

# SITUATION REPORT 2018: CAMBODIA'S MEDIA ON EDGE



AFP/Tang Chhin Sothy

INTERNATIONAL FEDERATION OF JOURNALISTS  
ASIA PACIFIC



# OVERVIEW:

The fragile legal framework that supported Cambodia's slow progression from an authoritarian state to a flawed democracy is now in the process of being dismantled by its government. In doing so the government has politicized the country's courts, restricted freedom of speech, assembly and association, and uses violence and imprisonment to suppress its political opposition, civil society and media.

The ruling Cambodian People's Party (CPP), led by Hun Sen, the country's prime minister for the past 32 years, has managed to keep its grip on political power by what an editorial in the Japan Times (12/09/17) explained as being able to fend off "all challengers, using a combination of legal instruments, brute force and intimidation".

In 2017, Hun Sen's CPP government, stepped up its attacks on its political opposition, human rights defenders and the country's independent media. It closed down radio stations, forced an independent newspaper to shut under threats of a massive tax bill, expelled US-funded democracy advocates, jailed human rights defenders and journalists and used the courts to dissolve the country's main opposition party.

Freedom House in its 2017 report classified Cambodia's freedom status as "Not Free" and detailed that as the Hun Sen-led Cambodian People's Party "sought to consolidate its power ahead of the 2017 local and 2018 national elections, independent journalists and political and civic activists suffered from an increase in criminal charges, threats, and physical attacks."

Freedom House pointed out that despite Cambodia's Constitution guaranteeing press freedom, "vaguely worded laws, including criminal defamation laws, are used to suppress reporting and commentary that are critical of the authorities".

A 2016 report by the Cambodian Center for Independent Media – Challenges for Independent Media – pointed out that "the murder of political analyst Kem Ley in July 2016 and the beating of two human rights defenders at a peaceful protest in October contributed to a general sense of insecurity among members of the media".



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Shawn Crispin, Senior Southeast Asia Representative from the Committee to Protect Journalists, explained to IFJ how the country's remaining media is under the control and influence of the government: "If you look at the ownership of the remaining media - radio and television stations - you'll see that they are connected to Hun Sen and other ministers of the CPP government and their families. What's happening is that there will be selectivity in what news gets covered – there will be [government] bias."

Crispin stresses the real loser in the media crackdown is the Cambodian electorate. "What they have done is make it difficult for ordinary citizens to access crucial information and to be informed. The Hun Sen government is not going to allow for any interception of the government's control of programming and delivery of message."

A recurring theme in the government's rhetoric is a constant reference to its political opposition, independent media and human rights defenders colluding with the 'foreign interests or agencies' to bring down the CPP government.

The targeting of US-funded NGOs and media by the government is a clear signal that Hun Sen and his government consider US influence in the region is on the wane while it enthusiastically embraces Chinese aid and development investment.

Regional analysts have pointed to US President Donald Trump's constant attacks on the mainstream media as 'fake news' is a tactic Hun Sen willingly uses to target media he considers as hostile. There is a perception in the region that US democratic ideals and policy are being (mis)managed by tweets and are not to be taken seriously. Trump's apparent indifference to regional issues and sensitivities has given Hun Sen the space to crack down on US-funded NGOs in Cambodia and given China an advantage to advance its influence.

Crispin explains Hun Sen no longer has to rely on Western aid for his "government's survival and national development. China now has that financial influence... balance has shifted in favor of China. China has come in in a big way with official development assistance and investment helping to build infrastructure".

A Reuters news story on September 11, 2017 spelt out how China's investments have now outstripped those of the United States. Reuters estimated that "China provided nearly 30 per cent of investment capital in Cambodia last year - more than Cambodians themselves. The United States accounted for only just over three per cent". It also pointed out that "US President Donald Trump's proposed aid cuts have pointed to a possible 70 percent reduction in US assistance to Cambodia from 2018, according to a draft proposal".

The Reuters report went on to explain that "Chinese projects include roads, bridges, irrigation systems, electrical transmission infrastructure and dams. The list of US projects is much longer, but they are much smaller: in education, health, conservation as well as efforts to build democracy which grate on the government".

The Xinhua News Agency reported in late September 2017 the Cambodian Deputy Prime Minister paying tribute to the launch of a new Chinese-funded television channel, NICE TV. The Minister as quoted by Xinhua said, "I believe that the new TV station will play a vital role in providing fast and reliable news on the security sector and in educating people about law and other knowledge." According to Xinhua, NICE Culture Investment Group's chairperson, Deng Li, chairman said "as the first Chinese-invested digital television channel in Cambodia, NICE TV would act as a bridge connecting China and Cambodia in culture and information. The new TV channel is a new achievement that was born from good cooperation between China and Cambodia under the framework of the Belt and Road Initiative."



Cambodia's Prime Minister Hun Sen and China's President Xi Jinping shake hands at the opening of the Belt and Road Forum in 2017. AFP ROMAN PILIPEY / POOL

# 2013 ELECTION: CATALYST FOR 2017 CRACKDOWN



CNRP leader Sam Rainsy holds a national flag as he greets supporters during a demonstration in Phnom Penh on December 19, 2013, contesting the July elections. Credit: AFP/Tang Chhin Sothy

International diplomats, observers, human rights groups and political think-tanks reference the 2013 national elections as the stimulus for the CPP's current crackdown on its opposition and critics.

