media and Website Control vastly broadens the intrusive powers to monitor telecommunications, including internet use, granted to the RGC by the Telecommunications Law. It notably allows the executive branch to manage information published on the internet and to shut down social media pages or websites, severely impacting FoEx online.**
2009 Cambodian Criminal Code[27] • **The *lèse-majesté* offense introduced in 2018 (Article 437-bis) prohibits anyone from defaming, insulting, or threatening the King through any means of expression.[28]** • **Articles 305 and 306 criminalize defamation.** • **Articles 494 to 497, which criminalize incitement, and Article 502, which criminalizes insults, are regularly used to silence independent and critical voices in Cambodia.**
2020 Law on the Management of the Nation in State of Emergency[29]

[24] For a more detailed analysis of the Press Law, see CCHR, "Briefing Note on Media regulation and freedom of expression in Cambodia", (*CCHR*, February 2014).
[25] Law on Telecommunications, English translation; Prakas No. 170 Br.K/Inter-ministerial, "Publication Controls of Website and Social Media Processing via Internet in the Kingdom of Cambodia", (28 May 2018), English translation.
[26] For more details, see CCHR, "Protecting Fundamental Freedoms: A Desk Review of Domestic Legislation and its Compliance with International Law", (*CCHR*, December 2019), p. 37; See also LICADHO, "Cambodia's Law on Telecommunications: A legal analysis", (*LICADHO*, March 2016), p. 1-2.
[27] Criminal Code of the Kingdom of Cambodia, English translation.
[28] For more details, see CCHR, "Briefing note: the criminalization of defamation and freedom of expression in Cambodia", (*CCHR*, May 2014).
[29] For more details, see CCHR, "Cambodia Fundamental Freedoms Monitor, Fifth Annual Report April-December 2020", (*CCHR*, April 2021), p. 12-13.

- **Article 5 (11) restricts the right to information as it gives the RGC power to "*prohibit or restrict news sharing or media,*" which can discourage transparent reporting. It further empowers the authorities to prohibit any speech or expression that could "*cause people panic or chaos or bring damage to the national security*" or that could "*cause confusion*" among the public, a restriction that is overly broad and in contravention of Article 4 of the ICCPR.**

2021 Sub-Decree on the Establishment of a National International Gateway ("NIG Sub-Decree")[30]

- **The soon-to-be operational NIG will require all internet communications and data, both domestic and international, to first be filtered through the NIG before they are sent to an end user. The NIG, especially its article 6, does not meet the three conditions of Article 19 (3) of the ICCPR and is of grave concern for freedom of expression and other rights in Cambodia.[31]**

2023 Law on the Amendment to Election Laws (LAEL)

- **The 2023 LAEL amended the Law on the Election of Members of the National Assembly and the Law on the Election of Commune/Sangkat Councils to make it an infraction to incite eligible voters not to cast votes and instruct/incite voters to destroy or damage their ballot. These restrictions amount to non-permissible restrictions to the right to freedom of expression under ICCPR Article 19(3).**

[30] Sub-Decree on the Establishment of a National International Gateway, English translation.

[31] For more details, see CCHR, "Cambodia Fundamental Freedoms Monitor, Fifth Annual Report April-December 2020", (*CCHR*, April 2021), p. 12 – 13. See also, CCHR Annual FoEx Report 2020-2021, p. 18-19.

III. Legal analysis of the latest legislative developments

Updates on the Sub-Decree on the Establishment of a National Internet Gateway

On 16 February 2021, the *Sub-Decree on the Establishment of a National Internet Gateway* ("NIG Sub-Decree") was adopted.[32] This Sub-Decree creates a national internet gateway ("NIG") which will require all internet communications and data, both domestic and international, to first be filtered through the NIG before it is sent to an end user. Civil society organizations ("CSOs") have denounced this proposed NIG as threatening the online exercise of fundamental freedoms, including freedom of expression.[33] The implementation of the NIG Sub-Decree, originally scheduled for February 2022, was postponed due to "technical difficulties" according to the Ministry of Posts and Telecommunications (MPTC).[34] As of early October 2023, the NIG had yet to enter into force.

Sub-Decree on Identity Registration of SIM-Enabled Telecommunication Equipment threatens fundamental freedoms

The *Sub-Decree on Identity Registration of SIM-Enabled Telecommunication Equipment* (Sub-Decree No. 41) dated 3 February 2023 aims to prevent and reduce the use of fake-SIM telecommunication devices, stolen devices, and illegally imported devices; protect the health, safety, and rights of users; and improve the quality of telecommunication services, among other objectives. Under this Sub-Decree, the registration of SIM-enabled telecommunications devices is mandatory, except for the SIM-enabled telecommunication devices of tourists or foreign travelers who stay in the country for no more than sixty days.

Consequently, all phones alongside some kinds of computers, eBooks, and other electronic devices using SIM cards must register their International Mobile Equipment Identity (IMEI) within a government database. The Sub-Decree imposes administrative sanctions and transitional fines to individuals who do not comply with this process. However, it is vague in defining how the registration process with the MPTC will take place, the kind of data that will be collected, stored, and used, or how the government will protect the privacy of the users.

In addition, the Sub-Decree fails to clarify how the registration process will achieve the vague objectives stated above. It also raises serious concerns that it could be misused to allow the government to easily track and surveil citizens, particularly human rights defenders, journalists,

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[32] For a complete analysis of the Sub-Decree's impact on fundamental freedoms, including freedom of expression, see CCHR, Solidarity Center & ADHOC, "Cambodia Fundamental Freedoms Monitor – Sixth Annual Report", (April 2022), p. 8-10.
[33] CCHR & others, "Joint Statement: Discard the Sub-Decree on the Establishment of the National Internet Gateway, set to detrimentally impact human rights online in Cambodia", (18 February 2021).
[34] Seng Thai, "Government puts controversial Internet Getaway on hold", (*VOD*, 15 February 2022).

environmental activists, and dissenting voices, as it does not mention how the information obtained from the registration process will be treated as confidential. In the absence of a data protection framework, the information contained in the SIM cards can be easily accessed and shared with different databases and third parties. This might constitute a breach of the right to privacy, as the instrument could enhance the government's ability to shut down devices, and track down and monitor citizens. Moreover, the law erodes anonymity protections in telecommunications, weakening Cambodians' rights to secure communications and therefore endangering their rights to freedom of expression and association.

Amendments to the Election Laws further restricted the right to freedom of expression

On 23 June 2023 - exactly one month before the 2023 general election - the National Assembly unanimously approved amendments (hereinafter referred to as "LAEL," for *Law on Amendments to Election Laws*) to the Law on the Election of Members of the National Assembly (LEMNA), the Law on the Election of Commune/Sangkat Councils (LEC/SC), the Law on the Election of Members of the Senate, and the Law on Elections of Capital Council, Provincial Council, Municipal Council, District Council and Khan Council. The Senate followed suit on 29 June, after which the Constitutional Council ruled that the law was in line with the Constitution on 3 July. It was eventually promulgated by the King on 4 July. These amendments introduced two new offenses in the LEMNA and LEC/SC: inciting eligible voters not to cast votes and instructing/inciting voters to destroy or damage their ballot. These new offenses are punishable by fines and a temporary - but also potentially permanent - suspension of the right to stand for election; both to be imposed by the National Election Committee (NEC).

A legal analysis conducted by CCHR over the Reporting Period showed that these additions **limit the right to freedom of expression** in a way that seems at odds with domestic law. Although article 41 of the Constitution states that all Khmer citizens shall have freedom of expression, it also permits legal restrictions on this right to protect the "rights of others," "the good traditions of the society," or "public law and order and national security." In practice, the broadly worded nature of these provisions has enabled the government to adopt legal provisions that unjustifiably restrict the right to freedom of expression over the years. However, it is worth noting that the Criminal Code only criminalizes inciting illegal behaviors such as abandoning a child, committing a felony, obstructing a public official, or discrimination. Since boycotting an election or spoiling/destroying one's own ballot are not against the law, the new law effectively criminalizes inciting non-punishable behaviors; an approach that seems incompatible with the very rationale behind the criminalization of incitement. Apart from this consideration, the new provisions seem to fail the three-part test set out in Article 19(3) of the ICCPR to justify a restriction on freedom of expression.

Three-part test of Article 19 ICCPR		
To be legitimate according to international standards, restrictions on freedom of expression must:		
Part 1: Be provided by law **(legality requirement)**	**Part 2:** Pursue one of the set legitimate aims **(legitimate aim requirement)**	**Part 3:** Be necessary in a democratic society and proportionate to the legitimate aim **(necessity and proportionality requirement)**

Part 1, Legality requirement: The LAEL entered into force immediately after its promulgation by the King on 4 July, as per its article 8. Therefore, the new restrictions satisfy Part 1 of the test.

Part 2, Legitimate aim requirement: Article 19(3) of the ICCPR provides that restrictions to the right to freedom of expression must be necessary 1) for respect of the rights or reputations of others, and 2) for the protection of national security, public order, public health, or public morals. Since the Cambodian legislation does not prohibit the public from abstaining to vote or spoiling/destroying one's own ballot, inciting people to do so cannot, by definition, infringe on the rights/reputation of others or threaten national security or public order, health, or morals. In addition, in its General Comment No. 34 on freedoms of opinion and expression, the UN Human Rights Committee explicitly stated that restrictions on freedom of expression "*must not impede political debate, including […] calls for the boycotting of a non-compulsory vote*." It stems from the above that the new restrictions fail to satisfy Part 2 of the test. This absence of legitimate aim also makes impossible for them to satisfy Part 3.

In addition, the offenses introduced by the LAEL are punishable by a fine, and hence fall into the petty offense category under article 48 of the Criminal Code. Yet, they carry a lengthy, potentially permanent suspension of the right to stand for election. The severity of the punishment is therefore disproportionate to the gravity of the infraction. In this context, the fact that the LAEL gives the government-controlled NEC full authority to impose this sanction and decide its duration is particularly worrisome, as it does not cap the time during which an individual can be deprived of their right to stand for election. Not only does this raise serious due process concerns, it also increases the risk that the new provisions might be weaponized to ban opposition figures from running for election for decades.

Although the new amendments are in line with domestic legislation, they fail to meet Cambodia's obligations not to unreasonably restrict the right to freedom of expression. It is also particularly worrisome that they were adopted in such a hasty manner, seemingly in reaction to online calls to boycott the 2023 general election/spoil ballots after the disqualification of the main opposition Candlelight Party in May 2023, and without any form of public debate. In a joint statement dated 26 June 2023, a coalition of 24 civil society organizations, associations, and trade unions said this speedy adoption was "*a departure from the democratic path that requires [the] input*" of relevant stakeholders. They also called on the government to postpone the process and make the draft amendments available for a wide-ranging dialogue on democratic participation and human rights in the aftermath of the polls; to no avail.[35]

[35] Kim Yutharo, "Ministry decries calls for delays to election law amendments", (*Phnom Penh Post*, 28 June 2023).

IV. State of freedom of expression, press freedom, and access to information in Cambodia

Between 1 September 2022 and 31 August 2023, the rights to freedom of expression, press freedom, and access to information remained under attack in Cambodia, with a sustained targeting of journalists and HRDs for legitimately exercising these rights in their crucial reporting and advocacy work. The table below summarizes the state of the three rights during the Reporting Period:

State of Press Freedom	State of Freedom of Expression of HRDs	State of Access to Information
• **Five media licenses were revoked;** • **16 journalists faced legal action: four were summoned; three were questioned; seven were detained; one was forced to sign a pledge; five faced criminal charges; five were arrested; one was convicted; and two had their conviction upheld.**	• 100 HRDs faced legal action: 26 were summoned; 52 were questioned; 18 were arrested; 34 were detained; 16 were forced to sign pledges; 14 faced criminal charges; 21 were convicted; and seven had their conviction upheld.	• The ECCC took concrete steps to preserve its archives and uphold the public's right to know about past heinous crimes; • The RGC blocked access to several news sites in the run-up to the 2023 general election; • Journalists continued to struggle to access information held by public officials; • The adoption of the law on A2I continued to face delays.

