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Cambodian Center for Human Rights

ARTICLE 19

**The Cambodian Center for Human Rights and ARTICLE 19
Joint Submission to the UN Human Rights Committee in
advance of its third review of the Kingdom of Cambodia**
The rights to freedom of expression, information, and assembly

January 2022



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Executive Summary

In this joint submission to the UN Human Rights Committee in advance of its third review of the Kingdom of Cambodia, the Cambodian Center for Human Rights and ARTICLE 19 highlight the declining situation for freedom of expression, information, and assembly and make recommended calls we hope the Human Rights Committee will direct to the Royal Government of Cambodia (“RGC”) in pursuit of greater protections for freedom of expression and assembly across the country.

Responding to paragraphs 18-22 of the Human Rights Committee’s List of Issues (“LOI”), this submission addresses questions from the Human Rights Committee, provides updates on the situation of freedom of expression, information, and assembly in Cambodia to be considered for Cambodia’s third periodic report, and corrects and clarifies information given by the RGC in its report as well as its reply to the LOI.



1. Freedom of expression and information (art. 19)

1.1 Legal framework

1.1.1 The Criminal Code

The Royal Government of Cambodia (“RGC”) frequently deploys several criminal offenses enshrined in the *Criminal Code*, including defamation, incitement, insult, and *lèse-majesté*, to silence independent voices. Despite the Human Rights Committee (the “Committee”)’s 2015 Concluding Observations recommending the RGC to consider decriminalizing defamation,¹ criminal defamation and insult (Articles 305 - 310) are frequently misapplied in Cambodia to criminalize criticism of the Prime Minister, government officials, or the government itself. Insult towards a public official (Article 502) is similarly abused.² The offense of incitement (Articles 494 - 498) has seen a surge over the last few years, with many dissenting or critical opinions labelled by the RGC as incitement.³

The *lèse-majesté* offense (Article 437-*bis*), written into the *Criminal Code* on 27 February 2018, prohibits anyone from defaming, insulting, or threatening the King through “any speeches, gestures, writings, paintings or items that would affect the dignity of the King”.⁴ A conviction under Article 437-*bis* results in an automatic prison sentence with disproportionate penalties of one to five years imprisonment and a fine of between two and ten million riels (approximately 500 to 2,500 USD). In its response to the List of Issues (“LOI”), the RGC claims that Article 437-*bis* is “not incompatible with the provisions of the Covenant because this amendment is in accordance with...the Constitution”. This logic is flawed as Cambodia’s constitutional protections for the King do not negate Cambodia’s obligations under the International Covenant on Civil and Political Rights (“ICCPR”). International human rights standards state that public figures must withstand a higher level of criticism, and the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.⁵

1.1.2 The Law on Telecommunications

In 2015, the RGC enacted the *Law on Telecommunications*, which increases the RGC’s control over the telecommunications industry and contains several provisions that threaten freedom of expression. The law institutionalizes the surveillance of online expression and creates a series of criminal offenses related to the use of telecommunications devices, violations of which are subject to imprisonment and significant fines.⁶ While the RGC asserted in their response to the LOI that the *Law on Telecommunications* is not incompatible with the ICCPR, we are concerned about the potential the law has to be utilized abusively.

¹ Human Rights Committee, ‘Concluding observations on the second periodic report of Cambodia’ (27 April 2015) UN Doc. CCPR/C/KHM/CO/2, para. 22(a).

² See for example, Khuon Narim, ‘Phnom Penh court sentences 16-year-old boy with autism to eight months’ (*CamboJA*, 1 November 2021) <https://cambojanews.com/phnom-penh-court-sentences-16-year-old-boy-with-autism-to-eight-months/>.

³ Sun Narin, ‘Cambodia’s Use of Incitement Law Chills Press Freedom’ (*VOA*, 3 July 2020) <https://www.voacambodia.com/a/cambodia-use-of-incitement-law-chills-press-freedom/5487849.html>.

⁴ *Criminal Code of the Kingdom of Cambodia*, Article 437 *bis*.

⁵ UN Human Rights Committee, ‘General Comment No. 34: Article 19: Freedoms of opinion and expression’ (12 September 2011) UN Doc. CCPR/C/GC/34, para. 38 <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf> <https://bit.ly/1xmySgV>.

⁶ CCHR, ‘Protecting Fundamental Freedoms: A Desk Review of Domestic Legislation and its Compliance with International Law’ (December 2019) p. 37 https://cchrcambodia.org/index_old.php?url=media/media.php&p=report_detail.php&reid=140&id=5.



Article 97 of the *Law on Telecommunications* permits the surveillance of private communications without judicial oversight, which could be abused by authorities to target individuals critical of the government, including the political opposition and human rights defenders. Article 66 prohibits the “*establishment, installation, utilization and modification of telecommunication infrastructure...which may affect public order and lead to national insecurity*”. This vague provision could be arbitrarily deployed to criminalize online expression.

1.1.3 Inter-ministerial Prakas on Publication Controls of Website and Social Media Processing via Internet in the Kingdom of Cambodia (the “Social Media Prakas”)

In 2018, the RGC issued the *Social Media Prakas*,⁷ which has a stated objective of managing “*all news contents or written messages, audios, photos, videos, and/or other means on websites and social media by using internet*” in Cambodia.⁸ The *Social Media Prakas* prohibits online expression “*intended to create turmoil leading to undermine national defence, national security, relations with other countries, national economy, public order, discrimination and national culture and tradition*”, an overly broad provision that can be abused to silence dissenting voices. The *prakas* further establishes a joint “*specialized unit*”,⁹ which has far-reaching powers, including monitoring and investigating all online activities, blocking or shutting down internet service providers, and taking legal action against violations of the *prakas*. The lack of judicial supervision or any accountability mechanism for the “*specialized unit*” elevates concerns that the *prakas* is open to abuse by authorities.

1.1.4 Sub-Decree on the Establishment of the National Internet Gateway (“NIG Sub-Decree”)

In February 2021, the RGC adopted the *NIG Sub-Decree*, setting in motion the creation of a national internet gateway (“NIG”)—a virtual portal through which all internet communications and internet data traffic circulating within and coming into Cambodia must pass. NIG operators will be government-appointed, meaning the RGC will exercise nearly complete control over the NIG’s operations.

Article 6 tasks NIG operators to collaborate with authorities to block and disconnect any network connection deemed to “*affect safety, national revenue, social order, dignity, culture, traditions and customs*”.¹⁰ The vague and undefined justifications for censoring content listed in this provision effectively permit the RGC to police and censor almost all online content, with the NIG providing unfettered access and full control over all data exchanges in the country. The NIG will bolster existing censorship powers of

⁷ *Inter-ministerial Prakas No. 170 on Publication Controls of Website and Social Media Processing via Internet in the Kingdom of Cambodia* (28 May 2018) <https://www.trc.gov.kh/wp-content/uploads/2018/06/praka-170.pdf>.

An unofficial English translation is available at: https://data.opendevlopmentmekong.net/laws_record/inter-ministerial-prakas-no-170-on-publication-controls-of-website-and-social-media-processing-via-/resource/112a2521-dde1-4079-9294-5786d3ffdaf9.

⁸ *Social Media Prakas*, Clause 1.

⁹ This special unit is composed of the Ministry of Interior, the Ministry of Posts and Telecommunications, and the Ministry of Information.

¹⁰ Phorn Bopha, ‘Cambodia’s Plan to Establish Internet Gateway Raises Concerns’ (VOA, 4 September 2020)

<https://www.voacambodia.com/a/cambodia-s-plan-to-establish-internet-gateway-raises-concerns/5570653.html>.



the government and could be utilized to block legitimate expression such as criticism or dissent,¹¹ thus fundamentally threatening the rights to freedom of expression, and information.

Three UN Special Rapporteurs have shared their concerns about the *NIG Sub-Decree*.¹² In its response, the government dismissed these human rights concerns as “*imaginary*” and called them “*baseless assumptions*” but failed to provide information on measures taken to protect the rights to freedom of expression and access to information.¹³

1.1.5 Law on the Management of the Nation in State of Emergency

In April 2020, the RGC passed the heavily criticized and hastily drafted *Law on the Management of the Nation in State of Emergency*,¹⁴ which grants the government extensive powers to restrict human rights if a state of emergency is declared.¹⁵ In its response to the LOI, the RGC dismissed claims that the Law violates the ICCPR. Our analysis of the Law observes that it gives vague, sweeping, and unfettered powers to the government to implement measures during states of emergency, including restricting or prohibiting free speech, surveilling telecommunications, and monitoring and controlling social media. It also includes a concerning catch-all provision enabling “*other measures that are deemed appropriate or necessary to respond to the state of emergency*”.¹⁶ Article 5(11) empowers the RGC to prohibit any speech or expression that could “*cause people panic or chaos or bring damage to the national security*”, or could “*cause confusion*” among the public. These categories of speech are vague, undefined, and arbitrary. Nearly any type of expression about a state of emergency could be interpreted as “*causing confusion*”. Prohibiting all speech that could “*cause confusion*” or “*chaos*” cannot be deemed necessary in any emergency.

The potential for utilizing the law to target human rights defenders, civil society, and the media is exacerbated by the imprecise criminal offenses it creates. The law provides penalties of up to five years’ imprisonment for “*intentionally disobeying*” emergency measures if the action “*brings chaos to the public*”, and up to ten years’ for “*obstructing*” the response to the emergency if the action “*brings chaos to the public or impacts national security*”. The offenses apply to both individuals and organizations. While

¹¹ Shaun Turton, ‘Cambodia plans China-style internet firewall’ (*NIKKEIAsia*, 2 September 2020) <https://asia.nikkei.com/Politics/Cambodia-plans-China-style-internet-firewall>.