The 2013 election results were the first real indication that the ruling Cambodian People's Party's 32-year stranglehold on the electorate was loosening. As much as 20 per cent of its vote had gone, a loss of 22 seats. Its main opposition, the Cambodia National Rescue Party (CNRP) gained 44 per cent of the 2013 vote - 55 seats - compared with the CPP's 68. Despite its huge electoral gain, the CNRP contested the result and claimed that more than a million people were denied votes and alleged that the CPP had rigged the ballot boxes to deny it winning. In response to the thousands of opposition supporters who took to the streets of the nation's capital, Phnom Penh, to protest, the CPP government ordered the army to retake control of the streets.

As a reminder of the four-year old clampdown, prior to the June 2017 elections to the local or commune councils, Hun Sen, gave a speech that made it clear that he was not prepared to accept an election loss, even if it resulted in bloodshed.

In a three-hour speech to Cambodia's Christian community in Phnom Penh, Hun Sen, quoted by Reuters said, "War will happen if the CPP loses [election] control". Reuters also quoted Hun Sen as saying that he had ordered troops to crack down on protests against election results. In his speech as reported by Reuters, Hun Sen's warning was blunt about what an election loss would deliver. "No guns are needed to cause war...words can cause war if the CPP loses patience and burns down your homes."

Despite having in place strategies to shore up its electoral prospects - anti-NGO legalization, closure of independent media, jailing of opposition members, and a crackdown on human rights defenders - the ruling CPP government was further shocked at the results of the June 4, 2017 elections to the commune councils. The CNRP had collected 3,056,824 votes, 43.83 per cent compared with the government's 3,540,056, at 50.76 per cent a lower margin than hoped for. If this pattern was to be repeated at the 2018 national elections the government was facing the unthinkable, a possible 2018 electoral defeat to the CNRP.

# LANGO: TARGETING HUMAN RIGHTS DEFENDERS

An important building block in the Cambodian government's campaign to block the effectiveness of international NGOs and human rights defenders is its Law on Associations and Non-Governmental Organizations, also known as LANGO. As far back as 2011, Human Rights Watch and Cambodian civil society advocates warned of the dangers of the proposed draft legislation if and when it became law.

The International Federation for Human Rights (FIDH) an international alliance of 184 organizations from 112 countries released a media statement in July 2015 that explained the LANGO legislation "bans any activity by unregistered associations and NGOs. Unregistered domestic associations and NGOs face fines from five to ten million riel (US\$1,220-2,440) for violations of the law. Such fines could be prohibitive for grassroots groups."

In June 2015, 55 human rights organizations, including Amnesty International, Human Rights Watch, Global Witness and the International Commission of Jurists failed to get the government to drop its proposed LANGO legislation. In its letter to the President of the National Assembly, the alliance warned that if the LANGO law was passed, "the government will be violating the right to freedom of association, a right guaranteed to all individuals by international human rights law, and the right to participate actively in the political, economic, social and cultural life of the nation, a right guaranteed in Article 35 of the country's [Cambodia's] Constitution."

On August 13, 2015, King Norodom Sihamoni signed a Royal Proclamation that passed the LANGO legislation. The United Nations and the former US Ambassador to Cambodia voiced their concerns of the potential ramifications of the law. Human Rights Watch's Asia Division deputy director Phil Robertson described LANGO as one of the "last building blocks Hun Sen needed to complete his system of authoritarian rule".

Maina Kiai, the then United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, issued a warning in July 2015, that Cambodia's LANGO legislation threatened the country's right to a free and independent society.



A protester yells in front of police at LANGO protests in 2015. AFP/Tang Chhin Sothy

"Should the draft law be adopted, any group advocating for human rights, basic freedoms and good governance can be shut down and criminalized. It will ultimately have a disastrous impact on Cambodian citizens' democratic participation in furthering the development of their country," Kiai said.

The International Center for Not-for-Profit Law in its 'Civic Freedom Monitor' pointed out that the Cambodian government's LANGO "legislation has been used by government authorities to break up meetings and trainings conducted by NGOs and community-based organizations."

The ICNL 'Civic Freedom Monitor' accused the Cambodian government of overstepping its authority when applying LANGO legislation and said, "authorities have claimed that the LANGO requires groups to receive permission from local authorities before holding meetings, trainings, and other events. However, the LANGO does not have any such requirement".

On Wednesday, August 23, 2017, Kiai's dire 2015 prediction became a reality when Cambodia's Ministry of Foreign Affairs issued a press release that said that the government had stopped the operation in Cambodia of an international NGO, the National Democratic Institute (NDI) and would expel its foreign staff from the country within seven days.

The Ministry of Foreign Affairs accused the NDI of acting illegally and “carrying out its activities with total contempt...” while waiting on the Ministry’s decision of its registration application under the LANGO legislation.