4.1. State of press freedom[36]

In **2023** in Cambodia, there were **2,154** media outlets, including **878** news websites and online TVs, **661** newspapers, **221** FM radio stations, **19** TV stations, and **165** relay TV stations. There were also **17** foreign news agencies and offices of foreign radio and TV stations, and **51** media associations.

During the Reporting Period, the RGC reiterated its commitment to upholding press freedom on multiple occasions.[37] Other developments unfortunately highlighted how press freedom continues to be curtailed throughout Cambodia. The trends identified below illustrate this curtailment and echo the Special Rapporteur on the situation of human rights in Cambodia's recent finding that the country's media became more constrained in 2022-2023.[38]

Threats faced by journalists while performing their investigative duties and exercising their freedom of expression were recorded. These threats include the revocation of media outlets, judicial harassment, barriers when reporting on sensitive issues leading to self-censorship, threats against their physical integrity, as well as discrimination and harassment suffered by female reporters.

RSF ranked Cambodia 147th out of 180 countries assessed in its 2023 World Press Freedom Index,[39] illustrating that press freedom, a crucial component of democracy and the rule of law, is under threat in the country.

Revocation of media licenses

The RGC revoked a total of five media licenses during the Reporting Period. On 23 December 2022, news website **Khmer Cover TV** (KCTV) published an article and video clip showing workers from the Galaxy Navatra Group filling a lake with sand in Kandal Province's L'vea Em District. The article said they were installing a concrete road to access a development project, and claimed the construction had destroyed a government bridge on state-owned land. The company responded with a letter threatening to sue the outlet for defamation and demanding it take down the article and video clip. *KCTV* refused, saying the information was factual and that it had the right to publish it.[40] On 16 January 2023, the Ministry of Information (MoI) eventually revoked the license of *KCTV*, alleging the outlet

[36] Information in the text box about the number of media outlets is from: Chea Vannak, "Increasing number of media outlets reflects freedom of expression and press freedom in Cambodia", (*Khmer Times*, 6 April 2023).
[37] Heng Panha, "Minister reaffirms government's commitment to promote press freedom", (*Khmer Times*, 28 October 2022); C. Nika, "Government remains committed to protecting press freedom", (*Khmer Times*, 4 May 2023).
[38] Human Rights Council, "Report of the Special Rapporteur on the situation of human rights in Cambodia, Vitit Muntarbhorn", (A/HRC/54/75, 20 July 2023), p. 5.
[39] RSF, 2023 World Press Freedom Index.
[40] Khuom Narim, "Journalists Facing Extortion Charges, Tycoon Threats for Sensitive Stories", (*CamboJA News*, 27 December 2022).

had failed to follow its instructions on two occasions and committed "*serious ethical violations*;" but did not elaborate further on these violations.[41]

Photo by: CamboJA

On 9 February 2023, **Voice of Democracy** (VOD), one of Cambodia's last remaining independent media outlets, published an article quoting government spokesperson Mr. Phay Siphan as saying that Mr. Hun Manet, who was then Deputy-Commander-in Chief of the Royal Cambodian Armed Forces, had signed an USD 100,000 relief package to Türkiye in lieu of his father, then-Prime Minister Hun Sen. Hun Manet disputed the claim, and urged *VOD* to provide evidence of his signature on the document. On 11 February, Hun Sen demanded via social media that *VOD* issue a public apology within 72 hours, before eventually shortening the deadline to 10am on 13 February. On 12 February, the Cambodian Center for Independent Media (CCIM), *VOD*'s parent NGO, issued a letter expressing regret for any confusion the article may have caused and asking for tolerance from the Premier. On the same day, Hun Sen dubbed the response "unacceptable" and ordered the MoI to revoke *VOD*'s publishing and broadcasting license; which it did on 13 February.[42]

On 13 February 2023, UN Human Rights Chief Volker Türk called on the government to rescind this "*very troubling decision*." He noted that the revocation of *VOD*'s license was not preceded by a thorough and transparent process as required under Cambodia's press law, and that it had failed to meet the international law requirements of legality, necessity, and proportionality.[43] Phil Robertson, deputy Asia director at Human Rights Watch, said the move was a "*devastating blow to media freedom*" that "*may spell the end for the media environment necessary for credible elections*."[44] Similarly, Amnesty International stated that it was a "*blatant attempt to slam the door on what's left of independent media in the country*," warning that it will "*have an immediate chilling effect on anyone who still dares to ask questions about the actions of the Cambodian government*."[45] Reporters Without

[41] Khmer Times, "Website's license revoked after 'serious ethical violations'", (*Khmer Times*, 20 January 2023).
[42] Claire Baldwin, "Cambodia's Hun Sen orders shutdown of independent local news outlet", (*Reuters*, 13 February 2023); Lay Samean, "Hun Sen revokes VOD licence over 'slander'", (*Phnom Penh Post*, 12 February 2023); Kelly Ng "Cambodia's Hun Sen shuts down independent media outlet Voice of Democracy", (*BBC*, 13 February 2023); Torn Vibol "Ministry: VOD licence revoked due to 'serious act of violation'", (*Khmer Times*, 14 February 2023).
[43] OHCHR, "Comment by UN Human Rights Chief Volker Türk after shutdown of independent media outlet in Cambodia", (13 February 2023).
[44] Human Rights Watch, "Cambodia: Hun Sen Extinguishes Media Freedom", (14 February 2023).
[45] Amnesty International, "Cambodia: Shuttering 'Voice of Democracy' outlet is attempt to slam door on independent media", (13 February 2023).

Borders also joined 92 Cambodian and international NGOs in calling on the government to "*resolve the issue in a calm, professional and respectful manner that is in line with Cambodian law and that does not do lasting damage to Cambodia's media landscape*;"[46] to no avail.

On 16 March 2023, the MoI revoked the licenses of online Khmer language media outlets **Federation of Cambodia-ASEAN Journalists**, **Raksmey Kampong Cham**, and **Dumnong Knong Srok** for allegedly committing "*serious violations of journalistic ethics*." All three outlets had previously reported on the alleged involvement of the Takeo deputy provincial prosecutor in an extortion case. They also published an article revealing that Mr. Sar Chamrong, a senior CPP National Assembly Member, had reportedly forged documents to obtain land in Banteay Meanchey. Dumnong Knong Srok publisher Chea Saren said the ministry asked him to remove these two articles; which he refused. MoI spokesperson Mr. Meas Sophorn denied this allegation and said the licenses were revoked because, among other reasons, the outlets "*didn't make a correction to disinformation they had published*."[47] On 20 March, the Ministry threatened to take legal action against CamboJA News if it refused to correct an article it said excluded key points made by Meas Sophorn regarding the revocations.[48]

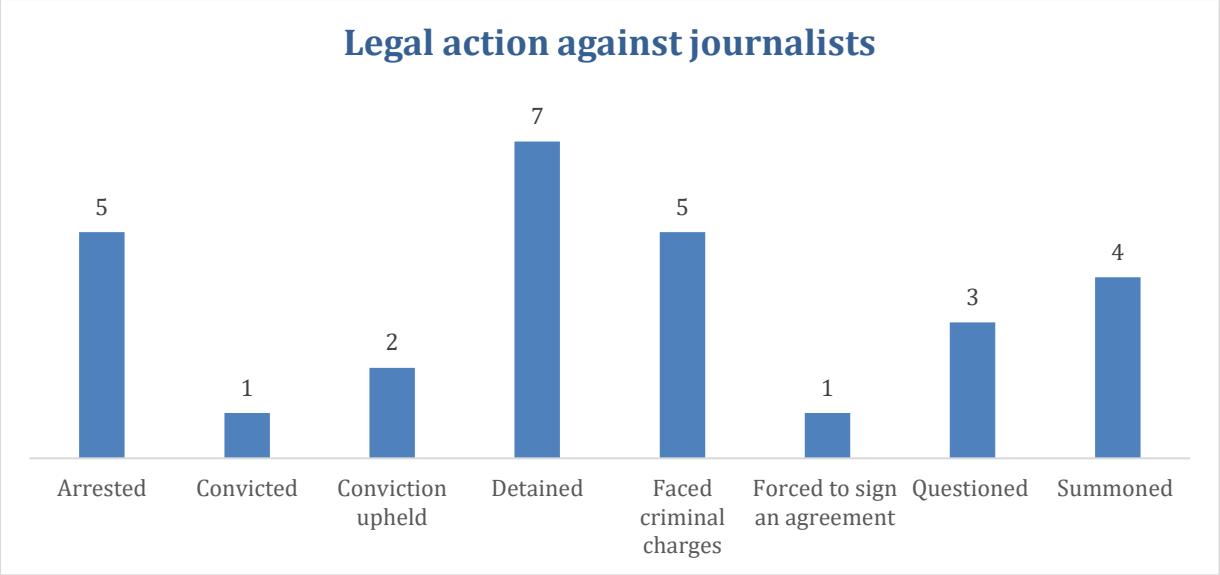
Judicial harassment of journalists

Recent years have seen authorities crack down on the media, in a bid to prevent or punish unfavorable reporting. In particular, legal action has been – and continues to be – relied on by authorities and third parties to intimidate journalists and restrict their rights and freedom to report.

Two of the journalists interviewed for this report mentioned the specific threat of legal action under incitement or defamation provisions as threats to press freedom in Cambodia. One of the journalists interviewed from November 2022 to March 2023 also said he faced over 10 criminal lawsuits in connection with his reporting. As of early 2023, he was still facing two counts of defamation. However, this judicial harassment did not deter him from continuing his work: "*I would rather quit than not dare to publish a piece of news because it is too sensitive*."

Between 1 September 2022 and 31 August 2023, the RGC or third parties **initiated legal actions against at least 16 journalists**, a 20% decrease from the number of journalists (20) who faced legal action during the previous reporting period. Among these journalists:

[46] RSF, "RSF joins press freedom and civil society organisations in condemning Cambodian government's decision to revoke independent media VOD's licence", (13 February 2023).
[47] Khuon Narim and Eung Sea, "Information Ministry Revokes Three Media Licenses Following Reports on Senior Official's Role in Land Fraud", (*CamboJA News*, 18 March 2023).
[48] Neang Sokunthea, "Ministry demands corrections to 'abridged, misleading' quote", (*Phnom Penh Post*, 20 March 2023).



- Four were summoned;
- Three were questioned;
- Seven were detained;
- One was forced to sign an agreement, pledging he would "stop" doing a certain type of activity;
- Five faced criminal charges;
- Five were arrested;
- One was convicted; and
- Two had their conviction upheld.

Three journalists were convicted or had previous convictions upheld by a higher court between 1 September 2022 and 31 August 2023

SEM DIYA – On 23 December 2022, the Battambang Provincial Court sentenced Battambang Post journalist Sem Diya and two corn sellers to one year in prison for incitement to commit a felony under article 495 of the Criminal Code, but suspended the remainder of their sentences. All three had previously live-streamed a gathering of hundreds of people protesting the impounding of Thai trucks transporting corn by local authorities on 16 July 2022. They were subsequently accused of inciting the drivers to forcibly retake the trucks from the police.[49] The Cambodian Center for Independent Media said Diya merely covered the incident as a journalist.[50]

PEN NUON – On 23 January 2023, the Supreme Court upheld a November 2020 decision by the Oddar Meanchey Court of First Instance to sentence Pen Nuon, the publisher of online newspaper *Youth Layers Homepage*, to a five million riel fine for public defamation under article 305 of the Criminal Code. Nuon was also ordered to pay an 80 million riel compensation to two military officers

[49] Sok Savy, "Battambang Provincial Court sentences one publisher and two citizens to one year in prison" [in Khmer], (*CamboJA News*, 23 December 2022); Buth Reaksmey Kongkea, "Three arrested for inciting trucker protest", (*Khmer Times*, 18 July 2022).
[50] Committee to Project Journalists, "Sem Diya, Battambang Post | Imprisoned in Cambodia | July 16, 2022", (n. d.).