¹² Three UN Special Rapporteurs, ‘Joint letter by three UN human rights expert in relation to the Sub-decree on the establishment of the National Internet Gateway’ (7 April 2021) <https://cambodia.ohchr.org/en/un-human-rights-mechanisms/other-special-procedures>.

¹³ RGC, ‘Response from the Government to the National Internet Gateway’ (24 May 2021) <https://cambodia.ohchr.org/en/un-human-rights-mechanisms/other-special-procedures>.

¹⁴ Ben Sokhean, ‘State of Emergency draft signed into law’ (*Khmer Times*, 30 April 2020) <https://www.khmertimeskh.com/50718535/state-of-emergency-draft-signed-into-law/>.

¹⁵ 66 organizations and communities, ‘Joint Statement: Civil Society Organizations call for the Royal Government of Cambodia to Amend the State of Emergency Law to Protect Human Rights’ (13 May 2020) https://cchrcambodia.org/media/files/press_release/756_ccftrtatsoeltphref_en.pdf; and UN OHCHR, ‘Cambodia’s state of emergency law endangers human rights, warns UN expert’ (17 April 2020) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25801&LangID=E>.

¹⁶ Sun Narin, ‘Cambodia’s Controversial State of Emergency Draft Signed into Law’ (VOA, 30 April 2020) <https://www.voacambodia.com/a/cambodia-s-controversial-state-of-emergency-draft-signed-into-law/5398771.html>.



the law itself is very concerning, no state of emergency has been declared in Cambodia to date, and thus this law has not yet been used, nor have any Article 4 ICCPR derogations been made.

1.1.6 Law on Measures to Prevent the Spread of COVID-19 and other Serious, Dangerous and Contagious Diseases (the “COVID-19 Law”)

In March 2021, Cambodia enacted the new *COVID-19 Law*. The law grants authorities the power to undertake COVID-19 prevention measures and imposes criminal penalties of up to five years’ imprisonment on those who do not comply with, or “*intentionally obstruct*”, such measures. The expansive and ill-defined language of Article 11 of the *COVID-19 Law*, which criminalizes the “*intentional obstruction*” of the enforcement of COVID-19 measures, has already been used to silence criticism of the RGC’s handling of the pandemic, including the vaccine rollout.¹⁷ Article 4 includes a catch-all provision permitting the imposition of “*other measures which are necessary to respond and prevent the spread of COVID-19*”. The vague wording bestows seemingly unfettered powers on authorities. Authorities have used the *COVID-19 Law* to arbitrarily arrest more than 700 people between March and October 2021, including for posts on social media about the pandemic.¹⁸ Further, Article 15 expands the application of the law to future “*serious, dangerous and contagious diseases*” meaning that it could be utilized to respond to future public health crises, allowing its repressive measures to be applied in perpetuity.

Some draft laws also threaten freedom of expression:

1.1.7 Draft Law on Cybercrime

The *Draft Law on Cybercrime* creates criminal offenses that will foreseeably be used to criminalize online expression protected under international law, prohibiting broad categories of online content and impacting all internet users.¹⁹ Article 45 of the *Draft Law on Cybercrime* criminalizes “*disinformation*” through information technology, punishable by up to three years’ imprisonment and a fine of up to 2,500 USD.²⁰ It specifies punishment of disinformation in six vaguely defined different contexts.²¹ Of particular concern is the sixth category, which prohibits any person from making a false statement that is likely to “*diminish public confidence*” in the government. Authorities routinely label criticism against the RGC as “fake news”,²² and research reports into rights abuses are often undermined and delegitimized.²³ It is

¹⁷ See for example, Mech Dara, ‘Jailed Journalist Slapped With Incitement, Covid-19 Law Charges’ (VOD, 16 July 2021) <https://vodenglish.news/jailed-journalist-slapped-with-incitement-covid-19-law-charges/>.

¹⁸ Phorn Bopha, ‘Cambodia ‘bleeding’ as space for civil society shrinks’ (Aljazeera, 3 November 2021) <https://www.aljazeera.com/news/2021/11/3/cambodia-bleeding-as-space-for-civil-society-shrinks>.

¹⁹ See, Sun Narin, ‘Civil Society Groups Say Draft Cybercrime Law Risks Free Expression, Privacy’ (VOA, 8 October 2020) <https://www.voacambodia.com/a/civil-society-groups-say-draft-cybercrime-law-risks-free-expression-privacy/5612542.html>.

²⁰ See, Human Rights Watch, ‘Cambodia: Scrap Draft Cybercrime Law’ (13 November 2020) <https://www.hrw.org/news/2020/11/13/cambodia-scrap-draft-cybercrime-law>.

²¹ “(a) prejudice national security; (b) damage public health, public safety, or public finances; (c) prejudice the relations of Cambodia and other countries; (d) prejudice the outcome of a national election; (e) incite feelings of enmity, hatred, racial discrimination, or ill-will between groups of people; or (f) diminish public confidence in the performance of any duty of function or in the exercise of any power by Government or State institutions”. *Draft Law on Cybercrime* (4 August 2020) Article 45.

²² CCHR, ADHOC, SC and ICNL, ‘Cambodia Fundamental Freedoms Monitor: Fourth Annual Report’ (July 2020) p.26 <https://cchrcambodia.org/ffmp/report4>.

²³ Khun Vanda, ‘Critical MFI report could be used in political attacks, hurt investment, official says’ (VOD, 5 September 2019) <https://vodenglish.news/critical-mfi-report-could-be-used-in-political-attacks-hurt-investment-official-says/>.



therefore reasonable to anticipate that this offense could be used to punish any criticism of the RGC or any state institution in a severe infringement of accountability. Notably, this “*disinformation*” provision was included in the draft *Law on Cybercrime* despite an earlier decision by the Ministry of Information not to proceed in drafting an *Anti-Fake News Law*. The Minister of Information acknowledged that criminalizing “fake news” would be an abuse of freedom of expression and stated that they will instead focus on educating journalists on how to strengthen the public’s access to reliable information.²⁴ Nevertheless, the problematic “*disinformation*” provision was quietly added to the *Draft Law on Cybercrime* bolstering the RGC’s ability to criminalize “fake news”. While the RGC claimed in their report that the Ministry of Interior is having ongoing discussions with relevant stakeholders regarding this draft law, we are unaware of any meaningful engagement with civil society.

1.1.8 Draft Law on Access to Information

In September 2021, a spokesperson for the Ministry of Information announced the finalization of the draft *Law on Access to Information*,²⁵ which will soon be sent to the Council of Ministers for approval.²⁶ The Cambodian government originally intended to pass the law in 2020 but postponed its adoption using the COVID-19 pandemic as justification.²⁷ While the government’s efforts to enshrine the right to information through legislation is encouraging, the latest publicly available draft of the *Law on Access to Information* has numerous shortcomings that contravene international standards and, in its current form does not sufficiently protect the right to information.²⁸

The draft law narrowly defines the type of information and institutions to which it applies. Effective access to information legislation should apply to all information under the possession, custody, or control of public institutions, or private bodies performing public functions. However, Article 4 refers to “*official documents*”, a term which is too vague and subjective to adequately protect the right to information. Further, the draft law omits the required presumption in favour of disclosure and provides overly broad and ambiguous exemptions from disclosure, including a catch-all provision at Article 20(7) that exempts “*other confidential information*”. The law would impose unnecessary procedural requirements for requesting information, including the use of an application form and the provision of personal information, namely, “*sex, age, nationality, occupation*”. The draft law fails to establish an effective oversight mechanism and carries no protection for whistleblowers. Penalties prescribed in the law for disclosure of confidential information are up to 15 years’ imprisonment and as such are vastly disproportionate.

²⁴ Why Sovuthy, ‘Information Ministry to push ‘fake news’ education over draft law’ (*CamboJA*, 24 July 2020)

<https://cambojanews.com/information-ministry-to-push-fake-news-education-over-draft-law/>.

²⁵ Sar Socheath, ‘Law on access to information awaits endorsement from Justice Ministry’ (*Khmer Times*, 29 September 2021)

<https://www.khmertimeskh.com/50943620/law-on-access-to-information-awaits-endorsement-from-justice-ministry/>.

²⁶ Ry Sochan, ‘Info access draft law all set for final review’ (*Phnom Penh Post*, 28 September 2021)

<https://www.phnompenhpost.com/national/info-access-draft-law-all-set-final-review>.

²⁷ Khuon Narim, ‘Gov’t says draft access to information law delayed by COVID-19 pandemic’ (*CamboJA*, 6 January 2021)

<https://cambojanews.com/govt-says-draft-access-to-information-law-delayed-by-covid-19-pandemic/>.

²⁸ See, ARTICLE 19, ‘Cambodia: Access to Information Bill falls short’ (11 December 2019)

<https://www.article19.org/resources/cambodia-access-to-information-bill-falls-short/>; and CCHR, ‘Access to Information in Cambodia’ (28 September 2020) <https://cchrcambodia.org/admin/media/newsletter/newsletter/english/infographic-of-A2I-in-English.pdf>.



1.1.9 Draft amendments to the *Press Law*

While the RGC claimed in its report that a proposed amendment to the *Press Law* is in consultation with “all stakeholders”, the revisions have not been made public and civil society organizations working on media freedom and expression have been excluded from the consultation process. We are thus concerned that pending amendments will not be in line with Cambodia’s human rights obligations.