The NDI, a not-for-profit organization received funding from the United States government for its work training political groups on democracy-related issues.

The Ministry of Foreign Affairs press release carried an ominous warning “...authorities are geared up to take the same measures against any foreign association or non-governmental organization that fails to abide by the Law on the Association and Non-Governmental Organizations as well as other laws of the Kingdom of Cambodia”.

In response to the Cambodian government’s crackdown in August 2017 on the NDI, human rights defenders and the media, as well as the Association of Southeast Asian Nations Parliamentarians for Human Rights (APHR) issued a statement warning of the consequences for the fate of democracy in the country.

The APHR chair and Malaysian lawmaker, Charles Santiago, said that “for years Cambodia has been defined by a climate of fear, instilled by the ruling party [CPP] as a tactic for remaining in power.” Mr Santiago said the government’s actions indicated the LANGO laws had been used to shut down NGOs critical of the government.

“The fact that NDI was expelled because it allegedly violated LANGO’s vague provisions regarding registration is proof that our concerns were legitimate, and the implications are stark for all foreign and local organizations operating in the country.”

Human Rights Watch’s, deputy Asian director Phil Robertson, in an interview with the IFJ in early November, said he was “concerned for the country’s human rights defenders. People will be arrested. It’s a message that they [government] can do what they want. They are after the human rights advocates, independent journalists, land rights activists, these are all targets that the government has disliked for years.”

Robertson’s fears were well founded as Prime Minister Hun Sen continued to issue and to carry out his threats to the country’s civil society – this time his target was the Cambodian Center for Human Rights.



Former President of the Cambodia Centre for Human Rights Kem Sokha (front right) joins a march calling on Prime Minister Hun Sen to support press freedom in 2006. AFP/Tang Chhin Sothy

In a speech made to garment workers on 26 November 2017, Hun Sen, quoted in a statement issued by Forum-Asia, said 'the Cambodian Center for Human Rights must be shut down because it was created by foreigners. The Ministry of the Interior should look into this'.

Human Rights Watch, Asia director Brad Adams in response to the threats against the CCHR said: "Prime Minister Hun Sen needed little time after shutting down the main opposition party to go after a major human rights group. The prime minister is showing his fear not only of free elections, but of free expression and association."

Despite his earlier public threats - to 'investigate' the Cambodian Center for Human Rights (CCHR), accusations of its treason, serving 'foreign interests' - the Prime Minister Hun Sen said on December 2, 2017, CCHR would be allowed to continue. In an article posted on Fresh News, the prime minister is quoted as saying CCHR would not need to shutter its operation

## ADHOC 5

In May 2016, the government showed that it had specifically crafted laws like the LANGO legislation to silence its critics when four staff and one former member of the Cambodian Human Rights and Development Association (ADHOC) were charged under Article 548 of the Criminal Code for bribing a witness, and detained without trial for 14 months. Their release in June 2017 was based on a number of conditions – they remain at their place of residence, not leave the country without permission and remain under the court's supervision.

ADHOC was set up after the signing of the Paris Peace Accord in October, 1991. It earned the wrath of the government for defending communities affected by land grabs.

Human Rights Watch's Adams said in response to Supreme Court's decision to deny the ADHOC staff bail that "the Supreme Court showed its political bias in refusing bail for five human rights defenders criminally charged for doing their jobs in a way the government didn't like". Adams warned "no one should mistake these prosecutions for anything other than Prime Minister Hun Sen's effort to undo decades of work by Cambodian groups and the UN to promote the human rights of all Cambodians".

In April 2017, the Ministry of Foreign Affairs and International Cooperation released a 10-page paper - Tell the Truth – in response to what it classified as "a campaign of disinformation led by some foreign governments and organizations, which twisted historical facts and events in an attempt to to portray a negative image of Cambodia and to lay the blame on the government".

The government's paper castigated the UN for not adhering to Cambodia's laws, complained of foreign intervention and denied that the country had any political prisoners, claiming that those in jail should be regarded as criminals for breaking the law.

"The 26 so-called 'political prisoners' are not jailed for political reasons but for violation of the law. Political and human rights activists are not above the law," Tell the Truth declared.

The government's paper attempted to reposition the arrests of the ADHOC 5 as criminal and not politically driven: "Four ADHOC officers and the NEC deputy secretary-general were charged in accordance with the law, specifically under Article 548 of the Criminal Code for crimes on suborning of perjury of a witness and not as a result of an arbitrary decision."

The four employees of ADHOC — Ny Sokha, Nay Vanda, Yi Soksan and Lim Mony as well as Ny Chakriya, the deputy secretary of the National Election Commission of Cambodia (a former ADHOC staff member) were released on bail on 19 June 2017. The investigating Judge Theam Chan Pisith had decided to release the five prisoners over concerns for their health.

**A date for the trial of the ADHOC five has yet to be set by the courts, but human rights advocates warn that sentences between 5 to 10 years could be expected.**

# GOVERNMENT EYES INTERNET

More than six million Cambodians connect to the Internet using a smartphone and the government boasts that internet usage is widespread and available "...50 per cent of the total population can access and use it".