(40 million each) he accused of grabbing land from families living in Oddar Meanchey province's Anlong Veng district via a series of Facebook posts in 2019.[51]

KAO PISETH – The *Siem Reap Tanhetkar* journalist was arrested in July 2021 in Battambang province after he criticized the Cambodian government and the effectiveness of the Chinese-made COVID-19 vaccine on social media. In December 2021, he was sentenced to two years in prison for incitement to commit a felony and obstruction of the implementation of COVID-19 measures under article 11 of the *Law on measures to prevent the spread of COVID-19 and other serious, dangerous and contagious diseases*. The Battambang Regional Court of Appeal upheld his sentence on 5 July 2022,[52] as did the Supreme Court on 1 February 2023.[53] Kao Piseth was eventually released on 14 July 2023 after serving his sentence.[54]

These cases illustrate the challenges journalists must deal with for conducting their job. Many of them face arbitrary detention and questioning while on duty, but also bogus criminal charges and convictions, as authorities and third parties appear determined to use criminal law against them to silence their reporting. Arbitrary imprisonment and strategic lawsuits against public participation are used as a tool to intimidate journalists, and to discourage them from reporting on issues deemed sensitive or related to powerful officials or economic actors.

Challenges when reporting on issues considered sensitive, leading to self-censorship

During the Reporting Period, CCHR recorded several incidents in which the authorities or third parties restricted or pressured journalists not to report on specific topics.

Land and environmental issues: Land disputes, environmental destruction, and illegal logging have long been issues of contention in Cambodia. Data collected during the Reporting Period shows that reporting on such issues is a challenge. In the ten incidents described below, journalists faced interference for collecting information on or writing about issues related to land or the destruction of natural resources.

Journalists reporting on land and environmental issues faced a wide array of restrictions between 1 September 2022 and 31 August 2023

HARASSMENT, THREATS, AND INTIMIDATION – On 21 April 2023, rangers from the Ministry of Environment forced **MONGABAY** reporter **GERALD FLYNN** and freelance journalists **ANDY BALL** and **MENG KROYPUNLOK** to leave the Preah Roka forest community in Preah Vihear province as they were reporting on deforestation. The OHCHR country office reportedly pleaded their case with the provincial authorities, after which the latter agreed not to detain them.[55]

On 8 June 2023, local authorities in Kandal province's Kandal Stung district took photos of a **CAMBOJA** journalist covering a protest by residents against the filling in of local land as part of the

[51] Buth Reaksmey Kongkea, "SC upholds journo's defamation conviction", (*Khmer Times*, 24 January 2023).
[52] Ngay Nai, "Appeal Court upholds sentence against journalist who criticized vaccines", (*CamboJA News*, 5 July 2022).
[53] Meng Kruy Ponlok, "Supreme Court sentences journalist to two years in prison for posting message on Facebook criticizing government" [in Khmer], (*VOD*, 1 February 2023).
[54] CamboJA, "Journalism situation in Cambodia - Quarterly Monitoring Report, July to September 2023", Issue No. 09, page 24.
[55] CamboJA, "Journalism situation in Cambodia - Quarterly Monitoring Report, April to June 2023", Issue No. 08, page 13.

Techo Takhmao International Airport project. An individual in civilian clothes took pictures of the journalist's press card and said his "boss" wanted to speak to the journalist. The CamboJA staffer then followed local villagers' advice to leave in order to avoid arrest. Two other CamboJA journalists were unable to reach the protest site on that day.[56]

In August 2023, the Battambang provincial authorities threatened to file an incitement complaint against *Koh Santepheap* journalist **CHHOM PISAMAY** in connection with his reporting. Pisamay had previously made a series of reports criticizing the local authorities for failing to take action against a Chinese factory causing water pollution in Rattanak Mondul district.[57]

LEGAL ACTION – On 8 September 2022, the Battambang Provincial Court summoned *SBP Post News* journalist **SEN VIRAK** to appear in court for questioning. The summon took place roughly three weeks after Virak covered and reported on a protest by 60-70 villagers opposing the authorities' clearing of their land located on state-owned land in Ek Phnom district's Ang Pheas. Then-Prime Minister Hun Sen had previously instructed local authorities to resolve the dispute and take legal action against any journalist that committed incitement in relation to this case.[58]

In October 2022, the Preah Vihear provincial court issued an arrest warrant against freelance journalist **TRY SOPHAL** on charges of extortion after he reportedly failed to show up for a court-mandated monthly check-in with the police. In December 2021, Sophal reported about excavators clearing state forest in Siem Reap's Kulen district, after which he was sued for "extortion" by one of the excavator owners. Sophal, who was granted bail under judicial supervision in relation to this case in August 2022, denied any wrongdoing and said he had followed all the court's procedures. "*It seems like suppression, they don't want me to carry out reporting in this province*," he said.[59]

On 23 November 2022, local authorities in Preah Vihear province arrested local reporters **MOM VIBAL**, **TIN TRY**, and **TIN SITHA** and charged them with extortion following a lawsuit filed by Vietnamese logging company PNT. All three were reportedly accused of demanding a bribe in exchange for blocking information on the company's illegal timber purchases. A brother-in-law of two of the reporters denied these accusations, while local journalists called the arrests an attempt to deter others from looking into the illegal timber trade. No action was taken against the company despite the allegations of its involvement in illegal activities.[60]

On 18 January 2023, provincial police arrested citizen journalist and land activist **SNGUON NHEUN** after he took pictures of a peaceful assembly of over 50 Lor Peang community members in front of the Kampong Chhnang Provincial Court. They were supporting two community representatives who appeared in court in connection with a land dispute with KDC Company. Police confiscated Nheun's

[56] Runn Sreydeth and Khuon Narim, "Kandal Residents Protest New Land Filling Near Airport Development", (*CamboJA News*, 8 June 2023); CamboJA, "Journalism situation in Cambodia - Quarterly Monitoring Report, April to June 2023", Issue No. 08, page 8.
[57] CamboJA, "Journalism situation in Cambodia - Quarterly Monitoring Report, July to September 2023", Issue No. 09, page 17.
[58] Sok Savy, "Battambang Provincial Court Arrests Journalist After Land Dispute" [in Khmer], (*CamboJA News*, 8 September 2022).
[59] Khuon Narim, "Journalists Facing Extortion Charges, Tycoon Threats for Sensitive Stories", (*CamboJA News*, 27 December 2022).
[60] RFA Khmer, "Cambodian journalists reporting on illegal logging charged with extortion", (*RFA*, 1 December 2022).

phone, ordered him to delete the photos, and questioned him for more than two hours. He was eventually released after he signed a pledge, presumably to stop covering the assembly.[61]

On 10 May 2023, the Kampong Thom military police arrested *TNM* reporter **SEOUN SOCHEA** on charges of extortion in connection to a series of reports on illegal logging he wrote in 2020, before he started working for *TNM*. According to *TNM* publisher Sem Bora, Sochea was sued by three timber dealers and an environmental official for publishing false information, incitement, and extortion. Bora added that the Kampong Thom authorities had previously warned Sochea and his media outlet not to report on illegal logging and environmental issues. Sochea was eventually released on bail on 1 June after apologizing and acknowledging he had not properly verified his information.[62]

On 15 August 2023, *Reachsey Isan News* director **SONG KIMHENG** and *Newnetwork News* director **THY MOU** were summoned to appear at the Kratie Provincial Court on charges of incitement and defamation. Both outlets had previously reported that a military official in Snuol District had polluted a public lake used by local indigenous people by filling it to develop a resort and a karaoke box. The official reportedly asked the journalists to either remove the corresponding articles or face legal consequences. He eventually withdrew his complaint after they agreed to his request.[63]

PHYSICAL VIOLENCE – On 6 June 2023, **MONGABAY** reported that one of its reporters had been physically detained and dragged across a street while attempting to speak to soldiers inside Military Region III headquarters in Kampong Speu province. The reporter was investigating the existence of a sawmill and timber depot within the headquarters' compound at the time of the incident. The situation was eventually defused after the intervention of a superior officer.[64]

When asked if there were specific topics that he did not dare to report about, one of the journalists interviewed for this report mentioned allegations that Cambodia's border authorities had leased land to a Vietnamese company. He said authorities rejected these claims and told him not to believe the citizen who made them. Another interviewee stated that journalists who dare to cover land issues are often subject to restrictions. Considering how sensitive the topics of land issues and deforestation are in Cambodia, all these cases seem to suggest the authorities' attempt to prevent unwanted attention to land concerns and illegal logging, and to discourage unfavorable reporting by journalists.

In addition, one of the male journalists interviewed from November 2022 to March 2023 said the Meanchey district authorities confiscated his phone and forced him to delete photos of a land dispute in Boeung Tumpun commune. They then ordered all the journalists present to leave the scene, and threatened to take legal action against those who failed to comply. He labeled the incident "*a form of*

[61] Kheang Sokmean, "Civil society organizations criticize the arrest of Snguon Nheun in front of the Kampong Chhnang Provincial Court as unfair" [in Khmer], (*CJ News*, 23 January 2023).
[62] CamboJA, "Journalism situation in Cambodia - Quarterly Monitoring Report, April to June 2023", Issue No. 08, page 11; Cheat Chamnan, "Prey Lang Community and Civil Society Officials Demand Kampong Thom Provincial Court Release of Online Journalist" [in Khmer], (*RFA*,12 May 2023).
[63] CamboJA, "Journalism situation in Cambodia - Quarterly Monitoring Report, July to September 2023", Issue No. 09, page 16.
[64] Gerald Flynn, "License to Log: Cambodian military facilitates logging on Koh Kong Krao and across the Cardamoms", (*Mongabay*, 6 June 2023).

intimidation against journalists." Another said he suspected he was stood down from his role as a village deputy chief in 2018 because of his work on land issues as a citizen journalist.

Corruption: One of the journalists interviewed for this report said reporters who dare to cover corruption issues are often subject to restrictions. On one occasion during the Reporting Period, a journalist was interfered with for reporting on corruption. The incident described below appears to show the authorities' attempt to discourage journalists from writing on issues that paint them in a negative light.

OUNG THABVANG – On 13 February 2023, Banteay Meanchey authorities arrested *Khmer Cheay Den News* publisher **Oung Thabvang** following a complaint by local officials. He was subsequently charged with defamation and incitement in connection with a series of articles about corruption in Poipet's provincial health department and taxation office published in 2021 and 2022. He was also charged with fraud in a separate case, and sent to pre-trial detention. Thabvang was subsequently released on 10 May 2023 and placed under judicial supervision.[65]

Action of the security forces: A female journalist interviewed from November 2022 to March 2023 said she had been subjected to various forms of harassment for covering the news, suggesting that security forces did not fully grasp the concept of press freedom: "*Sometimes they yell at us even though we did not go beyond our role, we were just doing our work*." During the Reporting Period, members of the security forces unduly interfered with journalists who were carrying out their legitimate work on several occasions, presumably to avoid negative reporting on how they handle specific situations or reports. This is illustrated in the two examples below.