The Committee should urge the RGC to:

- **Repeal or reform all laws and policies that impermissibly restrict the rights to freedom of expression and information, bringing them in line with international human rights law and standards, including by:**
 - **Amending the Criminal Code, namely Articles 494 – 498 (incitement) and repealing all provisions concerning criminal defamation and insult (Articles 305 - 310), including *lèse-majesté* (Article 437-bis) and insult of a public official (Article 502);**
 - **Amending the Law on Telecommunications;**
 - **Repealing Inter-ministerial Prakas No. 170 on publication controls of websites and social media processing via the Internet;**
 - **Repealing the Sub-Decree on the Establishment of a National Internet Gateway;**
 - **Amending the Law on the Management of the Nation in State of Emergency; and**
 - **Amending the Law on Measures to Prevent the Spread of COVID-19 and other Serious, Dangerous and Contagious Diseases.**
- **Ensure that the process of drafting new laws and amending old ones is transparent, facilitating meaningful public participation.**
- **Ensure all draft laws, including the draft Law on Cybercrime, the draft Law on Access to Information, and the draft amendments to the Press Law, are amended to comply with international law and standards before they are enacted.**

1.2 Press freedom

1.2.1 Restrictions on media outlets and reporting

The RGC intensified its crackdown on press freedom in 2017 when it shuttered 32 radio broadcasts by ordering a suspension of their activities or rescinding their licenses.²⁹ *The Cambodia Daily*, a long-standing English language newspaper, closed its doors in September 2017 after the government ordered it to pay a massive 6.3 million USD tax bill that was unsubstantiated and widely criticized as politically motivated.³⁰ Soon after, *Radio Free Asia* (“RFA”) closed its Phnom Penh office due to “unprecedented” government intimidation,³¹ a fact that the RGC failed to acknowledge in its response to the LOI. In 2018, the *Phnom Penh Post*—the last remaining independent daily newspaper—was imposed with a 3.9 million USD tax bill

²⁹ CCHR, ‘Fact Sheet: Press Freedom in Cambodia’ (May 2019) https://cchrcambodia.org/admin/media/factsheet/factsheet/english/CCHR%20Factsheet-Press%20Freedom%20in%20Cambodia_ENG_FINAL.pdf.

³⁰ *Ibid.*

³¹ VOA, ‘2 Former Radio Free Asia Journalists On Trial in Cambodia’ (9 August 2019) <https://www.voanews.com/press-freedom/2-former-radio-free-asia-journalists-trial-cambodia>.



and subsequently sold to a Malaysian businessman connected to Prime Minister Hun Sen; the tax bill was settled as part of the sale.³²

The RGC blocked access to 17 independent media websites for 24 hours prior to the 2018 election.³³ The RGC claim in their report that these 17 websites were blocked for violating a domestic law that bans propaganda campaigns 24 hours before election day. However, this argument lacks weight when one considers that the shuttered media were those often critical of Prime Minister Hun Sen's government, and that all pro-government or government-friendly media outlets remained accessible online.

Over the last two years, the RGC has revoked the licenses of at least ten media outlets.³⁴ The Ministry of Information is the sole authority empowered to allocate and revoke media licenses. The Minister of Information is at complete liberty to revoke a license he deems to have violated the terms and conditions of the contract. There is no oversight of this process and no legal provision governing the revocations. The grounds for revocation are therefore opaque, in 2020 and 2021 the Ministry of Information gave justifications for media license revocations including accusations of incitement, spreading "fake news" about COVID-19, or spreading hate against the majority religion. As a result, there are few independent media outlets left in Cambodia; media ownership is highly concentrated, and the RGC owns or has influence over the majority of media services.³⁵ In Reporters Without Borders's 2021 World Press Freedom Index, Cambodia ranked at 144 out of 180 countries, falling 12 places since 2017.³⁶

Amid the COVID-19 pandemic, the space for press freedom in Cambodia has continued to shrink further, impeding the ability of independent journalists to operate freely and inform the public. In December 2020, the Information Ministry reacted to criticism of the RGC's response to the COVID-19 pandemic by threatening journalists with legal action.³⁷ The Ministry accused journalists of spreading "fake news", not accurately conveying the RGC's efforts to combat COVID-19, and causing fear and confusion among the public. In May 2021, Cambodian authorities placed a *de facto* ban on independent reporting in Phnom Penh's red zones—areas deemed to be high risk for COVID-19 transmission—by permitting only state media or journalists invited by the government.³⁸ Following viral livestream footage from multiple Facebook news outlets of long queues of COVID-19 patients outside government treatment centers, the

³² Asia News Network, 'ANN partner Phnom Penh Post sold to Malaysian investor' (7 May 2018) <https://asianews.network/phnom-penh-post-sold-to-malaysian-investor/>.

³³ Erin Handley, 'Cambodia blocks 17 media websites before vote' (*Aljazeera*, 28 July 2018) <https://www.aljazeera.com/news/2018/7/28/cambodia-blocks-17-media-websites-before-vote>.

³⁴ Three licenses were revoked in 2020 - CCHR, ADHOC, Solidarity Center, and ICNL, 'Cambodia Fundamental Freedoms Monitor: Fifth Annual Report' (April 2021) p. 21 <https://cchrcambodia.org/admin/media/report/report/english/CCHR-FFMP-Report-Year-5-Apr-Dec-2020-Eng.pdf>; and seven licenses were revoked in 2021 - Khuon Narim and Sam Sopich, '21 journalists harassed in past three months, reports CamboJA' (*CamboJA*, 20 October 2021) <https://cambojanews.com/21-journalists-harassed-in-past-three-months-reports-camboja/>.

³⁵ United States Department of State, '2019 Country Reports on Human Rights Practices: Cambodia' (March 2020) p. 11-12 <https://www.state.gov/wp-content/uploads/2020/02/cambodia-2019-human-rights-report.pdf>.

³⁶ Reporters Without Borders, '2021 World Press Freedom Index' (2021) <https://rsf.org/en/cambodia>.

³⁷ Khy Sovuthy, 'Government alleges misconduct among journalists, greenlights legal action' (*CamboJA*, 8 December 2020) <https://cambojanews.com/government-alleges-misconduct-among-journalists-greenlights-legal-action/>.

³⁸ Mech Dara, 'Red-Zone News Reporting Is Invite-Only: Information Ministry' (*VOD*, 3 May 2021) <https://vodenglish.news/red-zone-news-reporting-is-invite-only-information-ministry/>.



Ministry of Information issued a letter warning journalists not to disseminate information that could “*provoke turmoil in society*” and threatened legal action against those who disobey.³⁹

In January 2021, Information Minister Khieu Kanharith threatened journalists with arrest for reporting or collecting information in “*prohibited areas*”.⁴⁰ The same month, Phnom Penh Municipal Police Chief, Sat Thet, issued a directive barring journalists from filming or recording police officers investigating criminal offenses.⁴¹

1.2.2 Prosecution, harassment, and attacks of journalists

Despite the Committee’s 2015 Concluding Observations recommending that the RGC “*refrain from prosecuting journalists, human rights defenders and other civil society actors as a means of deterring or discouraging them from freely expressing their opinions*”,⁴² journalists continue to face many challenges in their work and are often threatened, attacked, arrested, and silenced through prosecution under arbitrary criminal charges.

Since the Committee’s last review, the RGC has continued to prosecute journalists as a way of controlling the media. In 2020, the RGC arrested and imprisoned 31 journalists and detained a further 11 for questioning.⁴³ In 2021, the RGC arrested 35 journalists and detained five others for questioning.⁴⁴ In 2022 so far, the RGC has arrested three journalists and charged them with incitement under Articles 494 and 495 of the *Criminal Code* on allegations that they incited villagers to occupy state land during a live Facebook broadcast regarding a land dispute.⁴⁵ In its response to the LOI, the RGC claimed that no arrests were made for constructive criticism of the government’s COVID-19 response, only for “*crooks*” who have “*fabricate[d] information*”. This statement is false. We have recorded many cases of unfounded arrests for fair criticism or dissent. While most arrested journalists were subsequently released—exposing arrest as an intimidation tactic of the RGC to cultivate fear and self-censorship—some experience the full weight of judicial harassment through criminal convictions.

On 5 October 2020, the Phnom Penh Municipal Court convicted Sovann Rithy, director of online news outlet *TVFB*, of incitement under Articles 494 and 495 of the *Criminal Code* for quoting, on Facebook, the Prime Minister’s statement that motorcycle taxi drivers should sell their motorbikes to combat financial

³⁹ Khuon Narim, ‘Information Ministry warns journalists against ‘ambulance chasing’ after video of long waits for COVID-19 patients goes viral’ (*CamboJA*, 4 May 2021) <https://cambojanews.com/information-ministry-warns-journalists-against-ambulance-chasing-after-video-of-long-waits-for-covid-19-patients-goes-viral/>.

⁴⁰ Khy Sovuthy, ‘Reporters remain unclear on scope of police powers in news directive on interference by media’ (*CamboJA*, 6 February 2021) <https://cambojanews.com/reporters-remain-unclear-on-scope-of-police-powers-in-new-directive-on-interference-by-media/>.

⁴¹ Buth Reaksmeay Kongkea, ‘Journalists barred from filming or recording police investigations’ (*KhmerTimes*, 25 January 2021) <https://www.khmertimeskh.com/50806487/journalists-barrd-from-filming-or-recording-police-investigations/>.

⁴² Human Rights Committee, ‘Concluding observations on the second periodic report of Cambodia’ (27 April 2015) UN Doc.CCPR/C/KHM/CO/2, para. 22(b).

⁴³ *CamboJA*, ‘Cambodian Journalism Situation Report 2020’ (March 2021) <https://www.camboja.net/wp-content/uploads/2021/03/Cambodian-Journalism-Situation-Report-2020.pdf>.

⁴⁴ *CamboJA* media monitoring.