Social media access is low-cost, effective and has proven to be an important vehicle for human rights groups, activists, independent media and citizens to get their message to large numbers of people. Many governments have recently passed legislation to monitor and censor its use. Despite government assurances of freedom of expression through accessible Internet access, Cambodia passed a telecommunications law in November 2015 that gave the government a broad mandate to scrutinize social media and personal communications, if it affected "national security".

A national human rights group, the Cambodia League for the Promotion and Defense of Human Rights (LICHADO) in a 2017 briefing paper – The Dangers of Dissent – voiced its concerns at what it perceived to be cyber attacks on human right advocates. "In what appears to be direct retaliation for posting dissenting views... the social media and email accounts of prominent human rights defenders have been interfered with by unknown assailants in a sustained wave of hacks starting in the first quarter of 2017."

LICHADO highlighted in its briefing paper that "the state routinely uses the threat of phone tapping, which was essentially legalised by the Law on Telecommunications if authorised by an undefined 'legitimate authority', to intimidate human rights defenders".

A research study released in July 2017 - Perceptions of Online Political Participation and Freedom of Expression - published by Information Technologies and International Development, indicated that "89.6 per cent of survey respondents said they did not believe they would be able to access independent news and information online if the [Cambodia] government monitored and controlled Internet activity".

The study, based on the responses of 895 people, noted that "a large majority of respondents (88.4%) indicated they were unwilling to express political opinions online if the government began to monitor and control Internet activity. These responses are particularly relevant in light of recent government announcements that it will install surveillance equipment directly into the country's Internet service providers and that it will create cyberwar teams to monitor the Internet for anti-government messages".

In March 2016, a Cambodian university student, Kong Raiya, was sentenced to 18 months for using his Facebook in 2015 to call for a "color revolution". Raiya was sentenced under Articles 494 and 495 of the Criminal Code.



# STOP THE PRESS!

August 2017 proved to be a pivotal month in the government's dismantling of Cambodia's independent media and political opposition. The Cambodia Daily, operating since 1993, the country's first English language daily paper, was issued a 30-day deadline by the General Department of Taxation to pay a US\$6.3 million tax bill. The pro-government website, FreshNews said the GDT's "letter of complaint" accused the newspaper of "operating The Cambodia Daily in Cambodia since 1993, but has just registered the tax on March 17, 2017."

Human Rights Watch reported a speech by Hun Sen, that said The Cambodia Daily had 30 days to "pack up and go" and described it as a "thief" and referred to its reporters as "servants of foreigners".

The Cambodia Daily's, editor-in-chief at the time, Jodie Dejonge in an email interview told the IFJ that the first she became aware of the tax problem was the night of August 4, when the Daily's tax bill, in the form of a GDT letter, was posted on the government-aligned website, FreshNews.

Dejonge told the IFJ the Prime Minister's speeches and news conferences were used to crank up the rhetoric and to "rail against the media, especially the Daily, RFA (Radio Free Asia), and exhorting its Cambodian reporters not to be 'servants of the foreigners'".

HRW's Robertson, released a statement in support of The Cambodia Daily that said the paper "has served as an important mainstay of independent news and objective criticism for 25 years even as the government's tolerance for critical views has markedly declined. Closing the Daily would be a devastating blow to freedom of the press that would have an impact well beyond the paper's readership". Dejonge says in the weeks leading up to the newspaper's closure there was "...more fear. One political reporter told me, 'I have story ideas that are dangerous to me'."

Dejonge acknowledged in her email to the IFJ, that the journalists most likely to report on human rights, the political opposition to the government and contentious issues like land rights have "...lost their jobs – the Daily and RFA reporters, and as freelancers most of them have been barred from receiving press cards that would let them more easily continue to report for other publications. The government threatened RFA reporters, telling them that if they continued to report now that RFA was closed, that they could be investigated for espionage. This has had a chilling effect on those left behind".

## **The last edition of the Cambodian Daily was published on 4 September, 2017.**

Global Witness, the internationally renowned, investigative organization respected for its work in exposing the links between corruption, natural resource exploitation, poverty and human rights abuses, paid tribute to The Cambodia Daily and pointed to some of its coverage that may have led to the paper's closure.

"The paper [Cambodia Daily] reported on our Hostile Takeover investigation, which found that Hun Sen's family members are pulling the strings on Cambodia's economy and amassing vast personal fortunes. The Daily helped spread the word when we found that corrupt politicians in Cambodia were orchestrating a land-grabbing crisis which was devastating local livelihoods and the environment."

A veteran Cambodian journalist who has covered for more than a decade the wide spectrum of issues criticized by the government told the IFJ in a telephone interview of the fear and hazards of investigative reporting.

"It's very difficult for independent-minded journalists to report on sensitive issues like politics or to be seen to be critical of the government or its ministers. Reporting on politics is dangerous, being critical of the government is dangerous, reporting on land rights issues is dangerous – we have no protection."

Libby Liu, the president of the US Congress-funded, Radio Free Asia, released a statement in response to the forced closure of its Phnom Penh bureau on 12 September 2017, by the Cambodian government. Liu's statement accused the government of using the same tactics on RFA that successfully closed down The Cambodia Daily despite "our full cooperation at every step to comply with all requests and our sincere efforts to register as a licensed media company".