PRUM CHANTHA – On 2 November 2022, the Bavet police chief ordered several reporters who were live-streaming a traffic accident to stop and delete the corresponding videos. When *Luos Seng News* journalist Prum Chantha refused, the police chief grabbed his phone to delete the video himself while threatening to handcuff him. The publisher of *Luos Seng News* later filed a complaint for threats against reporters with the Svay Rieng Provincial Court on 21 November 2022. He claimed a local prosecutor had tried to discourage him from doing so, asking him to "compromise" instead.[66]

NHIM SORN SIDA – On 28 January 2023, immigration officials in Kandal Province's Leuk Dek district detained *Association of Youth Journalists for Peace* member Nhim Sorn Sida for several hours after he took a picture of an individual smuggling cigarettes and reported the situation to the authorities. His phone was confiscated and he was taken to the police station, where he was questioned for not having a mission letter and not telling the officials about the pictures. Sorn Sida was eventually released after being forced to thumbprint a pledge not to leak the pictures to the media.[67]

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[65] Khmer Times, "Fraud charges confirmed for journalist", (*Khmer Times*, 15 February 2023); Neou Vannarin, "Banteay Meanchey Police Detain Newspaper Publisher", [in Khmer] (*RFA*, 13 February 2023); CamboJA, "Journalism situation in Cambodia - Quarterly Monitoring Report, April to June 2023", Issue No. 08, page 18.

[66] Pa Sokheng, "Local Reporter Files Complaint Against Bavet City Police Chief", (*VOD*, 23 November 2022).

[67] Va Sopheanut, "Journalist accuses border immigration police of arresting him for questioning after taking pictures of smugglers in the corridor" [in Khmer], (*VOD*, 9 February 2023); Kang Meas News, "Immigration Police Detain Journalists, Forced him to Thumbprit a Contract in Leuk Dek District" [in Khmer], (*Kang Meas News*, 29 January 2023).

Politics and July 2023 general election: Politics have been a particularly sensitive topic to report on for Cambodian journalists since the RGC launched an all-out crackdown on independent media in 2017. This is particularly true during election years, which are usually characterized by increased RGC efforts to control the narrative. As exemplified by the cases below, several reporters faced interference from a government official while covering the murder of an opposition supporter in late 2022. One journalist was also subject to legal action over online comments he made about the polls shortly after the election.

SURVEILLANCE – On 18 October 2022, an individual believed to be a police official in plainclothes asked for the names of **VOD reporters** who were interviewing the wife of a Candlelight Party supporter who was shot dead a few days prior - presumably by police officers - in Tbong Khmum province's O'Reang Ov district. The individual in question also monitored the whole interview.[68]

LEGAL ACTION – On 22 July 2023, Kampong Speu police detained local reporter and *Nak Merl Phlov* website contributor **SVAY SOPHAT** in connection with comments he made regarding the July 2023 general election. In a Facebook live prior to his arrest, Sophat had posed a question about the King's willingness to sign a letter calling on the public to go to the polls, and his unwillingness to endorse death sentences for convicted criminals in general. Sophat was subsequently charged with lèse-majesté under article 437 of the Criminal Code and sent to pre-trial detention.[69]

On 28 December 2022, the Deputy Secretary-General of the National Election Committee (NEC) said citizen journalists would be banned from covering the election process because "*there is no law to allow them to do so*." He added that the professional journalists covering the polls "*must be neutral, report accurately and fairly, and must not exaggerate news or make any prejudicial comments on the results already announced by the NEC*."[70] On 13 February 2023, the NEC announced the timelines and requirements for local and international journalists to register for special press passes to cover the election on 23 July.[71] In early June 2023, NEC spokesman Hang Puthea reiterated that accredited journalists must firmly follow the NEC's National Election guidelines during a workshop attended by about 30 reporters from various media organizations.[72] In this tightly-controlled environment, several journalists faced restrictions while trying to cover election day, as illustrated in the examples below.

PHNOM PENH – In the morning of the election, a group of photographers and video producers were banned from entering a polling station at Veal Sbov pagoda to take pictures of Prince Norodom Chakravuth, the president of the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC), as he was about to vote. All of them had NEC press passes. Later that day, one of the Prince's bodyguards reportedly threatened to throw away the mobile

[68] RFA Khmer, "Cambodia opposition supporter shot as Hun Sen threatens to jail opponent", (*RFA*, 17 October 2022); Mech Dara and Michael Dickinson, "Police Accused of Gunning Down Farmer as Political Questions Arise", (*VOD*, 19 October 2022).
[69] Kim Yutharo, "Kampong Speu reporter in detention for 'lese-majeste'", (*Phnom Penh Post*, 25 July 2023).
[70] Ben Sokhean, "Prepped on polls news coverage", (*Khmer Times*, 29 December 2022).
[71] Taing Rinith, "NEC sets criteria for National Election coverage", (*Khmer Times*, 14 February 2023).
[72] Torn Vibol, "Experts, journalists attend workshop on election coverage", (*Khmer Times*, 8 June 2023).

phone of *CamboJA*'s video producer **UON CHHIN**, accusing him of touching the prince while taking pictures.[73]

In a separate incident, *VOA* reporter **SUN NARIN** was banned from interviewing voters at the Phsar Thmey 2 polling station despite having an NEC press pass. An election official initially forbade him to take pictures, before eventually allowing it. Similarly, election officials at two different polling stations told *CamboJA News* associate editor **LEILA GOLDSTEIN** that she could not enter the premises or take pictures.[74]

KANDAL PROVINCE – The head of the Talon Secondary School polling station questioned *CamboJA* reporter **SOVAN SREYPECH** and **two VOA journalists** as they were interviewing Candlelight Party Vice President Rong Chun. The official asked the trio where they were from before taking pictures of them, reportedly at the demand of local police.[75]

Self-censorship

The incidents highlighted throughout this section illustrate that journalists are no longer free to gather information and to report on issues deemed sensitive by the RGC. As a consequence of the intimidation, threats and criminal sanctions that journalists must contend with merely for doing their jobs, many media professionals self-censor and avoid publishing information that could anger the ruling elite. Of the six male journalists who were interviewed for this report, three reported they self-censor or have self-censored over the Reporting Period. Most notably, one of the journalists said he stopped writing articles about political issues ahead of the July 2023 general election out of concern for his personal safety. Another said he would not publish articles on any topic deemed too sensitive by the authorities, citing fears for his safety and that of his family. Sensitive topics that interviewees said journalists might refuse to cover for fear of repercussions include corruption, land issues, protests, and politics in general.

[73] CamboJA, "Journalism situation in Cambodia - Quarterly Monitoring Report, July to September 2023", Issue No. 09, page 18.
[74] *Ibid*, page 19.
[75] *Ibid*, page 20.

This self-censorship also extends to members of the public, making it challenging for journalists to collect information on certain sensitive topics. A journalist interviewed for this report pointed out that, in one specific case he covered, residents dared not talk to journalists on record out of fear of being threatened by the authorities if they did. One of the two female citizen journalists interviewed also said that her community members were too scared to express their opinion, even if they witness "bad things." Similarly, a female journalist interviewed from November 2022 to March 2023 noted that some people refuse to give interviews on political topics because they are afraid of facing accusations or being arrested for expressing their views.

Attacks and threats of physical violence against journalists

Due to their role as watchdogs and whistleblowers, journalists worldwide often face attacks and threats to their physical safety. Two of the male journalists interviewed for this report mentioned experiencing fear or being concerned about their personal safety and/or that of their families because of their line of work. One journalist said local officials had directly threatened him and his family in connection with an article he published. He also pointed out that people who criticize the government are "*often abused*." A male citizen journalist also stated that he was unable to work and report freely because of the ongoing repression. He therefore chose to remain silent and stop publishing more articles.

CCHR's monitoring showed that attacks and threats against media workers continued during the Reporting Period. On 2 February 2023, two unidentified individuals armed with swords reportedly attacked *Dam Noeung Knuong Srok* journalist **Chum Sotra** at his home in Battambang's Sangkat Toul Ta Ek, leaving him injured. Roughly two weeks before the incident, he had asked local police to crack down on drug trafficking activities at the local train station. Chum Sotra filed a complaint with the provincial police on the next day.[76]

On 19 June 2023, licensed publisher and social media commentator Pheng Vannak sent a death threat via Messenger to US-based *Cambodia Daily Khmer* journalist **Taing Sarada**. The latter regularly broadcasts *Idea Talk*, a Khmer language talk show featuring human rights activists and opposition figures. The following day, a stranger reportedly knocked on Sarada's door, and unidentified individuals waited outside his house in a black car for hours. On 22 June, Vannak issued similar threats during a live video broadcast on his public Facebook page. The video was eventually removed by Meta for violating Facebook's policies against violence and incitement. Sarada urged the Cambodian authorities to take action against Vannak for his public and private threats; to no avail.[77] According to CamboJA, Sarada criticized then-Prime Minister Hun Sen and his family on *Idea Talk* shortly before the death threats.[78]

Challenges faced by female journalists

The two female citizen journalists who were interviewed for this report reported facing discrimination and difficulties carrying out their work due to their gender and ethnic background. Three of the male journalists interviewed also said their female colleagues faced increased risks of being harassed or abused, especially when travelling "far," "alone," or "at night" to cover the news. One of them pointed

[76] Chhom Pismay, "A journalist was attacked by unknown persons" [in Khmer], (*Koh Santepheap Daily*, 3 February 2023).
[77] Hel Komsan, Eug Sea, "Licensed Media Publisher Threatens to Kill Cambodia Daily Khmer Journalist on Facebook", (*CamboJA News*, 26 June 2023).
[78] CamboJA, "Journalism situation in Cambodia - Quarterly Monitoring Report, April to June 2023", Issue No. 08, page 7.

out that some female journalists face pressure to resign from their families, which leads some to hide their job from their relatives. Another said women journalists face more difficulties than men because they are "weaker," showing that gender stereotypes continue to stand in the way of female journalists being recognized as equals to male journalists, even by their own colleagues.

As for the threat of sexual harassment and gender-based violence, while not specific to the journalistic field, it appears to act as a barrier to female journalists being able to carry out their investigative and information-gathering duties, an essential component of their work. For example, one of the female journalists interviewed from November 2022 to March 2023 said she had already received threats by the authorities, including of sexual violence, which she will never forget. Another deplored that some of the people she met while covering the news flirted with her or used insinuating words. Lastly, a third one said that, every time she has to go in the field to cover the news, she goes with someone else because it makes her feel safer.

During the Reporting Period, the female *VOD* reporter who authored the article that led to the revocation of the outlet's license was subject to online harassment. Most notably, on 11 February 2023, Pheng Vannak insulted her on his Facebook page, saying she had a "*cheap character*" and "*whoever marries [her] would be finished*."[79] In an open letter dated 14 February 2023, 40 civil society organizations called on relevant ministries to take immediate action by commanding Vannak to publicly apologize and attend a training course on gender-sensitive reporting.[80] Vannak reacted by saying he had no reason to apologize.[81] The MoI reportedly asked Vannak to remove the statement and instructed him to be cautious with the language he uses on social media; but said it could not intervene because the comments were made on a personal Facebook page.[82] On 16 February, Vannak acknowledged his use of abusive words, but noted that it was his right as a citizen to express his opinion.[83]

The Ministry of Women's Affairs initially responded through a general statement expressing "regret" and saying it did not support "*violent and immoral language that is harmful to women's value and dignity*." It also called on all the parties involved to settle the dispute peacefully.[84] However, on 20 February 2023, then-Prime Minister Hun Sen accused the signatory organizations of practicing double standards, saying they had failed to condemn insults directed at his wife and family by former opposition leader Sam Rainsy.[85] "*These NGOs were established only to oppose the government and not to do anything to protect women's equality*," he added, warning that he could order investigations

[79] Teng Yalirozy, "Facebook Personality Stands By Crude VOD Comments", (*Cambodianess*, 15 February 2023).
[80] Cambodian Journalists Alliance Association, "Open Letter To Her Excellency Ing Kantha Phavi, Minister of Women's Affairs His Excellency Khieu Kanharith, Minister of Information Her Excellency Phoeurng Sackona, Minister of Culture and Fine Arts His Excellency Chea Vandeth, Minister of Post and Telecommunication", (*CamboJA*, 14 February 2023).
[81] Teng Yalirozy, "Facebook Personality Stands By Crude VOD Comments", (*Cambodianess*, 15 February 2023).
[82] Teng Yalirozy, "Ministry 'Powerless' in VOD Online Abuse Case", (*Cambodianess*, 16 February 2023).
[83] Teng Yalirozy, "Pheng Vannak Taunts Critics with Lawsuit Challenge", (*Cambodianess*, 17 February 2023).
[84] Long Kimmarita, "Women's affairs ministry urges end to 'misogynistic language'", (*Phnom Penh Post*, 16 February 2023).
[85] Torn Vibol, "40 NGOs slammed for practicing double standards", (*Khmer Times*, 21 February 2023).

