1. **What is a SLAPP?**

A SLAPP is intentional litigation used to discourage, intimidate, challenge, disrupt, or financially drain, a defendant, silencing their opposition, criticism or dissent.

Traditionally SLAPPs are civil lawsuits brought by third parties. However, in Cambodia, SLAPPs are more frequently brought by the RGC or the judiciary, in the form of criminal sanctions, such as summons by a Court for questioning or the imposition of criminal charges.

2. **The Purpose of SLAPPs**

SLAPPs specifically target outspoken members of the community who exercise their freedom of expression. SLAPPs are used by powerful entities like the government or tycoons to silence criticism and discourage citizen engagement. SLAPPs stifle citizen engagement through the fear of incarceration and pose large financial burdens because individuals are subjected to legal costs and large fines. SLAPPs are used as an intimidation tactic to scare individuals, civil society actors, community leaders, journalists, whistleblowers and human rights defenders into silence.

3. **SLAPPs in Cambodia**

SLAPPs are common in Cambodia. Between 1 April 2019 and 31 March 2020 the FFMP recorded 132 suspected SLAPPs against 379 individuals. The vast majority of these were brought by the RGC, RGC officials, or the judiciary, and frequently targeted multiple individuals.
While criminal charges were utilized frequently, the number of SLAPPs that resulted in convictions over this 12-month period remained low. This illustrates a defining feature of SLAPPs – they are used primarily as a tool to discourage and prevent individuals from exercising fundamental freedoms. SLAPPs are intended to protect the government and powerful individuals from criticism or dissent. This leads to many individuals caught up in lengthy and expensive criminal trials, often remaining in pre-trial detention for many months or years.

4. Case Studies
SLAPPs do not apply to one specific type of public participant. The below case studies illustrate SLAPPs in Cambodia that have targeted journalists, community representatives, trade union members and youth activists.

**Mr. Yeang Sothearin and Mr. Uon Chhin**
In November 2017, two Radio Free Asia (“RFA”) reporters, Mr. Yeang Sothearin and Mr. Uon Chhin were arrested and charged with providing a foreign state with information prejudicial to Cambodia’s national defense under Article 445 of the Criminal Code along with a second charge for the production of pornography under Article 39 on the Suppression of Human Trafficking and Sexual Exploitation. The pair were released on bail in September 2018, after over nine months in pre-trial detention. In October 2019 the court of first instance failed to deliver a verdict, instead ruling for re-investigation due to a lack of evidence. Subsequently their appeals against this decision were denied by the Phnom Penh Appeal Court and the Supreme Court. Therefore, the case is now sitting back with the court of first instance awaiting further investigation. This SLAPP has successfully silenced their critical journalism due to the severe impositions it has placed on their daily life, and the continuing threat of further judicial penalties.

**Mrs. Phav Nhing**
A private defamation lawsuit was brought against Mrs. Phav Nhing for her outspoken activism on behalf of multiple Koh Kong communities. The communities have been involved in a long-standing land dispute since 2008 with sugar cane company Heng Huy Agricultural Co. Ltd. Ms. Chhay Vy, who instigated the lawsuit and is the sister of the commune chief, but acted privately, accuses Nhing of defamation for her claims that Vy sold off community land. The case is ongoing.
5. Recommendations

The use of SLAPP litigation is widespread in Cambodia, with many lawsuits instigated by third parties as well as the RGC itself. SLAPPs undermine human rights and discourage citizens from engaging in society, leading to a chilling culture of self-censorship. To prevent SLAPPs the RGC must:

I. Enact a law prohibiting SLAPPs that contains penalties for individuals or entities who file SLAPPs.

II. Review and amend the Cambodian Criminal Code, in particular the offenses of defamation and incitement, to comply with the international human rights legal framework, as ratified by Cambodia.

III. Deliver training for police and judicial staff on how to recognize a SLAPP.

IV. Create an enabling environment for human rights defenders, independent journalists and activists, allowing them to carry out their legitimate and valuable work unhindered.

For more information, please contact CCHR’s Project Coordinator, Mr. Hun Seang Hak by phone at +855 (0) 12 40 30 50 or email at seanghak.hun@cchrcambodia.org.

6. Further Reading