Liu's statement accused the government of making "false statements and increasingly threatening and intimidating rhetoric through leaked documents on government mouthpiece media and random statements from different ministries".

Liu said, “Prime Minister had no intention of allowing free media to continue operating inside the country ahead of the 2018 elections. The government has instead seized on every opportunity to go after critics, political opponents, NGOs, and independent media committed to reporting the truth.”

Liu said it was not new that RFA reporters faced threats, jail, or expulsion to avoid arrest. “But recent developments have intensified to an unprecedented level, as Cambodia’s ruling party [CPP] seeks to remove any obstacle or influence standing in its way of achieving absolute power.”

Liu pledged to keep Cambodian citizens informed by “reporting on the most important and censored issues and events inside the country”.

Local reporters, interviewed by the IFJ following the closure of The Cambodia Daily and RFA said the consequences, if powerful people didn’t like what they wrote or broadcast, could be dangerous. “It’s very difficult for independent journalists to report on what we call ‘sensitive issues’ like politics, logging or corruption. We now worry if we are seen to be critical of the government or its ministers that there will be serious repercussions. All [Cambodian] journalists are under threat.”

A foreign journalist working at a pro-government news outlet told the IFJ that editorial independence is under threat from publishers wanting to toe the government’s line. “[Editorial independence] has started to disappear, while editorial interference has increased the closer we get to the election. We’ll put the paper to bed in the evening and in the morning we’ll see that stories have changed – opinion inserted into a news story... and the balance taken out. Editorial interference is something I’m not comfortable with. I don’t feel too worried about my safety. Local journalists are more at risk.”

Journalists both international and local stress that there’s more chatter about personal safety since the August crackdown on the media.

“We’re talking more about our security now. I’ve never been in this situation before. Reporters talk about it being more dangerous now and there’s lots of talk of our phones being tapped. Foreigners still have an easier time working here, they might be told to leave, but for locals its much more difficult, especially for those with families.”



Inside the Cambodia Daily newsroom just days before the final edition was published in September 2017. AFP/Tang Chhin Sothy

# OFF THE AIR

International and regional media estimated that as many as 18 radio stations were forced off the air in August. The Guardian reported that “local radio stations have been stopped from leasing time to the United States-funded Radio Free Asia and Voice of America”.

Reporters without Borders estimated that the forced “closure of all local radio stations that carried RFA’s programming... resulted in the the loss of 50 jobs”.

A local journalist spoke to the IFJ about the difficulties of finding work since the purge. “We worry about our jobs, we have families, I’ve been a journalist for nearly two decades and this is the worse its been for a long time. Journalists who worked for the closed outlets are being denied press cards, some have been brought in for questioning...this makes it hard to work without self-censoring. If we can’t work how can we look after our families?”

An editor working for Cambodian media agreed that there are more signs that local journalists are starting to worry about what they cover. “Locals are self-censoring more, they have always been aware of what they could get away with, but now they won’t push it. Stories on the current situation are very weak they just don’t have the appetite for it. I understand why they are doing it, but their lack of challenge to everything the government is doing is, from a news point of view, frightening. The situation in Cambodia is confused. Some journalists are openly supportive of the ruling party. Foreigners are big fish small pond, some see themselves as activists...it’s very mixed up and adds confusion to the mix.”

A foreign journalist speaking to the IFJ expressed sympathy with local reporters. “They rightly fear imprisonment and criminalization. It’s difficult, people don’t openly talk about it. The RFA local guys who are in prison are a warning to the rest. It was brave of the local journalists to write and send a letter asking the authorities to release them. It’s hard for local journalists working here, they don’t get the managerial support or the training, there’s little awareness or application of the ethics that apply to journalism. There’s lots of corruption, locals make little money from reporting and gifts from powerful people are part of the job.”



AFP/Tang Chhing Sothy

# REPORTING NOT SPYING

The letter that the foreign journalist was referring to was signed with thumbprints by 60 local reporters requesting for Cambodia's courts to drop charges against two former Radio Free Asia reporters arrested in November.

A copy of the letter seen by the IFJ, calls on the "Phnom Penh Municipal Court prosecutor and investigating judge to consider dropping charges against two former Radio Free Asia journalists, Uon Chhin and Yeang Sothearin, who were arrested on November 14."

The letter explains the severity of the charges the two journalists are facing and states, "On November 18, they were charged with 'providing information that is destructive to national defence to a foreign state' which can carry a prison term of up to 15 years".

The journalists point out in their letter that the charges are creating an environment of insecurity, making it difficult for reporters to do their jobs. "The charges bring fear to Cambodian journalists and put freedom under threats. Press freedom is guaranteed by the Cambodian constitution, which stipulates that Khmer citizens shall have the freedom to express their personal opinions, the freedom of the press, of publication and of assembly. This is also echoed by the 1995 Law on the Press."

The letter underscores why Cambodian journalists should be allowed to do their job unfettered by government interference. "In a democracy, the press plays a significant role in disseminating the truth to citizens. Journalists also play a key role in reporting facts to the public," the letter states.