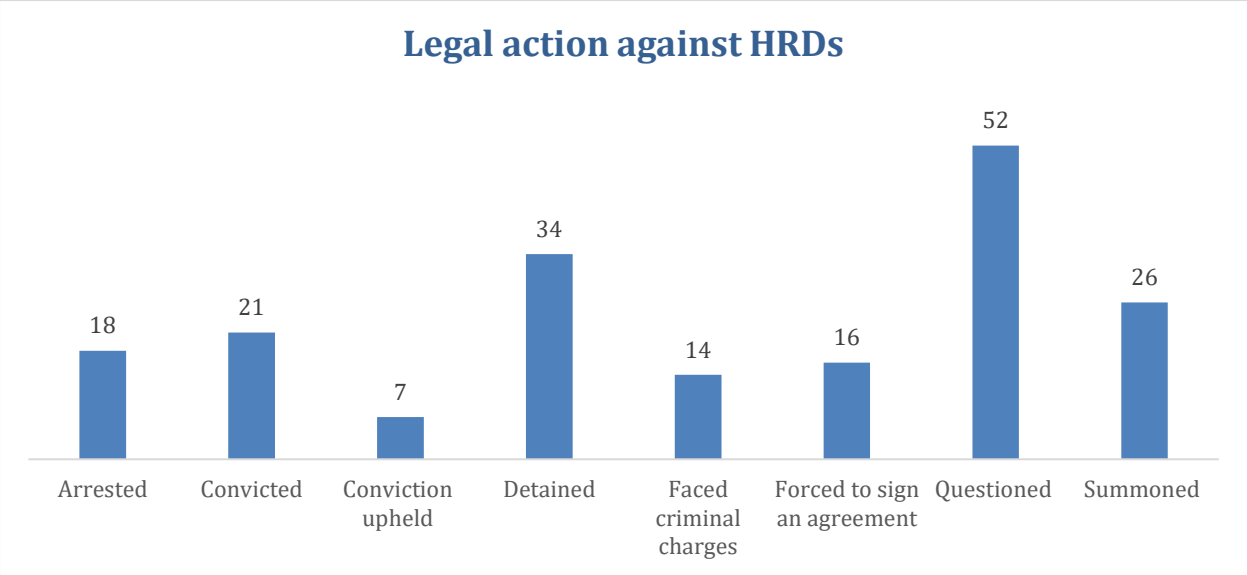
into their financing.[86] Later that day, the Ministry of Women's Affairs issued a second statement saying that, although personal attacks against women were wrong under any circumstance, selective condemnations to serve "political interests" showed a lack of ethics.[87]

4.2. State of freedom of expression for HRDs

Judicial harassment of HRDs for exercising their freedom of expression

In addition to journalists, HRDs remain targets of choice for a government allergic to criticism and divergent views. Between September 2022 and August 2023, they continued to be judicially persecuted for exercising their freedom of expression to conduct their legitimate human rights work. Judicial harassment remained one of the biggest threats to the right to freedom of expression of Cambodia's HDRs that the HRDs interviewed for this report cited, along with government surveillance and threats from officials and economic actors, thus creating a dangerous environment in which to carry out their activism.

The crackdown on HRDs, which intensified at the end of July 2020 following the arrest of prominent union leader Rong Chhun for voicing his opinion regarding Cambodia-Vietnam border issues on the radio, continued to be felt during the Reporting Period. According to the data collected through media monitoring, the regular judicial harassment of HRDs by the RGC or third parties **resulted in the following legal action taken against 100 HRDs** for exercising their right to freedom of expression between 1 September 2022 and 31 August 2023:



- 26 were summoned;
- 52 were questioned;
- 18 were arrested;
- 34 were detained;
- 16 were forced to sign an agreement, pledging they would 'stop' doing a certain type of activity;
- 14 faced criminal charges;

[86] Sorn Sarath and Sovann Sreypich, "After VOD Shutdown, Hostility Against Reporters", (*CamboJA News*, 21 February 2023).
[87] Neang Sokunthea and Chea Sokny, "Ministry urges equal support for all women", (*Phnom Penh Post*, 21 February 2023).

- 21 were convicted;
- 7 saw a previous conviction upheld by a higher court.

The majority of the targeted HRDs during the Reporting Period were land or labor rights activists, reflecting the intensification of the repression led against those speaking out about land or labor disputes in the Kingdom, two matters deemed particularly sensitive by the Cambodian authorities.

At least 21 HRDs were convicted and seven HRDs saw their convictions upheld by a higher court between 1 September 2022 and 31 August 2023:

LABOR RIGHTS SUPPORTED UNION OF KHMER EMPLOYEES OF NAGAWORLD (LRSU) MEMBERS

On 25 May 2023, the Phnom Penh Municipal Court sentenced LRSU President **CHHIM SITHAR** to two years in prison for incitement under articles 494 and 495 of the Criminal Code in connection with her role in the NagaWorld strike.[88] Eight additional LRSU members were convicted under the same charges: **CHHIM SOKHORN, HAY SOPHEAP, KLEANG SOBEN, SUN SREY PICH**, and **TOUCH SEREYMEAS** were sentenced to one year and six months in prison and put under judicial supervision; and **SOK NARITH, SOK KONGKEA**, and **RY SOVANDY** were given suspended one-year sentences. The Court did not explain the reasons that motivated its decision. All the union members were initially detained in December 2021 and January 2022 before being released on bail in March 2022. Chhim Sithar was eventually re-arrested in November 2022 for violating bail conditions that allegedly restricted her from leaving Cambodia, although her lawyer said she was never properly informed of any such conditions by the judge. She has been detained ever since.[89]

LAND RIGHTS ACTIVISTS FROM KOH KONG PROVINCE

CHHAN CHHEURN, DET HUOR, ERB VY, ERP TEUNG, HENG CHEY, INN THOU, KERT NOV, KONG MEN, PUO HOUN, AND SOK CHEY – On 15 August 2023, the Koh Kong Provincial Court convicted 10 local land activists to one year in prison for incitement to commit serious social disorder and malicious denunciation in connection with a series of long-running land disputes in the province. They were also ordered to collectively pay 40 million riels to the plaintiff, Heng Huy, an influential tycoon whose companies have been encroaching on local communities' land since 2006.[90]

DET HUOR – On 4 August 2023, the Supreme Court upheld an October 2022 decision by the Sihanoukville Appeal Court to sentence female land activist Det Huor to six months in prison and a one million riel fine, both suspended. Huor was convicted of malicious denunciation and defamation after being sued by Heng Huy over a September 2021 Facebook post in which she criticized him for encroaching on local people's land.[91]

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[88] In April 2021, the NagaWorld casino laid off over 1,300 employees, citing a decline in income caused by the COVID-19 pandemic. Many of the terminated workers were union members and leaders. After several failed negotiation attempts with the casino and unsuccessful complaints to relevant authorities, the Labor Rights Supported Union of Khmer Employees of NagaWorld ("LRSU") notified the authorities of their plan to start a peaceful strike in December 2021. At the time of writing (end of September 2023), the dispute had yet to be resolved.

[89] LICADHO, "Flash Info | Nine LRSU unionists convicted, Chhim Sithar sentenced to two years in prison", (25 May 2023); RFA Khmer, "NagaWorld casino union leader sentenced to 2 years in prison", (*RFA*, 25 May 2023).

[90] LICADHO, "Flash Info | Ten Koh Kong Land Activists Convicted", (15 August 2023); RFA Khmer, "Court sentences Cambodian land activists who tried to travel to capital for protest", (*RFA*, 15 August 2023).

[91] LICADHO, "Flash Info | Imprisoned Koh Kong Land Activists Convicted", (4 August 2023); Eung Sea, "Koh Kong Land Activists Sentenced to a Year in Prison for Incitement", (*CamboJA News*, 17 August 2023).

PHAV NHEUNG AND SENG LIN – On 2 August 2023, the Koh Kong Provincial Court sentenced female land rights activists Phav Nheung and Seng Lin to one year in prison for defamation and incitement to provoke chaos. They were also ordered to pay 40 million riels to the plaintiff, former community representative Chhay Vy, whom they had previously accused of having seized land in 2019.[92]

ADHOC FIVE

On 18 November 2022, the Supreme Court upheld the Phnom Penh Appeal Court's verdict convicting five current and former staff members of the Cambodian Development and Human Rights Association (ADHOC) without detailing the reason behind the ruling. **NY SOKHA**, **YI SOKSAN**, **LIM MONY**, **NAY VANDA**, and **NY CHAKRYA**, also known as the *ADHOC 5*, were arrested in 2016 and charged with bribery of a witness after ADHOC provided financial assistance to a woman allegedly romantically involved with opposition leader Kem Sokha. They were first convicted and sentenced to five years of imprisonment by the Phnom Penh Municipal Court in September 2018, a verdict the Appeal Court upheld in May 2022. The case has been widely criticized as politically motivated as the prosecution failed to present witnesses or provide reliable evidence to substantiate the charges.[93]

CHENG BAORONG

On 21 December 2022, the Preah Sihanouk Court of Appeal upheld the conviction against **Cheng Baorong**, a Chinese human-trafficking rescuer and leader of the Cambodia-China Charity group, an informal group helping victims of human trafficking, forced labor, and torture at scam compounds, mainly in Preah Sihanouk province. The Appeal Court suspended part of his sentence, ruling he would serve ten months in prison instead of two years. Cheng Baorong was initially arrested in March 2022 and charged with incitement to discriminate, false declaration, unlawful interference in the discharge of public functions, and illegal use of a professional certificate after speaking out about a case in which a Chinese trafficking victim claimed his blood was forcibly harvested. Cheng Baorong was convicted alongside his assistant, a doctor, and the victim. He was eventually released on 2 January 2023.[94]

Eight of the ten HRDs interviewed for this report reported having experienced restrictions on or violations of their freedom of expression by authorities or third parties while exercising their advocacy work. However, only one of them filed a complaint to relevant institutions or courts. Most notably, a first HRD said local officials often use threatening words and ask for the agendas of community meetings. They also regularly question activists who leave the village to attend outside activities. A second interviewee reported being accused of inciting people to protest over land and forest issues. He was also asked by a police official to 'correct' information in one of his investigations into a human rights violation. A third HRD said he was detained by the authorities in connection with her work. She then tried to file a complaint to the village and commune offices, to no avail. A fourth HRD said she was sued for defamation after she criticized the clearing of state land by a rubber company on her personal Facebook page. In the same vein, a fifth one said a tycoon used threats in an attempt to make

[92] LICADHO, *Ibid*.
[93] VOD Staff, "Briefs: Supreme Court Denies 'Adhoc 5' Appeal, Brings High-Profile Case to an End", (*VOD*, 18 November 2022); Khuon Narim, "Supreme Court Upholds 2018 "Adhoc 5" Bribery Convictions", (*CamboJA News*, 18 November 2022).
[94] Mech Dara, "Chinese Scam Rescuer Released From Prison After 10 Months", (*VOD*, 2 January 2023); Yan Huang, "Scam Rescue Leader to Be Released Soon After Appeal Court Reprieve", (*VOD*, 21 December 2022).