⁴⁵ Buth Reaksmeay Kongkea, ‘Five charged with incitement in K Chhnang’ (*Khmer Times*, 10 January 2022) <https://www.khmertimeskh.com/501003614/five-charged-with-incitement-in-k-chhnang/>.



difficulties during COVID-19.⁴⁶ After spending six months in pre-trial detention, the court handed down a suspended sentence of 18 months' imprisonment and released Rithy. Rithy subsequently won the Deutsche Welle annual freedom of speech award in 2020 for his devotion to media freedom in Cambodia.⁴⁷ The RGC's claim that Rithy took the Prime Minister's statement out of context to be intentionally misleading is widely doubted and fails to justify the judicial persecution Rithy faced.

On 22 December 2020, the Kampong Chhnang Provincial Court convicted Sok Oudom, the owner of *Rithisen* radio station, of incitement to commit a felony under Articles 494 and 495 of the *Criminal Code* for his comments during a radio broadcast of a protest over a land dispute involving military officials in Phnom Oral Wildlife Sanctuary, Kampong Chhnang Province.⁴⁸ Oudom had been in pre-trial detention since his arrest on 13 May 2020. The court sentenced him to 20 months in prison and fined him 20 million riels (approximately 5,000 USD).⁴⁹ Despite the RGC's false claims that Oudom "*disseminated exaggerated information, incited violence, and provoked racial discrimination, insecurity and social unrest*", his prosecution appears politically motivated given he is well known for reporting on prolonged land disputes between local farming communities and powerful district officials.

On 11 November 2020, the Phnom Penh Municipal Court convicted journalist and publisher of the *Khmer Nation* newspaper, Ros Sokhet, with incitement to commit a felony under Articles 494 and 495 of the *Criminal Code* for allegedly posting critical remarks about government officials on his Facebook page.⁵⁰ One such post criticized the Prime Minister for not offering solutions to people struggling to pay off their debts amid the COVID-19 crisis. Another alleged misconduct by the Prime Minister's son-in-law. Sokhet was sentenced to 18 months in prison and given a fine of 2 million riels (approximately 500 USD). He was released on 28 December 2021 after serving his 18-month sentence.

On 30 September 2021, Yvon Chhiv, an active reporter on land disputes in Koh Kong province, was sentenced to one year imprisonment for incitement to commit a felony, just two days after being questioned by police over alleged disinformation regarding a land dispute in a protected national park involving Defence Minister Tea Banh.⁵¹ His swift conviction demonstrates the RGC's refusal to tolerate criticism of government leaders or powerful officials.

⁴⁶ Soun Narin, 'Online Journalist Convicted and Given Suspended Sentence for Quoting Hun Sen' (VOA, 5 October 2020) <https://www.voacambodia.com/a/online-journalist-convicted-and-given-suspended-sentence-for-quoting-hun-sen-/5609194.html>.

⁴⁷ Deutsche Welle, 'Deutsche Welle Freedom of Speech Award: 17 laureates from 14 countries' (3 May 2020) <https://amp.dw.com/en/deutsche-welle-freedom-of-speech-award-17-laureates-from-14-countries/a-53306033>.

⁴⁸ Committee to Protect Journalists, 'Cambodia sentences journalist Sok Oudom to 20 months in prison' (22 December 2020) <https://cpj.org/2020/12/cambodia-sentences-journalist-sok-oudom-to-20-months-in-prison/>.

⁴⁹ Cheath Chamnan, 'Kampong Chhnang court sentenced Sok Oudom' (RFA, 22 December 2020) <https://www.rfa.org/khmer/news/human-rights/sok-oudom-sentenced-20-months-in-prison-12222020111736.html>.

⁵⁰ Sun Narin, 'Cambodia Convicts Journalist for Criticizing Hun Sen' (VOA, 16 November 2020) <https://www.voanews.com/press-freedom/cambodia-convicts-journalist-criticizing-hun-sen>; and Committee to Protect Journalists, 'Cambodia jails journalist Ros Sokhet for criticizing Prime Minister Hun Sen' (13 November 2020) <https://cpj.org/2020/11/cambodia-jails-journalist-ros-sokhet-for-criticizing-prime-minister-hun-sen/>.

⁵¹ See, Mech Dara, 'Koh Kong journalist immediately sentenced over report on land conflict' (VOD, 30 September 2021) <https://vodenglish.news/koh-kong-journalist-immediately-sentenced-over-report-on-land-conflict/>; and Khuon Narim and Sam



Lengthy criminal proceedings continue to deter and hamper the work of journalists. Yeang Sothearin and Uon Chhin, former reporters for RFA, continue to face unfounded charges more than four years since their arrest.⁵² Authorities arrested the pair in November 2017 and held them in pre-trial detention for over nine months—in what the UN Working Group on Arbitrary Detention deemed an arbitrary deprivation of liberty—before releasing them on bail in September 2018.⁵³ They face charges of supplying a foreign state with information prejudicial to Cambodia’s national defense (Article 445 of the *Criminal Code*) and production of pornography (Article 39 of the *Law on the Suppression of Human Trafficking and Sexual Exploitation*). The Phnom Penh Municipal Court failed to declare a verdict on 3 October 2019, instead calling for further investigation—a clear indication of a lack of credible evidence against the pair—leaving the journalists in limbo and inhibiting a definitive resolution to their case.⁵⁴

Aun Pheap and Zsomer Peter, former *Cambodia Daily* journalists well known for their investigative reporting on environmental issues were charged with incitement to commit a felony (Articles 494 and 495 of the *Criminal Code*) in August 2017 after conducting interviews with villagers regarding the commune council elections in Ratanakri Province.⁵⁵ In November 2020, their charges were dropped. While the Court of Appeal upheld this decision on 4 January 2022, the pair remain burdened by the weight of the charges four and half years since they were imposed as the prosecutor could still file an appeal against the decision to the Supreme Court.⁵⁶

In July 2021, police questioned three reporters for their coverage of a protest over a land dispute in Phnom Penh and forced them to sign an agreement accepting wrongdoing for starting “*filming too early*”, capturing footage of protesters “*shouting and yelling*”.⁵⁷ Further, in August 2021, Phnom Penh police officers confiscated the press cards of two journalists reporting on the clearing of land at Boung Tompun lake in Phnom Penh and threatened them with legal action if they refused to delete all the photographs

Sopich, ‘Family of online news publisher say Yuon Chhiv’s arrest linked to land dispute’ (*CamboJA*, 30 October 2021) <https://cambojanews.com/family-of-online-news-publisher-say-yuon-chhivs-arrest-linked-to-land-dispute/>.

⁵² CCHR, ‘Three Years of Judicial Harassment for Former Radio Free Asia Journalists’ (November 2020) [https://cchrcambodia.org/admin/media/newsletter/newsletter/english/2020-11-14_RFA%20Timeline_Eng%20\(1\).pdf](https://cchrcambodia.org/admin/media/newsletter/newsletter/english/2020-11-14_RFA%20Timeline_Eng%20(1).pdf).

⁵³ UN Human Rights Council, ‘Opinion No. 3/2019 concerning Uon Chhin and Yeang Sothearin (Cambodia)’ UN Doc. A/HRC/WGAD/2019/3 (29 May 2018) https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session84/A_HRC_WGAD_2019_3.pdf.

⁵⁴ American Bar Association Center for Human Rights, ‘Trial Observation Report: Cambodia vs. Uon Chhin and Yeang Sothearin’ (January 2020)

https://www.americanbar.org/content/dam/aba/administrative/human_rights/fairnessreport_cambodia_uc_vs.pdf; and Joshua Lipes, ‘Cambodia’s Top Court Rejects Ex-RFA Reporters’ Plea to Drop Probe of Espionage Charges’ (*RFA*, 27 October 2020) <https://www.rfa.org/english/news/cambodia/probe-10272020161213.html>.

⁵⁵ Matt Surrusco and Morm Moniroth, ‘Trial Date for Ex-Cambodia Daily Reporters Set for Christmas’ (*VOD*, 6 December 2019) <https://vodenglish.news/trial-date-for-ex-cambodia-daily-reporters-set-for-christmas/>.

⁵⁶ Khuon Narim, ‘Regional Court of Appeal upholds dropping of incitement charges against Ex-Daily reporters’ (*CamboJA*, 5 January 2022) <https://cambojanews.com/regional-court-of-appeal-upholds-dropping-of-incitement-charges-against-ex-daily-reporters/>.

⁵⁷ Mech Dara, ‘Three Journalists Detained, Educated for Covering Boeng Tompun Dispute’ (*VOD*, 22 July 2021) <https://vodenglish.news/three-journalists-detained-educated-for-covering-boeng-tompun-dispute/>.



they had taken.⁵⁸ The Phnom Penh deputy governor defended the actions of authorities, setting damaging precedent to the detriment of press freedom. These cases represent only a fraction of the dozens of instances of harassment and intimidation journalists have faced in recent years while attempting to cover stories in the field.⁵⁹ The authorities' perpetual harassment of journalists for legitimate journalistic activities is altering public perceptions about journalism and creating a false narrative that delegitimizes the crucial work of journalists.