The IFJ released a statement condemning the jailing of Cambodian journalists and added the name of Len Leng, a former Cambodian Daily reporter who was arrested on 16 November 2017 while observing the trial that would disband the government's main opposition, the Cambodian National Rescue Party. The trial was open to the public, but Leng was detained and questioned for not having a press pass.

The IFJ said that the country's journalists are now "bearing the brunt of the government crackdown. The culture of fear and intimidation that the government is fostering is only working to weaken the role of the press and its ability to report freely and independently."

Shawn Crispin from the Committee to Protect Journalists, explained why foreign freelance journalists working in Cambodia could be at risk of being accused of spying: "This is a warning...with some of the other foreign freelancers working in the country there is a concern that they too could be come under the charge of espionage based on who they spoke too. If you have been talking to the CRNP and now they are effectively an outlaw political organization, you are effectively associating with the [government's] enemy, with an outlawed entity."

Crispin said getting punished for doing your job as a reporter and as a source was an indicator of how severe the situation in Cambodia was.

"When you are really only doing your job as a journalist, getting both sides of the story. It's a real risk. The people who were sources, the think tankers, those who were commenting on the news, the events as they were happening - the pressure that has been brought to bear on them has effectively contributed to the silencing of the media, there's now no one to call. The sources of dissent are a legitimate part of the democracy equation." "When you are really only doing your job as a journalist, getting both sides of the story. It's a real risk. The people who were sources, the think tankers, those who were commenting on the news, the events as they were happening - the pressure that has been brought to bear on them has effectively contributed to the silencing of the media, there's now no one to call. The sources of dissent are a legitimate part of the democracy equation."



AFP/Tang Chhin Sothy

# CNRP: COURT DECISION

On 16 November, 2017 Cambodia's Supreme Court ruled that the country's main opposition party be dissolved and ordered 118 of its members banned from politics for five years. The chief judge, Dith Munty said the Cambodia National Rescue Party would not be allowed to appeal the court's decision (Dith Munty is a permanent member of the ruling CPP standing committee and is related to Senate President Say Chum.)

The decision came after a relentless campaign by the ruling Cambodian People's Party to discredit its opposition, human rights defenders and the country's independent media. The pro-government media outlet, FreshNews was used by Prime Minister and the CPP to lead the assault on the CNRP. The FreshNews website on 2 September ran a small item that accused the CNRP and its leaders of "holding secret meetings with a Taiwanese extremist group to topple the Cambodian government".

FreshNews chief executive officer, Lim Chea Vutha, added fuel to the allegations when he said he had "received many confidential documents and information relating to the CNRP's plan to overthrow the government. I am considering release of the documents".

The evidence that Fresh News alluded to and the Hun Sen government used to have the opposition leader, Kem Sokha, arrested was based on a speech he gave in Melbourne, Australia in 2013 and deemed as treason by the Hun Sen government.

Sokha, the CNRP president was arrested on 3 September, taken away by armed police and charged with conspiring with a foreign power. Fearing further retaliation and arrests more than half the CNRP lawmakers fled Cambodia.

The political connections of the nine presiding judges that ruled to dissolve the CNRP have come under scrutiny. The International Court of Justice lashed out at the judges, including the President of the Supreme Court Dith Munty, reported to be members of and connected to the ruling CPP.

"The President should have recused himself from any role in relation to the case, as should have any other judge sitting on the bench if they hold a similar position within the ruling CCP."

Kingsley Abbott, the ICJ's Senior International Legal Adviser for Southeast Asia, pointed out in a media statement that the fact "the Law on Political Parties was amended to enable the Supreme Court to dissolve political parties shortly before it dissolved the CNRP strongly suggests the entire 'legal process' was nothing more than political theatre, inconsistent with human rights and the rule of law".



Supporters of CNRP sit on Tuk-Tuks as they travel along a street during the Commune Election Campaign in Phnom Penh on May 20, 2017. AFP/Tang Chhin Sothy

Radio Free Asia reported that James Gomez, director of Southeast Asia and the Pacific for London-based Amnesty International, called the decision “a blatant act of political repression that must be reversed immediately” and echoed ICJ’s concerns that Cambodia’s judiciary is “essentially used as an arm of the executive and as a political tool to silence dissent”.

FreshNews continued to rail against the dissolved CNRP and its leaders. In an article published on 28 November while lauding Hun Sen for his enlightened leadership FreshNews accused the opposition as planning to destroy the country.

“As the opposition failed in their many attempts to overthrow CPP through elections, the party notoriously plotted a Western-conspired attempt to topple the legitimate government through means of ‘revolution’ and mass demonstration. However, their plan was foiled in time.”

The ICJ said that with its decision to dissolve the CNRP “the Supreme Court is irreparably interfering with the rights of potentially millions of Cambodians to freely choose their political representatives and vote for them in the upcoming elections.”

Sokha, was jailed in September for treason. He was accused by Prime Minister Hun Sen of conspiring with the US to overthrow the government - if convicted, the opposition leader could be jailed for 30years.