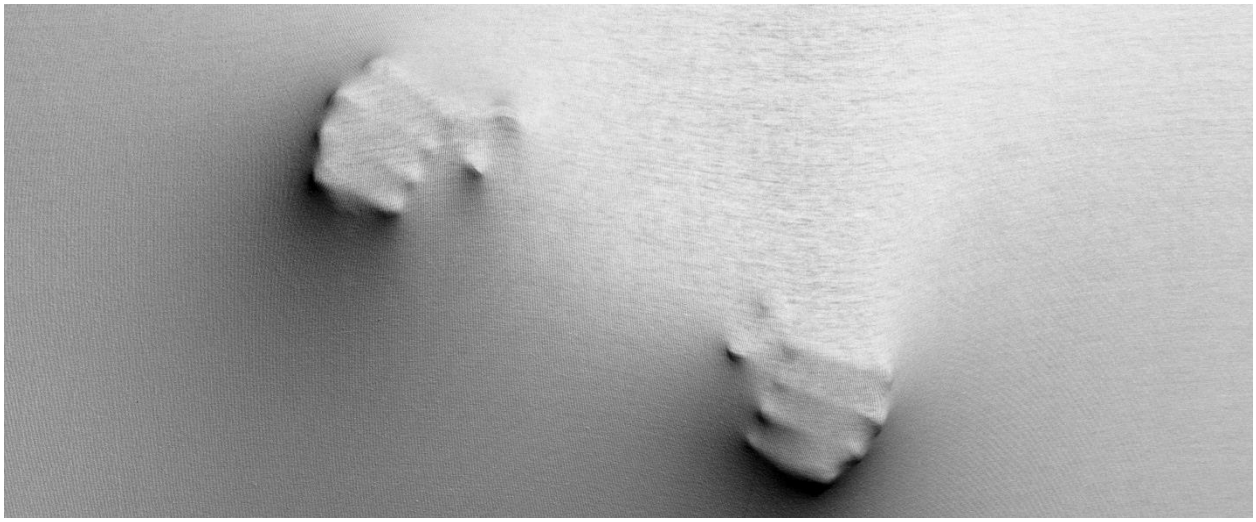
him delete a Facebook post criticizing the placement of border posts on community land by his company.

In addition to the above, one of the HRDs interviewed from November 2022 to March 2023 said the people advocating for those who have lost their lands and homes can face imprisonment. He himself was arrested in September 2020 for planning a peaceful demonstration to demand social justice in Phnom Penh's Freedom Park. Authorities then charged him with incitement to cause social unrest and sent him to pre-trial detention. He was sentenced to 20 months in prison in October 2021, but part of his sentence was suspended. Although he was released in November 2021, his sentence was upheld by the Phnom Penh Appeal Court in August 2022, and by the Supreme Court in May 2023. Another interviewee noted that human rights defenders are being harassed and face several restrictions because of their legitimate work. He said he was charged with "*illegal arrest, detention, and confinement*" in 2014 for monitoring a protest related to land rights in Preah Vihear province. After years of proceedings, these charges were eventually dropped in early 2021. A third HRD interviewed during that period was sued by a timber businessman in 2019, seemingly to discourage community members from continuing their forest protection activities. Although she was summoned to court for questioning, no further action was taken.

> ***"Human rights defenders are often accused of being abettors who push farmers and local communities to stand up. When [authorities] hear the words human rights activist, environmental activist, land activist… they are the ones who will be facing arrest."***
> HRD interviewed by CCHR from November to March 2023

Physical attacks against HRDs

In addition to the judicial harassment they regularly face, HRDs in Cambodia operate in a dangerous and unsafe environment. During the Reporting Period, one physical attack against a HRD was recorded.



HOEUN SINATH – On the evening of 16 October 2022, three unidentified assailants on motorbikes attacked Hoeun Sinath, a land activist from the Sre Prang community in Tboung Khmum province, while he was attending a seminar organized by the Coalition of Cambodian Farmer Community in

Phnom Penh. The attackers dealt several blows to Sinath's face, leaving him with a gash on his left cheek and other injuries. He filed a complaint with the Phsar Doeum Thkov police station on the day of the attack.[95]

26 April 2023 marked the eleventh anniversary of the murder of environmental activist Chut Wutty, who was shot dead while accompanying two journalists investigating a forestry crime near a protected area in Koh Kong province. Wutty, who was the director of the Natural Resource Protection Group, was known for his engagement in protecting Cambodia's forests and natural resources and exposing environmental crimes, including those involving Cambodian authorities. His case was quickly declared closed by the Koh Kong Provincial Court in October 2012, without any transparent nor independent investigation conducted by the authorities, depriving Wutty and his family of justice.[96] On 26 April 2023, about 20 youth activists held a vigil and a march in Phnom Penh to commemorate the 11th anniversary of Wutty's murder. They also submitted a petition to the Ministry of Justice demanding it reopen the investigation into the killing, and denounced the targeting of environmental activists in recent years.[97]

Similarly, July 2023 marked seven years since the murder of prominent political commentator and HRD Kem Ley. The activist, known for speaking what others would not, was shot in a gas station in Phnom Penh in July 2016, with no thorough and independent investigation conducted and his murderer(s) yet to be held to account.[98] Developments during the Reporting Period indicate that this case remains particularly sensitive. On 18 January 2023, the Phnom Penh Municipal Court sentenced *in abstentia* exiled political analyst Kim Sok to 18 months in prison and an eight million riel fine. He had previously been charged with defamation and incitement after saying that the murder of Kem Ley was linked to the ruling Cambodian People's Party. He was also ordered to pay around 50 million riels in damages to the RGC.[99] On 10 July 2023, around 100 youth environmental activists, opposition members and civil society representatives gathered at the gas station where Kem Ley was shot down to call on the government to provide justice for him. At least 15 officials in plainclothes monitored the event. Justice Ministry spokesperson Chin Malin said justice had already been provided through the sentencing of former soldier Oeuth Ang to life in prison for the murder in 2017, and denied claims that the convicted killer was used as a scapegoat.[100]

These two most recent unsolved or unsatisfactorily solved cases are reminders of the dangers to which HRDs continue to be exposed for conducting their legitimate work and exercising their fundamental freedoms, and of the rampant impunity that continues to plague Cambodia and enables attacks against HRDs to continue to occur. As a result, many HRDs do not feel free to carry out their work freely and fear repercussions. Seven of the 10 HRDs interviewed for this report reported experiencing fear or having concerns for their physical security when conducting their human rights work. Concerningly, one of the male interviewees even mentioned murder as being one of his concerns,

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[95] Pa Sokheng, "Tbong Khmum Land Activist Beaten in Phnom Penh", (*VOD*, 18 October2022).
[96] CCHR, "Press release: two years on, CCHR mourns environmental activist Chut Wutty and denounces the continued culture of violence and impunity in Cambodia", (*CCHR*, 26 April 2014).
[97] Phoung Vantha, "Activists Demand Chut Wutty Death Probe", (*Cambodianess*, 26 April 2023); Gerald Flynn, "Cambodian activists commemorate 11th anniversary of Chut Wutty's murder", (*Mongabay*, 28 April 2023).
[98] CCHR, Infographic "Impunity in Cambodia", (*CCHR*, July 2021).
[99] Ouch Sony, "Kim Sok Convicted for Kem Ley Interview, Two Other Cases to Be Reinvestigated", (*VOD*, 18 January 2023); Buth Reaksmey Kongkea, "Kim Sok sentenced in absentia for defamation and incitement", (*Khmer Times*, 19 January 2023).
[100] Khuon Narim, "Activists Again Call for Justice on Seventh Anniversary of Kem Ley's Murder", (*CamboJA News*, 10 July 2023); LICADHO, "Media Album | Calls for Justice Continue Seven Years after Kem Ley's Murder", (10 July 2023).

adding that he did not dare to mention the names of high-ranking officials when conducting advocacy work. Another said he was afraid of being oppressed by those in power or targeted by corrupt officials and illegal traders. Because of that, he refuses to advocate on issues related to illegal logging and the clearing of forest land.

This unsafe environment has led many HRDs to adapt and adjust to continue to perform their essential work in the safest way possible. One of the HRDs interviewed for this report said he delivers only general statements when speaking in public, instead of focusing on specific topics or issues. Another, who admitted to self-censoring, confirmed that HRDs must be very careful when expressing themselves, and base their advocacy on national and international law. A female HRD said she tries to find quiet, safe places far from her village to discuss issues affecting the community, citing widespread government surveillance. Despite these difficulties, only two of the interviewees reported refusing to lead advocacy efforts on human rights issues deemed too sensitive. However, three of them stressed the need to avoid talking about political issues or getting involved with opposition parties.

One of the HRDs interviewed from November 2022 to March 2023 said he has been subjected to numerous insults on social media. He also received death threats while he was on a mission. However, he pointed out that it would not deter him from continuing to work as a human rights advocate: "*As a defender of social interests, it is inevitable to experience all of that. I am used to it*." Another said his family faced threats because of his activism, adding that the people advocating for those who have lost their lands and homes can face risks such as "*loss of life*." A third one said her community does not dare to patrol the forest at night to prevent illegal logging because perpetrators were working with local criminals armed with makeshift guns. Lastly, a fourth one reported being concerned about his safety and that of the members of his network.

Freedom of expression of Women Human Rights Defenders ("WHRDs")

In an environment hostile to critical voices, WHRDs are not spared the many challenges that activists face in Cambodia. Among the WHRDs who faced legal action for exercising their freedom of expression during the Reporting Period were high-profile union activist Chhim Sithar, as well as land rights activists Det Huor, Phav Nheung, and Seng Lin (see the section on *Judicial harassment of HRDs for exercising their freedom of expression* for more details). Below are two other cases illustrating the RGC's targeting of WHRDs.

SENG THEARY – On 1 September 2022, the Phnom Penh Appeal Court rejected a request for release from Cambodian-American human rights activist Seng Theary to enable her to await her appeal trial in liberty. She was not allowed to attend the hearing, and the court provided little explanation for the decision. Theary was sentenced to six years in prison in June 2022 for plotting and incitement as part of a mass trial of members of the now-dissolved Cambodia National Rescue Party.[101] During its ninety-sixth session from 25 March to 5 April 2023, the UN Working Group on Arbitrary Detention concluded that Theary's arrest and detention were arbitrary and resulted from the exercise of her rights to freedom of opinion, expression, peaceful assembly, and association. It called on the RGC to release her immediately and accord her an enforceable right to compensation and other reparations;[102] to no avail.

PRAK SOPHEA – On 21 August 2023, it was reported that prominent land rights defender Prak Sophea from Phnom Penh's Samrong Tbong village had fled to Thailand and applied for refugee status with the UNHCR. Sophea is an outspoken activist whose community, which lives on the shores of Boeng Tamok lake, is set for eviction to make way for real estate development projects. She left Cambodia to escape arrest after receiving information that a fourth judicial complaint would be filed against her. She also said she was being constantly surveilled by unidentified individuals in civilian clothes. Prak Sophea and other Boeng Tamok community members have long faced judicial harassment for protesting plans to fill the lake with sand.[103]

Cambodian WHRDs also experience many other challenges stemming from entrenched societal norms, which impact their freedom of expression. All six WHRDs interviewed for this report said they faced challenges because of their gender. Five of them reported experiencing discrimination, including three who said they had also been discriminated against because of their ethnicity. One pointed out that her community members did not have much faith in WHRDs during meetings, while another said WHRDs were looked down upon by non-indigenous men and her fellow female villagers. The latter also reported facing discrimination by government officials because she is a widow. In the same vein, one of the interviewed WHRDs said she received no encouragement from her family. Three WHRDs also stated that their gender makes it more challenging for them to take part in local forest and land protection initiatives such as community patrols, with one noting that WHRDs face increased risks of being bullied.