Violence against journalists is a growing threat, with at least 12 journalists being physically attacked in 2020⁶⁰ and at least 18 recorded incidents of violence against journalists in 2021.⁶¹ For example, on 28 September 2020, four journalists were assaulted by assailants they recognized as timber traders in Tboung Khmum province.⁶² The journalists, who work for *PMN News*, *Chakrapop News*, and *Eysan Post*, believe the attack was in retaliation for their reporting of an incident of illegal logging to the police two days earlier. Additionally, on 29 September 2020, a journalist for *CBN TV* was murdered by unidentified assailants while returning home from work.⁶³ In March 2021, Pran Sean, a journalist and publisher for digital news outlet *Anachak Khmer*, was beaten at night as he slept in a hammock outside a temple. Sean believes that it was a premeditated attack by illegal loggers in retribution for writing articles about illegal timber trading.⁶⁴

The Committee should call on the RGC to:

- ***Ensure a safe and enabling environment for journalists and media workers, noting that press freedom is an essential accountability tool.***
- ***Ensure all licensing laws and regulations are applied consistently, without bias, and in a manner that complies with international human rights law and standards.***
- ***End all ongoing criminal proceedings against media actors based on their journalistic work and quash all convictions on such grounds.***
- ***Immediately and unconditionally release journalists who are arbitrarily detained, including Sok Oudom and Yuon Chhiv.***

⁵⁸ Sorn Sarath and Sam Sopich, 'Journalists harassed on the job as authorities clear homes for development at Boeng Tompun' (*CamboJA*, 13 August 2021) <https://cambojanews.com/journalists-harassed-on-the-job-as-authorities-clear-homes-for-development-at-boeng-tompun/>.

⁵⁹ *CamboJA*, 'Cambodian Journalism Situation Report 2020' (March 2021) <https://www.camboja.net/wp-content/uploads/2021/03/Cambodian-Journalism-Situation-Report-2020.pdf>.

⁶⁰ *Ibid.*

⁶¹ *CamboJA* media monitoring.

⁶² Khuon Narim, 'Journalists attacked after reporting forestry crime' (*CamboJA*, 30 September 2020) <https://cambojanews.com/journalists-attacked-after-reporting-forestry-crime/>.

⁶³ *UCANews*, TV journalist reportedly murdered in Cambodia (29 September 2020) <https://www.ucanews.com/news/tv-journalist-reportedly-murdered-in-cambodia/89691#>.

⁶⁴ Vann Vichar, 'Journalist Beaten as He Slept Outside Temple' (*VOD*, 16 March 2021) <https://vodenglish.news/journalist-beaten-as-he-slept-outside-temple/>.



1.3 Expression about the environment and Cambodia's border

1.3.1 Mother Nature Cambodia

Environmental rights group Mother Nature Cambodia and its members have long faced harassment from authorities. Mother Nature Cambodia decided to de-register in September 2017, citing judicial harassment of its members. However, some Mother Nature Cambodia activists continued their environmental activism as a movement of concerned citizens. In a press release dated 7 September 2020, the Ministry of Interior labelled the organization as “illegal” and called for authorities to take legal measures against its members. In 2020, authorities shut down multiple Mother Nature Cambodia environmental campaigns, including a bicycle ride campaign⁶⁵ and a gallery viewing to raise awareness of Koh Kong Krao Island and call for it to be classified as a protected national sea park to preserve its natural resources.⁶⁶

In 2020 and 2021, authorities arrested seven Mother Nature Cambodia activists⁶⁷ and issued arrest warrants against two others living outside of the country.⁶⁸ Five received convictions⁶⁹ and were sentenced to between 18 and 20 months in prison for incitement to commit a felony under Articles 494 and 495 of the *Criminal Code*⁷⁰ for planning a one-woman march from Wat Phnom to the Prime Minister's residence to share concerns over the filling-in of Boeung Tamok Lake.⁷¹ Charges of insulting the king (*lèse-majesté*) and/or plotting under Articles 437-*bis* and 453 of the *Criminal Code* respectively, were levied against seven Mother Nature Cambodia activists⁷² on baseless allegations of using foreign funds to topple the government. If convicted they each face up to ten years in prison. Six of the defendants were held in detention until their release on 12 November 2021 amid a flurry of political prisoners being released with sentence reductions.⁷³ Three of them had spent over 15 months in detention⁷⁴ while the other three had been detained for nearly five months.⁷⁵ Two UN entities expressed their concern at the arrest of Mother Nature Cambodia activists, adding that it raised “renewed concern for the shrinking space for human rights defenders in Cambodia”.⁷⁶ In December 2021, Mother Nature Cambodia announced that it was suspending operations in Cambodia amid concerns for the safety of its activists.⁷⁷

⁶⁵ 100 organizations and communities, ‘With No Will to Amend, LANGO Must Be Repealed’ (10 February 2020) <https://www.voacambodia.com/a/koh-kong-police-block-mother-nature-environmental-campaign/5447613.html>.

⁶⁶ Khuon Narim, ‘Demonstration for conservation of Koh Kong island shut down’ (*CamboJA*, 23 June 2020) <https://cambojanews.com/demonstration-for-conservation-of-koh-kong-island-shut-down/>.

⁶⁷ Long Kunthea, Phuon Keo Reaksmey, Thun Ratha, Sun Ratha, Ly Chandaravuth, Seth Chhivlimeng, and Yim Leanghy.

⁶⁸ Chea Kunthin and Alejandro Gonzalez-Davidson.

⁶⁹ Two reside outside of Cambodia and were convicted *in absentia*.

⁷⁰ Long Kunthea, Phuon Keo Reaksmey, Thun Ratha, Chea Kunthin, and Alejandro Gonzalez-Davidson.

⁷¹ World Organisation Against Torture, ‘Cambodia: Sentencing of five environmental activists’ (6 May 2021) <https://www.omct.org/en/resources/urgent-interventions/cambodia-sentencing-of-five-environmental-activists>.

⁷² Long Kunthea, Phuon Keo Reaksmey, Thun Ratha, Alejandro Gonzalez-Davidson, Sun Ratha, Ly Chandaravuth, and Yim Leanghy.

⁷³ Kuoy Longdy, Mech Dara and Ouch Sony, ‘Updates: Mother Nature Activists, Rong Chhun Among 18 Released in Flurry of Verdicts, Reunions’ (*VOD*, 12 November 2021) <https://vodenglish.news/updates-rong-chhun-gets-out-as-dam-breaks-on-prisoners-release/>.

⁷⁴ Long Kunthea, Phuon Keo Reaksmey, and Thun Ratha.

⁷⁵ Sun Ratha, Ly Chandaravuth, and Yim Leanghy.

⁷⁶ UN OHCHR and UN Environment Programme, ‘NEWS RELEASE: United Nations entities concerned by arrest of environmental human rights defenders in Cambodia’ (30 June 2021) <https://bangkok.ohchr.org/ehrd-cambodia/>.

⁷⁷ Richard Finney, ‘Environmental activist group suspends work in Cambodia’ (*RFA*, 27 December 2021) <https://www.rfa.org/english/news/cambodia/work-12272021181317.html>.



1.3.2 Prey Lang Community Network

Police have systematically hindered the efforts of activists from the Prey Lang Community Network (“PLCN”), a grassroots movement working to document illegal logging and deforestation in Prey Lang Forest.⁷⁸ The Ministry of Environment has labelled the community-based organization as “illegal” and has accused the group of having a political agenda.⁷⁹ In February 2020, the Ministry of Environment imposed a ban preventing PLCN activists from patrolling the core area of the forest—a key aspect of PLCN’s fight against deforestation—and threatened them with arrest.⁸⁰ PLCN has been repeatedly blocked by local authorities and barred entry to the forest.⁸¹ Tensions have continued to rise amid the COVID-19 pandemic as authorities have continued to block PLCN’s activities enabling illegal logging within the protected forest to soar. One activist estimated that hundreds of trailers were involved in the transportation of illegally harvested luxury timber every day.⁸²

A PLCN environmental activist, Chan Thoeun, was tried *in absentia* and convicted of intentional violence with aggravating circumstances under Articles 217 and 218 of the *Criminal Code* in October 2021.⁸³ Chan Thoeun was charged on the basis of a complaint made by a timber trader—believed to be engaged in illegal logging—who claimed that the activist tried to attack him with a knife in July 2020. Chan Thoeun, who is in hiding, says he was held at knifepoint by the timber trader after trying to film his illegal activities.

In June 2021, the United States announced its withdrawal of 100 million USD of funding from the Cambodian government’s “Greening Prey Lang Project”, stating that the decision was due in part to the harassment of environmental activists.⁸⁴ The funds are being redirected to local groups working on environmental protection instead.

1.3.3 Expression about the Cambodia-Vietnam border

In recent years, there has been a concerted effort to silence all expression about Cambodia’s border with Vietnam. In 2020, Prime Minister Hun Sen warned that authorities would arrest those who raised the

⁷⁸ Human Rights Watch, ‘Cambodia: Environmental Activists Harassed’ (20 March 2020) <https://www.hrw.org/news/2020/03/20/cambodia-environmental-activists-harassed>.

⁷⁹ Thorn Tharo, ‘Prey Lang community demand ministry of environment to show evidence’ (RFA, 9 February 2020) <https://www.rfa.org/khmer/news/environment/PreyLangs-requires-MoE-for-evidence-accusing-for-political-reasons-02092020035005.html>.

⁸⁰ Cheat Chamnan, ‘Environmental Activists said they threaten to arrest by environmental official’ (RFA, 10 February 2020) <https://www.rfa.org/khmer/news/environment/forest-protection-activists-says-environment-official-threatens-them-02112020070436.html>.

⁸¹ Danielle Keeton-Olsen and Hun Sirivadh, ‘Officials Block Prey Lang Activists Form Forest Ahead of Annual Event’ (VOD, 21 February 2020) <https://vodenglish.news/officials-block-prey-lang-activists-from-forest-ahead-of-annual-event/>.

⁸² Soth Koemsoeun, ‘Activist ban ‘spurs forest crimes’’ (Phnom Penh Post, 21 July 2020) <https://www.phnompenhpost.com/national/activist-ban-spurs-forest-crimes>.