A CNRP supporter paints over the CNRP logo at the headquarters after the Supreme Court decision. AFP/Tang Chhin Sothy

# CAMBODIA'S CRACKDOWN ON FREEDOM OF EXPRESSION

**March 2016** - a Cambodian university student, Kong Raiya, sentenced to 18 months for using his Facebook in 2015 to call for a "color revolution". Raiya was sentenced under Articles 494 and 495 of the Criminal Code.

**2016** – a report by the Cambodian Center for Independent Media– Challenges for Independent Media - pointed out that "the murder of political analyst Kem Ley in July 2016 and the beating of two human rights defenders at a peaceful protest in October contributed to a general sense of insecurity among members of the media".

Cambodia League for the Promotion and Defense of Human Rights (LICHADO) in a 2017 briefing paper – The Dangers of Dissent – "the state routinely uses the threat of phone- tapping, which was essentially legalised by the Law on Telecommunications if authorised by an undefined 'legitimate authority', to intimidate human rights defenders."

**June 2017** - Cambodia Daily reporters, Aun Pheap and Zsombor Peter, accused of inciting crime by covering the campaign for municipal elections.

**July 2017** - a research study - Perceptions of Online Political Participation and Freedom of Expression - published by Information Technologies and International Development, indicated that "89.6% of survey respondents said they did not believe they would be able to access independent news and information online if the [Cambodia] government monitored and controlled Internet activity".

**August 2017** - The Cambodia Daily, operating since 1993, the country's first English language daily paper, given a 30-day deadline by the General Department of Taxation to pay a US\$6.3 million tax bill.

**4 September, 2017** - the last edition of the Cambodia Daily published.

**7 November, 2017** - Shawn Crispin, from the Committee to Protect Journalists - "If you look at the ownership of the remaining media - radio and television stations - you'll see that they are connected to Hun Sen and other ministers of the CPP government and their families. What's happening is that there will be selectivity in what news gets covered – there will be [government] bias."

**15 November, 2017** - Len Leng, a former reporter for the Cambodia Daily newspaper, was arrested outside the Supreme Court building in Phnom Penh. Leng had been attending a public hearing that dissolved the Cambodia National Rescue Party. Leng was charged with not holding a valid press pass.

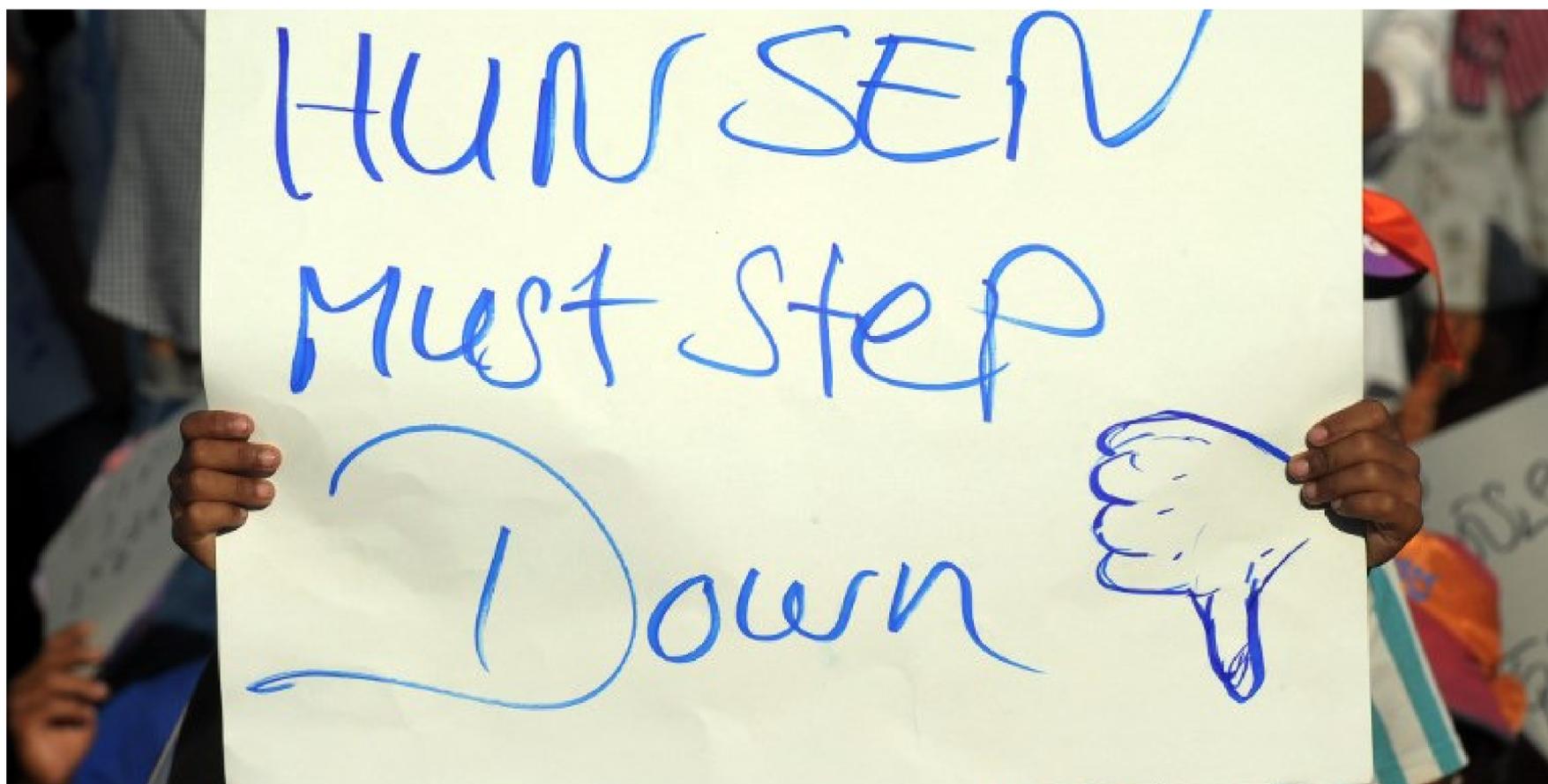
**16 November, 2017** - Reporters Without Borders ranked Cambodia 132nd out of 180 countries in its 2017 World Press Freedom Index. RSF predicted that Cambodia's ranking will drop in its 2018 index.