In addition to the above, three male HRDs interviewed for this report pointed out that WHRDs typically lack support or encouragements from their families. One said WHRDs are often discriminated against by men, and noted that there were fewer females than male participants in the activities organized by his NGO. Another pointed out that WHRDs are more vulnerable to physical and sexual abuse, adding that it was challenging for them to travel to distant destinations for their work.

[101] Khuon Narim, "Appeal Court refuses to release human rights activist Seng Theary", (*CamboJA News*, 2 September 2022).
[102] UN Human Rights Council, Working Group on Arbitrary Detention, "Opinions adopted by the Working Group on Arbitrary Detention at its ninety-sixth session, 27 March–5 April 2023", A/HRC/WGAD/2023/5.
[103] Phon Sothyroth, "Boeng Tamok Activist Flees to Thailand, Seeking Refugee Status", (*CamboJA News*, 21 August 2023).

4.3. State of access to information

Publication of judgments and preservation of archives

The right to a public judgment means that judgments rendered in civil and criminal proceedings must be made public. The transparency of court procedures is as much an issue of fair trial rights as it is an issue of access to information: the right to a public judgment is key to ensuring transparency and accountability, as it limits the judges' ability to act arbitrarily, but it is also important in terms of access to legal information, as it allows the public to know what type of behavior is prohibited under the law. However, judiciary transparency still leaves much to be desired in Cambodia. Except for the Constitutional Council which regularly publishes its decisions[104] and the Extraordinary Chambers in the Courts of Cambodia ("ECCC") which has widely disseminated its judgments, verdicts from other courts still remained largely impossible to access during the Reporting Period.

In its *Updated Set of principles for the protection and promotion of human rights through action to combat impunity*, the UN stated that "*every people has the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes.*"[105] To give effect to this right to know, the UN called on States to take various measures, which include ensuring the preservation of and the access to archives concerning violations of human rights and humanitarian law.[106]

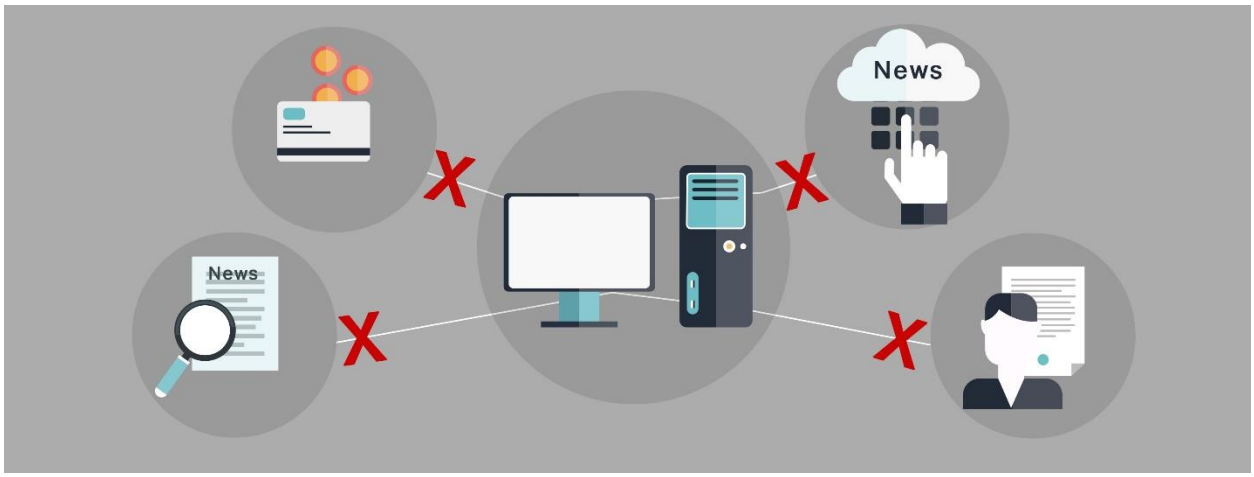
In August 2021, the RGC and the UN signed an Addendum to the UN-RGC Agreement on the ECCC. Through this Addendum, the ECCC – tasked with prosecuting the Khmer Rouge leaders and those most responsible for the crimes committed during the Khmer Rouge regime from 1975 to 1979 in Cambodia – received residual powers that would come into effect upon the completion of its judicial work. In Article 3 of the Addendum, which focuses on archives, the UN and the RGC agree that the preservation

[104] Website of the Constitutional Council of Cambodia.
[105] UN, "Updated Set of principles for the protection and promotion of human rights through action to combat impunity", (UN Doc. E/CN.4/2005/102/Add.1, 8 February 2005), Principle 2.
[106] *Ibid*, Principle 5.

of the archives of the ECCC is "*vital*" and that they must be "*as broadly accessible as possible.*"[107] After the ECCC pronounced its final ruling on 22 September 2022, ECCC spokesman Neth Pheaktra confirmed that creating a system of management and preservation of the ECCC archives figured among the ECCC's two remaining tasks to be carried out in the next three years.[108]

Notable development pertaining to the ECCC's archives took place during the Reporting Period. On 1 January 2023, the ECCC became a member of the International Council on Archives (ICA) as a step toward implementing Article 3 of the Addendum and strengthening its ability to make its holdings as broadly accessible as possible.[109] On 15 January 2023, Japan decided to contribute USD 220,000 to the ECCC's archives to support its preservation efforts.[110] On 27 September 2023, the ECCC inaugurated a Resource Centre within its residual premises in Phnom Penh. The Center consists, among other components, of a library and research hub open to the public and a digital and hard copy archive in line with international standards. The inauguration was followed by the launch of a short video series on social media to disseminate information about the Chambers' work among the public.[111]

Access restrictions to news websites



According to the Phnom Penh-based Advocacy and Policy Institute, the RGC blocked access to a total of 43 websites in 2022, including at least six news sites.[112] CCHR's media monitoring showed that it continued doing so in 2023, seemingly with increased efficiency. On 13 February 2023, just hours before the scheduled closure of *VOD*, an official from the Telecommunication Regulator of Cambodia (TRC) reportedly created a Telegram group chat containing all of the country's registered Internet service providers (ISP). He then ordered them to block access to the English and Khmer version of *VOD*'s website by 10am. ISPs complied swiftly despite technical gaps that allowed some internet users to access the websites in the days that followed. Human rights activists raised alarm at the

[107] "Addendum to the Agreement between the Royal Government of Cambodia and the United Nations concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea on the Transitional Arrangements and the Completion of Work of the Extraordinary Chambers", (ECCC, August 2021), Article 3.
[108] Lay Samean, "Justice served : Khmer Rouge tribunal closes final legal case", (*Phnom Penh Post*, 22 September 2022).
[109] ECCC, "ECCC Joins the International Council on Archives", (11 January 2023).
[110] Post Staff, "Japan provides $220K funding to ECCC", (*Phnom Penh Post*, 27 January 2023).
[111] ECCC, "ECCC Inaugurates Resource Centre and Launches Educational and Outreach Short Video Series", (27 September 2023).
[112] Jack Brook, "Cambodia internet providers told to block independent broadcaster", (*Nikkei Asia*, 20 February 2023).

unprecedented speed with which *VOD*'s websites were blocked, and warned that the RGC was preparing to tighten online control in the run-up to the July 2023 national election.[113]

On 12 July 2023, the TRC issued a letter ordering ISPs to block access to the websites and social media accounts of *Cambodia Daily*, *Radio Free Asia*, and *Kamnotra* without delay. The letter justified the move by claiming their reporting could "*make confusion*" and "*affect the government's honor and prestige*." The outlets were also accused of failing to meet the Ministry of Information's conditions for doing business.[114] Both *Cambodia Daily* and *RFA* operate from abroad after they had no choice but to shut down their operations in Cambodia in 2017. As for *Kamnotra*, it was launched on 20 June 2023 by the Cambodian Center for Independent Media to consolidate access to publicly available data in English and Khmer. It consists of two main databases: *Gazetter* and *In Dispute*. The former indexes documents released in the Royal Gazette, which highlights key decisions made by the government, while the latter gathers and analyses data relating to land disputes across the country.[115]

RSF reacted to the ban by calling on the RGC to immediately reverse it and put an end to its repeated attacks on press freedom. Its Asia-Pacific Bureau Director also directed heavy criticism at the RGC: "*Having almost completely eliminated the free press inside Cambodia, Hun Sen's government is now targeting media operating from abroad in order to perfect its information lockdown.*"[116] Shawn Crispin, the Committee to Protect Journalists' senior Southeast Asia representative, minced no words either: "*Cambodia's censorship order against The Cambodia Daily, Radio Free Asia, and Kamnotra is a crude attempt to curb free reporting on the country's upcoming general election*." He added that Cambodia will only be a democracy in name as long as authorities harass and suppress the press.[117]

Journalists struggle to access information held by public officials

Interviews conducted with journalists for this report reveal that journalists are working in an environment that is fraught with difficulties when attempting to access information. All six of the male journalists interviewed for this report said they struggle to access the information needed to write their articles. Among them, four said they experienced difficulties obtaining information from the relevant authorities. One noted that authorities do not cooperate with journalists, refuse interviews, or outright forbid reporters from covering specific events. Another said government officials often reject his requests for information and accuse him of exposing domestic issues to "*please the foreigners*." A third interviewee faced similar issues and confirmed that, more often than not, government officials and spokespersons accuse independent journalists of serving the interests of foreigners or opposition groups. In the words of a fourth interviewee: "*It is easy to interview citizens, but difficult to interview the authorities*."

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[113] *Ibid*.
[114] RFA Khmer, "Hun Sen's government orders RFA, other news outlet websites blocked", (*RFA*, 17 July 2023); Noeurn Davin, Lors Liblib, "Cambodian Government Blocks News Sites Before Unopposed Election", (*VOA*, 17 July 2023).
[115] Phon Sothyroth, "New Interactive Database Expands Access to Public Information", (*CamboJA News*, 21 June 2023).
[116] RSF, "Cambodia: Days before general election, government blocks several online media outlets", (21 July 2023).
[117] Committee to Protect Journalists, "Cambodia blocks websites, social media accounts of 3 outlets ahead of Sunday election", (20 July 2023).

> ***"What I found difficult in my nearly 10-year career as a journalist is finding sources of information, and especially getting responses from the government."***
> Journalist interviewed by CCHR from November to March 2023

In March 2022, Information Minister Khieu Kanharith urged government spokespersons to respond to information requests in a "*timely manner in order to disseminate the information widely to the public and people at the grassroots level*." He also called on government press officers not to discriminate against members of the media.[118] However, CCHR noted that spokespersons contacted by independent journalists during the Reporting Period were frequently unable or unwilling to provide information or comments on sensitive cases.[119]

Concerningly, on 29 May 2023, Ministry of Interior spokesperson Khieu Sopheak verbally threatened *CamboJA* reporter **Khuon Narim** during a phone interview, saying he could go to jail for asking questions about the opposition Candlelight Party. Earlier in May, Sopheak had already refused to give Narim information about the outcome of a meeting between the Ministry of Interior and the Candlelight leadership, instead questioning him about *CamboJA*'s funding and implying he was a "*mercenary journalist working for foreigners*."[120]

In addition, on 13 November 2022, representatives from the Ministry of Information banned **VOD and VOA journalists** from attending a conference by then-Prime Minister Hun Sen following an ASEAN Summit without explanation. Reporters were previously told they would be able to ask questions about the summit during the event. MoI General Director Phos Sovann later defended the ban, claiming that reporters from these outlets never attend these press conferences, and when they do they "*cut only a few points*" from a speech for their articles.[121] Similarly, on 22 August 2023, National Assembly officials forced **VOA reporter Lib Lib** out of a press conference on the election of Hun Manet as Prime Minister. Lib Lib was initially allowed into the press room, and no explanation was given for his removal.[122] Such incidents suggest the existence of institutional discrimination against journalists who work for media outlets that routinely report on sensitive issues.