⁸³ Amnesty International, ‘Cambodia: Conviction of Prey Lang activist marks further repression of environmental defenders’ (11 October 2021) <https://www.amnesty.org/en/latest/news/2021/10/cambodian-environmental-activist-convicted/>.

⁸⁴ U.S. Mission Cambodia, ‘U.S. Embassy Phnom Penh Statement on the USAID Greening Prey Lang Funding Redirect’ (17 June 2021) <https://kh.usembassy.gov/u-s-embassy-phnom-penh-statement-on-the-usaid-greening-prey-lang-funding-redirect/>.



issue of lost territory between Cambodia and Vietnam, stating “everyone who talks about that issue will be arrested for a red-handed crime”.⁸⁵

Authorities arrested at least three individuals in 2020 for expression about Cambodia’s border with Vietnam. The Phnom Penh Municipal Court convicted Rong Chhun, President of the Cambodian Confederation of Unions and labor rights defender, of incitement to cause social unrest under Article 495 of the *Criminal Code* on 18 August 2021 and sentenced him to two years in prison for a statement he made on behalf of the Cambodian Watchdog Council concerning community land loss resulting from the demarcation of the Cambodia-Vietnam border.⁸⁶ The Phnom Penh Court of Appeal reduced his sentence on appeal and he was released on 12 November 2021.⁸⁷ Four UN human rights experts condemned his conviction and expressed concern at the use of vaguely worded articles of the *Criminal Code* to stifle free expression.⁸⁸

In August 2020, Soung Sophorn, President of the Khmer Win Party, was arrested for allegedly distorting information related to border issues.⁸⁹ He was convicted of incitement to commit a felony in February 2021 and sentenced to 20 months in prison.⁹⁰ On 4 September 2020, Kea Sokun, a 22-year old rapper, was arrested in Siem Reap and charged the next day with incitement to commit a felony or cause social unrest under Articles 494 and 495 of the *Criminal Code* in connection with his song “*Dey Khmer*”—Khmer Land. The song, which had more than 1.5 million views on YouTube at the time of his arrest, spoke about Cambodia's borders and corruption throughout the country. Kea Sokun was convicted in December 2020 and sentenced to 18 months imprisonment, with six months suspended.⁹¹ He was released on 3 September 2021 after one year in detention.⁹²

The Committee should:

- **Express concern over the treatment of environmental activists in Cambodia and condemn the pattern of arrests and charges of Mother Nature Cambodia activists, calling for convictions to be quashed and ongoing investigations to be abandoned.**

⁸⁵ Khuon Narim, ‘Activist demand Rong Chhun’s release despite Hun Sen’s arrest threat’ (*CamboJA*, 25 August 2020) <https://cambojanews.com/activists-demand-rong-chhuns-release-despite-hun-sens-arrest-threat/>.

⁸⁶ Khy Sovuthy, ‘Union leader Rong Chhun sentenced to two years over border comments’ (*CamboJA*, 18 August 2021) <https://cambojanews.com/union-leader-rong-chhun-sentenced-to-two-years-over-border-comments/>.

⁸⁷ Buth Reaksmey Kongkea, ‘Activists trio to be released from prison today’ (*Khmer Times*, 12 November 2021) <https://www.khmertimeskh.com/50969812/activists-trio-to-be-released-from-prison-today/>.

⁸⁸ Four UN Special Rapporteurs, ‘Cambodia: UN experts condemn conviction of trade union leader, systematic crackdown on human rights defenders’ (23 August 2021) https://cambodia.ohchr.org/sites/default/files/UN%20experts%20condemn%20conviction%20of%20trade%20union%20leader_EN_Final.pdf.

⁸⁹ Khan Leakhena, ‘Police Arrest Politician Over Support for Border Comments’ (*VOD*, 14 August 2020) <https://vodenglish.news/police-arrest-politician-over-support-for-border-comments/>.

⁹⁰ Ouch Sony, ‘20 Months Jail, \$500,000 in Damages for Politician in Rong Chhun Case’ (*VOD*, 10 February 2021) <https://vodenglish.news/20-months-jail-500000-in-damages-for-politician-in-rong-chhun-case/>.

⁹¹ Prak Chan Thul, ‘Cambodia court jails rappers for rhymes inciting crimes’ (*Reuters*, 22 December 2020) <https://www.reuters.com/article/us-cambodia-rappers/cambodia-court-jails-rappers-for-rhymes-inciting-crimes-idUSKBN28W0YB>.

⁹² Jack Brook and Mech Choulay, ‘Rapper Kea Sokun released from jail, no regrets’ (*VOD*, 3 September 2021) <https://vodenglish.news/rapper-kea-sokun-released-from-jail-no-regrets/>.



- **Raise concerns regarding the use of domestic laws to deter and prevent environmental protection activities.**
- **Reiterate to the RGC that all legitimate exercises of freedom of expression must be protected, including that relating to Cambodia's borders.**

1.4 Online expression

Online expression remains under sustained attack by the RGC, who has increasingly restricted internet freedom and targeted individuals responsible for critical online commentary. Social media users in particular have become the focus of criminal charges for expressing opinions online, with authorities using judicial harassment to target users of Facebook,⁹³ YouTube,⁹⁴ and TikTok⁹⁵. In 2019, Interior Minister Sar Kheng assigned a working group of 14 members to monitor the Facebook page of Prime Minister Hun Sen to identify users who make “undesirable” comments, illustrating the government’s concerted effort to increase its policing of social media platforms. In February 2021, the Information Ministry announced that it was expanding its online monitoring activities to include TikTok as well as closed-sourced platforms such as WhatsApp, Messenger, and Telegram.⁹⁶

The COVID-19 pandemic provided Cambodia’s government with more opportunities to silence expression. In May 2021, the government demanded the immediate cessation of social media posts intended to “*provoke and create chaos*” in the context of the COVID-19 pandemic, referring to such posts as “*acts of attack*” that must be punished.⁹⁷ Cambodian authorities have arrested dozens of individuals for expressing critical opinions on social media about the government’s COVID-19 response, including at least 12 individuals for their comments pertaining to the government’s vaccination campaign and the vaccines themselves.⁹⁸ Notably, in six of these cases, the expression was made on the growing social media platform TikTok. One Chinese journalist, Shen Kaidong, was deported for publishing an alleged “fake news” story in which multiple Chinese nationals reported receiving a text offering them the Sinopharm vaccine for a service fee.⁹⁹ On 15 July 2021, a second journalist, Kao Piseth, was arrested and charged with incitement to commit a felony and obstruction under Article 11 of the *COVID-19 Law* for posts on Facebook criticizing the efficacy of Chinese-made vaccines and accusing the government of having a

⁹³ Hul Reaksmeay, ‘Family at Risk After Arrest of Cambodian Woman for ‘Sexy’ Online Sales’ (VOA Khmer, 10 March 2020) <https://www.voacambodia.com/a/family-at-risk-after-arrest-of-cambodian-woman-for-sexy-online-sales/5322573.html>.

⁹⁴ Mech Dara, ‘Siem Reap provincial court sentenced two rappers’ (VOD, 22 December 2020)

<https://vodkhmer.news/2020/12/22/siamreap-provincial-court-sentence-two-youths-who-sing-rap-in-prison/>.

⁹⁵ National Police, ‘A Tik Tok user question at national police’ (6 July 2020) <https://phnompenhpolice.com/social-security/2170.html>.

⁹⁶ UCA News, ‘Cambodia expands monitoring of ‘fake news’ (19 January 2021) <https://www.ucanews.com/news/cambodia-expands-monitoring-of-fake-news/91186#>.

⁹⁷ Government Spokesperson Unit Press Release available at: <http://freshnewsasia.com/index.php/en/localnews/196108-2021-05-01-08-27-47.html>.

⁹⁸ See for example, Nhim Sokhorn and Samoeun Nicseybon, ‘Two Deaths Ruled Unrelated to Vaccine, Covid; Two Arrested Over Posts’ (VOD, 2 March 2021) <https://vodenglish.news/two-deaths-ruled-unrelated-to-vaccine-covid-two-arrested-over-posts/>.

⁹⁹ Sun Narin, ‘Cambodia Depports Chinese Journalist Over Vaccine for Sale Story’ (VOA, 3 March 2021)

<https://www.voacambodia.com/a/cambodia-deports-chinese-journalist-over-vaccine-for-sale-story-/5800111.html>.



political motive in using them.¹⁰⁰ Authorities have also prosecuted at least four individuals—Toa Channy, Korng Sambath, Nov Kloem, and Pann Sophy—under the *COVID-19 Law* for posting TikTok videos criticizing the use of Chinese-made vaccines.