**18 November, 2017** - 60 local reporters wrote a letter requesting Cambodia's courts to drop charges against two former Radio Free Asia reporters, Uon Chhin and Yeang Sothearin. The letter explained the severity of the charges the two journalists were facing and stated: "On November 18, they were charged with 'providing information that is destructive to national defence to a foreign state' which can carry a prison term of up to 15 years."

**21 November, 2017** - the International Federation of Journalists released a statement condemning the jailing of three Cambodian journalists, Len Leng, Uon Chhin and Yeang Sothearin. The IFJ said that the country's journalists are now "bearing the brunt of the government crackdown. The culture of fear and intimidation that the government is fostering is only working to weaken the role of the press and its ability to report freely and independently".

**14 February, 2018** – Journalists Uon Chhin and Yeang Sothearin are still in jail. No date has yet been set for their trial. An alliance of international and Cambodian organizations released a statement to protest at the continued jailing. The alliance - Reporters Without Borders (RSF), the Southeast Asian Press Alliance (SEAPA), the Cambodian Center for Independent Media (CCIM) and the Overseas Press Club of Cambodia (OPCC) - demanded Chhin and Sothearin's immediate release. A statement issued by the alliance explained "the rights for freedom of expression and the press are protected under Article 41 of Cambodia's Constitution, and the legal actions taken against Chhin and Sothearin are acts of intimidation, not due process."

**20 February, 2018** - Australian filmmaker, James Ricketson 68, was arrested in June 2017 and charged with espionage after flying a drone over a Cambodian National Rescue Party political rally in Phnom Penh. Ricketson was accused of collecting material for a foreign agent or state and faces a 10-year jail sentence if convicted. In late January 2018, Cambodia's Supreme Court rejected bail for Ricketson. Ricketson was back in court on 20 February 2018 as investigative judges examined emails for proof of espionage. The emails had been sent to members of Cambodia's political opposition and journalists. Ricketson has been reported as having health problems and is understood to share a 96 square meter cell with 140 prisoners.



# IFJ RECOMMENDATIONS

- 1** The government to stop its crackdown on press freedom and independent media in Cambodia. The government by targeting the country's independent media outlets, intimidating and harassing them, has created a culture of fear.
- 2** The Cambodian government to recognize and respect the media's vital role, especially in the lead up to the 2018 elections.
- 3** The Cambodian government to lift restrictions on the media and respect that it is a key player in keeping the people of Cambodia aware and informed during and after elections.
- 4** Cambodia's authorities to conduct independent investigations into threats and attacks against journalists, prosecute the offenders to the fullest extent of the law.
- 5** The Cambodian government to adhere to international standards and guarantees of press freedom, freedom of expression and freedom of association, as described in the country's Constitution - this should also include Internet regulations.
- 6** To ensure independence and credibility of news - publishers, editors and journalists must observe the Journalists' Code of Ethics as outlined by both the Cambodian Journalists Association and the IFJ.
- 7** The government to amend press laws so journalists can access government officials, information, reports and opposition parties to allow journalists to publish balanced accounts of the working of government.
- 8** The Cambodian government to stop impunity and to further investigate the murder of journalists. The government to immediately release and drop all politically motivated charges brought against journalists in the recent media crackdowns.
- 9** The capacity of journalists built to better understand the reporting of elections, human rights, land issues, and trafficking as a means of increasing citizens' access to balanced, informed and credible reports.
- 10** The Cambodian government to revise and change vague laws, specifically those on defamation to ensure that freedom of speech is not blocked.
- 11** The Cambodian government to respect the important role a free media plays in promoting democracy.
- 12** The international community to demand an end to the attacks on Cambodia's journalists, civil society and human rights defenders.
- 13** Cambodia's media organizations to develop and have in place security policies detailing emergency procedures to be provided to staff - legal representation, medical treatment and temporary access to a safe house.

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