Developments towards the adoption of a law on access to information

In 2007, the RGC first acknowledged the need for a freedom of information law and developed an access to information draft policy in 2007.[123] However, a decade and a half later, it has yet to adopt a dedicated law on access to information. Key ministries concluded their revision of the draft law on A2I

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[118] RFA Khmer, "Cambodia information minister tells state spokespeople to work with independent media", (*RFA*, 25 March 2022).

[119] See notably: Seoung Nimol, Leila Goldstein, "Meta Rejects Recommendation to Suspend Hun Sen for Inciting Violence", (*CamboJA News*, 31 August 2023); RFA Khmer, "Hun Sen defends recent military promotions for his two eldest sons", (*RFA*, 22 March 2023); Prak Chan Thul, "Education Ministry Orders School Shut Down for ASEAN Summit", (*Kiripost*, 13 September 2022); Colin Meyn, "Biden presses Cambodia's Hun Sen on jailed activists, political freedom", (*The Hill*, 13 November 2022); AFP, "Cambodia urged to halt evictions", (*Taipei Times*, 1 April 2023).

[120] CamboJA, "Journalism situation in Cambodia - Quarterly Monitoring Report, April to June 2023", Issue No. 08, page 10.

[121] Saut Sok Prathna, "VOD, VOA Reporters Banned from PM's Post-Asean Speech", (*VOD*, 15 November 2022).

[122] CamboJA, "Journalism situation in Cambodia - Quarterly Monitoring Report, July to September 2023", Issue No. 09, page 14.

[123] MoNASRI, "Access to Information: A clear policy framework for Cambodia", (22 July 2007), p. 4; Advocacy and Policy Institute, "Introduction to Access to Information in Cambodia", (August 2010), p. 11.

in August 2019.[124] In May 2021, the MoI pledged to finish its consultations on the draft law with the MoJ "*soon*" and said the draft would be submitted to the Council of Ministers and the National Assembly for approval before the end of 2021.[125] In late 2021, the MoI said that the process of drafting the law was in its final stage, and that its completion would be expedited so that it could be submitted to the Council of Ministers.[126]

CSOs calling for prompt info access law drafting

Lay Samean | Publication date 16 June 2022 | 21:23 ICT

Civil society organisation representatives submitted a petition to Prime Minister Hun Sen's Cabinet in Chaktomuk commune of the capital's Daun Penh district on June 16. Heng Chivoan

A group of 33 civil society organisations (CSOs) urged the intervention of Prime Minister Hun Sen to expedite the draft law on "access to information".

In June 2022, 33 CSOs submitted a petition to then-Prime Minister Hun Sen to call on lawmakers to take their input into consideration,[127] revise the draft, and speed up the completion of the law.[128] Most notably, they requested the removal of articles 20.7 and 15.4 of the draft law, which allow public institutions to withhold "*other confidential information*" and impose a 40-day period before a repeat request for information can be made. They also urged revisions to six other articles, notably to increase protections for whistleblowers.[129] In response, the MoI held a meeting to review the draft law on 1 July 2022, and said the whole process would therefore be slowed.[130] In September 2022, an MoI spokesman listed three reasons that explained the delay in adopting the draft law: the fact that stakeholders were still providing input, the necessity to make sure that the law complies with the national and international legal framework, and the challenges caused by the COVID-19 pandemic. He reiterated the MoI's commitment to finalizing the draft law and getting it approved as soon as possible.[131]

In late October 2022, the MoI announced that the draft law had been sent to the Council of Ministers for review, but did not provide information on the timeline for the law's approval.[132] On 14 January 2023, then-Prime Minister Hun Sen said he expected the law to be passed "*after the [July 2023]*

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[124] Voun Dara, "Information access law to be finalized next month", (*Phnom Penh Post*, 21 August 2019).
[125] Ry Sochan, "Access to information law set to be approved this year, ministry pledges", (*Phnom Penh Post*, 28 May 2021).
[126] Sar Socheath, "Information access draft law in final stage and to be expedited", (*Khmer Times*, 5 November 2021).
[127] Khuon Narim, "Civil Society Organizations Call for Access to Information Law to be Approved", (*CamboJA News*, 16 June 2022).
[128] Lay Samean, "CSOs calling for prompt info access law drafting", (*Phnom Penh Post*, 16 June 2022).
[129] Khuon Narim, "Prime Minister Claims Access to Information Law Will be Approved After Elections", (*CamboJA News*, 17 January 2023); Khuon Narim, "Civil Society Organizations Call for Access to Information Law to be Approved", (*CamboJA News*, 16 June 2022).
[130] Lim Nary, "Another review of access to Information Draft Law coordinated", (*Khmer Times*, 3 July 2022); Post Staff, "Draft information access law on hold for re-evaluation", (*Phnom Penh Post*, 2 July 2022).
[131] Voun Dara, "Ministry explains progress on 'access to information' law drafting", (*Phnom Penh Post*, 2 September 2022).
[132] Khuon Narim, "Long-awaited information access law awaits council of ministers approval", (*CamboJA News*, 28 October 2022).

election, or maybe definitely by 2024 or 2025," and blamed the ongoing delay on the need to review the input made by CSOs. Advocacy and Policy Institute director Lam Socheat said Hun Sen's remarks were meant to appease civil society groups and the public ahead of the 2023 elections, and noted that the delay in adopting the draft law also reflected the lack of strong opposition parties pushing for its passage in the National Assembly. Concerningly, on 17 January 2023, an MoI spokesperson was quoted as saying that the government would not incorporate the civil society comments it deems "*inappropriate*." He added that there was "*nothing very interesting*" about the concerns raised by CSOs because they have "*always had negative views*."[133]

V. Conclusion and Recommendations

The rights to freedom of expression and press freedom continued to be undermined during the Reporting Period, with journalists and HRDs being victims of the RGC's increased efforts to silence critics and control the narrative ahead of the July 2023 general election. Judicial harassment, physical attacks, self-censorship, and intimidation are just some of the threats faced by those who dare to speak out about sensitive issues or voice opinions critical of the RGC. As for the right to access information in Cambodia, improvement is needed in many areas for this right to be realized. While the RGC's draft Law on A2I is a step in the right direction, too many barriers remain for this right to be fully respected and protected, and Cambodia still has a long way to go before the right to access information is upheld.

Human rights can only be upheld and a flourishing democracy can only thrive if every citizen is free to exercise their right to freedom of expression which is, along with its two corollaries – press freedom and access to information – a catalyst for other rights. In 1991, Cambodia signed the Paris Peace Agreements, pledging to protect human rights and fundamental freedoms and promote democracy in the Kingdom. More than thirty years later, such a promise has not been fulfilled and Cambodians long for a just society in which their rights, including the right to freedom of expression, are fully upheld.[134] It is therefore paramount that the RGC urgently redresses the declining situation of freedom of expression in Cambodia. Concrete action is needed to turn these commitments into reality.

[133] Orm Bunthoeurn, "PM: Info access law maybe by 2024-25 as 'all inputs' needed", (*Phnom Penh Post*, 15 January 2023); Khuon Narim, "Prime Minister Claims Access to Information Law Will be Approved After Elections", (*CamboJA News*, 17 January 2023).

[134] CCHR, "Briefing Note: Cambodia's Fulfillment of the Paris Peace Agreements, 30 Years later", (*CCHR*, October 2021).

CCHR, therefore, encourages the RGC to take concrete measures to fulfill its international human rights obligations and makes the following **recommendations:**

1	**Discard the NIG Sub-Decree, in line with Cambodia's obligations under the Constitution and international human rights law to ensure that the rights to freedom of expression and to access information of all individuals are protected in Cambodia.**
2	Review all existing laws that illegitimately undermine freedom of expression to bring them in line with international human rights law, such as the *Press Law*, the *Law on Amendments to Election Laws*, and the Criminal Code's provisions on *lèse-majesté*, incitement, and defamation.
3	Incorporate the input from stakeholders and civil society organizations into the draft Law on A2I to ensure that its final version aligns with international human rights standards, and promptly adopt it.
4	Immediately reinstate the licenses of the five media outlets that were shut down during the Reporting Period.
5	Cease all judicial harassment against journalists and HRDs for exercising their freedom of expression and ensure an enabling environment in which they can freely carry out their legitimate activities without fear or undue hindrance, obstruction or judicial harassment, and other forms of harassment.
6	Immediately release all journalists and HRDs imprisoned for exercising their right to freedom of expression and drop all the charges against them.
7	Ensure that attacks and crimes committed against journalists and HRDs are concretely, thoroughly and independently investigated, and that perpetrators are brought to justice to put an end to impunity for crimes committed against journalists and HRDs, and enable them to work safely.
8	Cease threatening and intimidating journalists who report on issues deemed "sensitive" such as politics, land issues or corruption to ensure that journalists can play their essential role of informing the public on any matter of public interest, regardless of how the RGC perceives these issues.
9	Encourage media pluralism and diversity by permitting independent media outlets to investigate and report on all issues of public importance without fear of repercussions from the government, to create an open media landscape where divergent opinions and ideas can circulate freely and be accessible to the public.
10	Abolish the requirement for media outlets to obtain a license from the MoI before being able to publish, and establish an independent media regulatory body that is separate from the RGC to ensure media regulation is conducted in respect of press freedom and in all impartiality.
11	Ensure that all government departments, public bodies, and private bodies with public functions adhere to the principle of maximum disclosure and approve requests for information disclosure, particularly from journalists, to enable information of importance to the public interest to circulate freely and increase transparency and accountability of the RGC's actions.
12	Take meaningful steps to eliminate discriminatory attitudes towards female journalists and WHRDs through *inter alia* gender-sensitivity trainings and educational campaigns, to enable them to exercise their right to freedom of expression and conduct their legitimate work free of discrimination.

VI. Annex

ANNEX I: INTERVIEW QUESTIONNAIRES

Questions for journalists

1. What do you think are the biggest threats to press freedom and access to information in Cambodia nowadays?
2. Have you personally experienced restrictions / violations of your right to freedom of expression as a journalist by the RGC and/or by third parties? If so, did you file a complaint? If you did, did you obtain redress?
3. Do you feel you can do your job freely and without fear of repercussions?
4. What are some adjustments you have had to make to account for this increasingly dangerous environment for journalists?
5. Do you struggle accessing information for your articles? If so, can you please give us some examples?
6. Are there some topics you refuse to write on? If so, why?
7. Have you ever been at a disadvantage while exercising your freedom of expression as a journalist because of your gender? (for female interviewees)

Questions for HRDs

1. What do you think are the biggest threats to freedom of expression in Cambodia nowadays?
2. Have you personally experienced restrictions / violations of your right to freedom of expression as human rights defenders by the RGC and/or by third parties? If so, did you file a complaint? If you did, did you obtain redress?
3. Do you feel you can do your job freely and without fear of repercussions?
4. What are some adjustments you have had to make to account for this increasingly dangerous environment for HRDs?
5. Are there some human rights issues you refuse to advocate on? If so, why?
6. Have you ever been at a disadvantage while exercising your freedom of expression as a HRD because of your gender? (for female interviewees)