Since the 2018 addition of the offense of insulting the King (*lèse-majesté*) to the *Criminal Code*, authorities have charged 11 individuals under the provision, nine of which were for online expression, including Facebook posts, news interviews, and zoom calls.¹⁰¹ The Ministry of Information reported 809 instances of expression insulting towards the King on social media throughout 2021.¹⁰² The Ministry's report did not disclose what action was taken in each instance but stated their methods include “*educating, advising and warning journalists and ethical misconduct, suspending or revoking media licences, proceeding with legal action*”.¹⁰³

The Committee should:

- ***Unequivocally condemn all human rights violations and abuses committed against persons for exercising their right to freedom of expression on the internet.***
- ***Remind the RGC of their duty to foster an enabling online environment that is safe and conducive to engagement by all, through which citizens can express their opinions, including dissenting or critical thoughts towards the government, without fear of retribution.***
- ***Condemn measures that prevent or disrupt an individual's ability to seek, receive or impart information online, including online censorship, and call upon the RGC to refrain from such measures and cease efforts to stifle free debate online.***
- ***Encourage the RGC to end all ongoing criminal proceedings and quash all convictions based on the exercise of the right to freedom of expression in online spaces.***

1.5 “Fake News”

In recent years, authorities have disparagingly labelled legitimate, investigative work from journalists and human rights defenders as “fake news” by authorities as a way to punish dissent and critical speech. In 2019, the Phnom Penh Municipal Court sentenced Rath Rott Mony, who worked for *Russia Today* on its film “*My Mother Sold Me*”, to two years in prison after he was found guilty for contributing to the production of a sex trafficking documentary dismissed as “fake news” by the RGC.¹⁰⁴ Moreover, in a

¹⁰⁰ Khuon Narim, ‘Online journalist charged with the incitement after criticizing Chinese vaccines’ (*CamboJA*, 16 July 2021) <https://cambojanews.com/online-journalist-charged-with-the-incitement-after-criticizing-chinese-vaccines/>; and Mech Dara, ‘Jailed Journalist Slapped With Incitement, Covid-19 Law Charges’ (*VOD*, 16 July 2021) <https://vodenglish.news/jailed-journalist-slapped-with-incitement-covid-19-law-charges/>.

¹⁰¹ CCHR, ‘Three years of the Promulgation of Lèse-Majesté Law’ (February 2021) https://cchrcambodia.org/admin/media/newsletter/newsletter/english/Lese%20Majeste%20Snapshot_Final_Eng.pdf; additionally Mother Nature activists Sun Ratha, Yim Leanghy and Alejandro Gonzalez-Davidson were charged on 20 June 2021, see, Khy Sovuthy, ‘Three convicted Mother Nature activists handed an additional plotting charge’ (*CamboJA*, 21 July 2021) <https://cambojanews.com/three-convicted-mother-nature-activists-handed-an-additional-plotting-charge/>.

¹⁰² Phak Seangly, ‘Info ministry found nearly 2000 cases of fake news since January’ (*Phnom Penh Post*, 19 December 2021) <https://www.phnompenhpost.com/national/info-ministry-found-nearly-2000-cases-fake-news-january>.

¹⁰³ *Phnom Penh Post*, ‘Ministry tackles fake news, incitement, lese-majeste’ (5 August 2021) <https://phnompenhpost.com/national/ministry-tackles-fake-news-incitement-lese-majeste>.

¹⁰⁴ Taing Vida, ‘Rott Mony Sentenced to Two Years In Jail’ (*Khmer Times*, 27 June 2019) <https://www.khmertimeskh.com/50618191/rott-mony-sentenced-to-two-years-in-jail/>.



statement released on 7 December 2020, the Ministry of Information threatened legal action against journalists spreading "fake news" related to the government's efforts to combat the COVID-19 pandemic,¹⁰⁵ and throughout 2020, at least 23 individuals were arrested under allegations of spreading "fake news" about COVID-19.¹⁰⁶

In March 2020, the RGC established a Fake News Monitoring Committee responsible for monitoring the dissemination of "fake news" and blocking websites and accounts that are found to be spreading "fake news". According to the Ministry of Information, throughout 2020 the Fake News Monitoring Committee recorded 1,343 cases of "fake news",¹⁰⁷ while in 2021 this increased to 1,938 cases—including 1,023 that it determined were intended to incite criticism of the government.¹⁰⁸ The alleged "fake news" items were posted on various social media platforms and websites including Facebook, TikTok, and YouTube. Considering the RGC's sensitivity to criticism and in light of its renewed crackdown on opposition and dissent, it is reasonable to suspect that many of these cases may constitute unfair restrictions to freedom of expression.

The Committee should urge the RGC to:

- ***Repeal Article 425 of the Criminal Code which criminalizes "false information" and remove provisions criminalizing "disinformation" from the draft Law on Cybercrime.***
- ***Instead combat misinformation by ensuring the right to information, reaffirming its commitment to media freedom, diversity, and independence, and improving media literacy.***

2. Freedom of assembly (art. 21)

2.1 Legal framework

2.1.1 Law on Peaceful Assembly

Several legal provisions continue to restrict the right to freedom of assembly in Cambodia. Under Article 2 of the *Law on Peaceful Assembly* and Articles 41 and 42 of the Constitution, the right to freedom of peaceful assembly is only guaranteed for Cambodian citizens, instead of all persons subject to the State's jurisdiction, as the ICCPR requires. Article 9(1) of the *Law on Peaceful Assembly* expressly prohibits demonstrations if they are held on certain holidays.¹⁰⁹ This type of blanket ban is intrinsically

¹⁰⁵ Nov Sivutha, 'Gov't tackles fake news amid pandemic' (*Phnom Penh Post*, 9 December 2020)

<https://www.phnompenhpost.com/national/govt-tackles-fake-news-amid-pandemic>.

¹⁰⁶ CCHR, ADHOC, Solidarity Center, and ICNL, 'Cambodia Fundamental Freedoms Monitor: Fifth Annual Report' (April 2021) p. 21 <https://cchrcambodia.org/admin/media/report/report/english/CCHR-FFMP-Report-Year-5-Apr-Dec-2020-Eng.pdf>.

¹⁰⁷ Voun Dara, 'More than 1,000 cases of fake, objectionable news identified' (*Phnom Penh Post*, 19 January 2021) <https://www.phnompenhpost.com/national/more-1000-cases-fake-objectionable-news-identified>.

¹⁰⁸ Phak Seangly, 'Info ministry found nearly 2000 cases of fake news since January' (*Phnom Penh Post*, 19 December 2021) <https://www.phnompenhpost.com/national/info-ministry-found-nearly-2000-cases-fake-news-january>.

¹⁰⁹ The King's birthday, Coronation Day, the Water Festival, National Independence Day, Khmer New Year Day, and Pchum Ben Day.



disproportionate.¹¹⁰

Further, Article 9(2) of the *Law on Peaceful Assembly* prohibits demonstrations where there is “clear information” indicating that the demonstration “may cause danger” or “may seriously jeopardize security, safety and public order”, a vague provision that risks arbitrary interpretation and undue limitations on the right. The Law imposes a minimum five-day notification requirement at Article 7 for all gatherings, which prevents assemblies from being held in a rapid response to current events. International best practice recommends only requiring notice of an assembly when a substantial number of participants are expected, or only for certain types of assembly, such as assemblies where disruption is reasonably expected by the organizers.¹¹¹ Despite this prior notification regime, in practice, assembly organizers are often required to obtain prior authorization from the authorities for holding assemblies, contradicting international standards,¹¹² with government actors preventing or disrupting assemblies for which permission is not granted.¹¹³

2.1.1 Trade Union Law

The enactment of the *Trade Union Law* (“TUL”) in 2016 and its amendment in January 2020 has further restricted the freedom of peaceful assembly.¹¹⁴ The TUL unjustifiably restricts the right of workers to strike. Article 65(f) determines that it is unlawful for a union or its representatives “to agitate for purely political purposes or for their personal ambitions”, a vague provision that risks broad interpretation and could be used to declare legitimate union activities unlawful. The TUL also imposes onerous requirements prior to undertaking a strike that amount to an excessive restriction of the right to freedom of assembly.¹¹⁵

The Committee should encourage the RGC to:

- **Amend the Law on Peaceful Assembly and the TUL in consultation with stakeholders to ensure they are compliant with Cambodia’s obligations under the ICCPR.**

¹¹⁰ UN Human Rights Council, ‘Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies’ UN Doc. A/HRC/31/66 (4 February 2016) para. 30. See also, UN Human Rights Council, ‘Second Thematic Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai’ UN Doc. A/HRC/23/39 (24 April 2013) para. 63 https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39_EN.pdf.

¹¹¹ OSCE-ODIHR and Venice Commission, ‘Guidelines on Freedom of Peaceful Assembly’ (2nd ed, 2010) para. 115 <https://www.osce.org/odihr/73405?download=true>; and UN Human Rights Council, ‘Second Thematic Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai’ UN Doc A/HRC/23/39 (24 April 2013) para. 52 https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39_EN.pdf.

¹¹² UN Human Rights Council, ‘Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai’ UN Doc A/HRC/20/27 (21 May 2012) para. 28 https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf.

¹¹³ CCHR, ADHOC, Solidarity Center, and ICNL, ‘Cambodia Fundamental Freedoms Monitor: Fourth Annual Report’ (July 2020) p. 20-21 <https://cchrcambodia.org/ffmp/report4>.

¹¹⁴ The *Trade Union Law* (May 2016). Official text in Khmer available at: http://sithi.org/admin/upload/law/trade_union_law_kh.pdf and unofficial translation in English available at: http://sithi.org/admin/upload/law/trade_union_law_eng.pdf.

¹¹⁵ The TUL (as well as the relevant implementing *Prakas*) requires unions’ statutes to include a provision that a decision to undertake a strike: (a) must be made by a vote of union members, and (b) that an absolute majority (50% +1) of union members must vote in favor of the strike (Article 13).



2.2 Interference with assemblies including by use of force

Despite the Committee's 2015 Concluding Observations recommending the RGC train security forces on the use of force in line with international law and standards,¹¹⁶ there has been a worrying increase in government interference with peaceful assemblies in Cambodia—including through the use of excessive state force. According to the Cambodia Fundamental Freedoms Monitor, between April and December 2020, authorities resorted to use of excessive force to dispel and break-up 14 peaceful assemblies, amounting to 11% of all assemblies recorded.¹¹⁷ This represents a sharp increase from previous years when only 4% of recorded assemblies were subjected to state force.¹¹⁸ In 2021, this trend of peaceful protests being violently broken up by security forces has continued to rise, with 21 assemblies subjected to excessive state use of force in the first nine months of the year, amounting to 18% of all assemblies.¹¹⁹ In one extreme case, on 3 June 2021, around 50 soldiers fired live ammunition at farmers who were protesting the Ministry of Defense's takeover of state land that locals have farmed for decades, resulting in one man being shot in the shoulder.¹²⁰

The arrest of prominent political analyst Rong Chhun on 31 July 2020 caused an eruption of peaceful assemblies calling for his release; many of which were met heavy-handedly by authorities.¹²¹ In numerous protests, security forces forcibly intervened, violently dispersing the protests and arresting protesters. In August and September 2020, authorities arrested 17 individuals on charges of incitement for participating in, planning to participate in, or organizing protests demanding the release of Rong Chhun.¹²² Those arrested included former-Cambodia National Rescue Party ("CNRP") officials, activists belonging to Khmer Thavrak (a youth group that advocates against social injustice), Khmer Student Intelligent League Association members, and a Buddhist Monk. The Phnom Penh Municipal Court subsequently convicted ten of those arrested.¹²³ Three UN Special Rapporteurs were critical of the convictions and of Cambodia for "*weaponizing*" its court system to methodically reduce the scope for citizen action.¹²⁴ All those

¹¹⁶ Human Rights Committee, 'Concluding observations on the second periodic report of Cambodia' (27 April 2015) UN Doc. CCPR/C/KHM/CO/2, para. 12.

¹¹⁷ CCHR, ADHOC, Solidarity Center, and ICNL, 'Cambodia Fundamental Freedoms Monitor: Fifth Annual Report' (April 2021) p.24 <https://cchrcambodia.org/admin/media/report/report/english/CCHR-FFMP-Report-Year-5-Apr-Dec-2020-Eng.pdf>.

¹¹⁸ *Ibid.*

¹¹⁹ CCHR, ADHOC, Solidarity Center, and ICNL, 'Freedom of Assembly: January to September 2021' (January 2022) https://cchrcambodia.org/index_old.php?url=media/media.php&p=newsletter_detail.php&nsid=184&id=5&lang=eng.

¹²⁰ Mech Dara and Michael Dickison, 'Soldiers Shoot Farmer in Attempt to Reclaim State Land' (VOD, 3 June 2021) <https://vodenglish.news/soldiers-shoot-farmer-in-attempt-to-reclaim-state-land/>.

¹²¹ Phoung Vantha and Mao Sopha, 'A Woman Arrested for Taking Part in a Protest for the Release of Rong Chhun Is Charged in Court' (Cambodianess, 14 August 2020) <https://cambodianess.com/article/a-woman-arrested-for-taking-part-in-a-protest-for-the-release-of-rong-chhun-is-charged-in-court>; Aun Chhengpor, 'Political, Youth Activists Recant Testimony at Rong Chhun Protests Trial' (VOA, 16 February 2021) <https://www.voacambodia.com/a/political-youth-activists-recant-testimony-at-rong-chhun-protests-trial-5780206.html>.

¹²² CCHR, 'Crackdown of Arrests' (September 2020)

https://cchrcambodia.org/admin/media/newsletter/newsletter/english/Crackdown%20of%20Arrests-ENG_Final.pdf.

¹²³ LICADHO, 'Ten Imprisoned Activists Convicted of Incitement for Their Peaceful Work' (26 October 2021) https://www.licadho-cambodia.org/flashnews.php?perm=295&english&fbclid=IwAR0nzOrj5D0wtC6VFG6a6j7Cc2xOlxoVBuq7Y769o_POZIdhZWEhw_MK-O9s; and LICADHO, 'Convictions of Rong Chhun, Sar Kanika and Ton Nimol Upheld, Sentences Suspended' (12 November 2021) <https://www.licadho-cambodia.org/flashnews.php?perm=300>.

¹²⁴ Three UN Special Rapporteurs, 'Cambodia: Stop using courts to persecute people who stand up for human rights—UN experts' (2 November 2021) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27745&LangID=E>.



detained have since been released, many among a flurry of political prisoner releases in November 2021.¹²⁵

Family members of detained CNRP activists have been protesting for their relatives' release in front of the Phnom Penh Municipal Court most Fridays since 19 June 2020, garnering them the name the 'Friday Women'. The protests, comprised mostly of female protesters, have been heavily monitored and security forces have frequently interfered violently with these peaceful assemblies.¹²⁶ Assembly monitors have documented peaceful protesters being shoved, kicked, and dragged across the pavement by armed security forces. At one protest by the Friday Women on 4 September 2020, Seng Chanthorn, the wife of a detained former-CNRP official, was thrown to the ground by district security guards resulting in hospitalization.¹²⁷ The Cambodia Fundamental Freedoms Monitor documented that in 2020, the rate of unlawful use of state force against assemblies organized by the Friday Women was much higher (43%) than the ordinary rate of unlawful state violence for assemblies (11%).¹²⁸

Assemblies marking the Paris Peace Agreements Day on 23 October 2020 and 22 October 2021 were met with excessive state violence. During and in the days following the 2020 protest, authorities arrested seven individuals and sent them to pre-trial detention.¹²⁹ On 2 August 2021, the Phnom Penh Municipal Court convicted the seven activists, plus two further individuals who remain at large, of incitement to commit a felony under Articles 494 and 495 of the *Criminal Code* and sentenced each to between 12 and 20 months in prison.¹³⁰ At the 2021 protest, a huge police presence with a mixture of police forces intervened in a peaceful demonstration of around 20 women.¹³¹ Video footage of the protest shows police beating protesters in a shocking display of aggression.¹³²

Current and former employees of NagaWorld, Phnom Penh's biggest casino, have been protesting the company's mass dismissal of 1,329 staff members since 18 December 2021; at the time of writing their

¹²⁵ Kuoy Longdy, Mech Dara and Ouch Sony, 'Updates: Mother Nature Activists, Rong Chhun Among 18 Released in Flurry of Verdicts, Reunions' (VOD, 12 November 2021) <https://vodenglish.news/updates-rong-chhun-gets-out-as-dam-breaks-on-prisoners-release/>.

¹²⁶ See for example, Tin Zakariya, 'Relatives of CNRP activists protest again, demanding that the court release their families early this year' (RFA, 5 January 2021) <https://www.rfa.org/khmer/news/politics/wives-of-jailed-dissidents-continue-protesting-for-their-husband-release-01082021104910.html>; and Va Sopheanut, 'Court Protesters Complain That Security Guards Denied Them Breakfast' (VOD, 5 February 2021) <https://vodenglish.news/court-protesters-complain-that-security-guards-denied-them-breakfast/>.

¹²⁷ Joshua Lipes, 'Cambodian Opposition Activist's Wife Hospitalized After Authorities Disperse Protest' (RFA, 4 September 2020), <https://www.rfa.org/english/news/cambodia/wife-09042020135412.html>.

¹²⁸ CCHR, ADHOC, Solidarity Center, and ICNL, 'Cambodia Fundamental Freedoms Monitor: Fifth Annual Report' (April 2021) p.24 <https://cchrcambodia.org/admin/media/report/report/english/CCHR-FFMP-Report-Year-5-Apr-Dec-2020-Eng.pdf>.

¹²⁹ Khy Sovuthy and Khuon Narim, 'Three CNRP activists arrested in Paris Peace Agreements demonstration' (Cambodia, 23 October 2020) <https://cambodianews.com/three-cnrp-activists-arrested-in-paris-peace-agreements-demonstration/>.

¹³⁰ Son Minea, 'Court sentences protesters to 12-20 months in prison' (Khmer Times, 4 August 2021) <https://www.khmertimeskh.com/50907959/court-sentences-protesters-12-20-months-in-prison/>.

¹³¹ Gerald Flynn and Phoung Vantha, 'Protesters beaten ahead of Paris Peace Agreements 30th anniversary' (Cambodianess, 22 October 2021) <https://cambodianess.com/article/protesters-beaten-ahead-of-paris-peace-agreements-30th-anniversary>.

¹³² @geraldrflynn, Twitter, 22 October 2021, <https://twitter.com/geraldrflynn/status/1451376475844661251>.



protest is ongoing. The daily strikes have been met with heavy police deployment and violent arrests.¹³³ So far, nine protesters have been charged with incitement under Articles 494 and 495 of the *Criminal Code*.¹³⁴ Four UN Special Rapporteurs stated that the arrests may amount to a breach of human rights law and commented that it “*could be seen as an underhanded way to clamp down on fundamental human rights and impinge on the free exercise of the rights to freedom of peaceful assembly and of association*”.¹³⁵

On 8 November 2021, Prime Minister Hun Sen threatened protesters that he “*will do what it takes to crackdown [on] protests*”.¹³⁶

The Committee should call on the RGC to:

- ***Cease the use of excessive force at protests.***
- ***Investigate all uses of force at protests, prosecute those responsible for the excessive use of force, and provide reparations for victims.***
- ***Provide comprehensive and periodic training on crowd control and applicable human rights standards for security forces charged with policing assemblies, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.***

2.3 Protest prohibitions

The RGC also arbitrarily prohibits peaceful assemblies, often imposing blanket bans without legal basis and banning assemblies on a discriminatory basis. On 3 August 2020, the Ministry of Justice issued a press release stating that, “*People gathering in front of the Phnom Penh Court of First Instance to demand the release of the accused, Rong Chhun, is against the law*”.¹³⁷ The Ministry stated its aim was to protect “*judicial integrity*”. The press release declared that the exercise of freedom of assembly in front of a Court to demand the release of a detainee is a crime under Article 522 of the *Criminal Code*, “*Publication of commentaries intended to unlawfully coerce judicial authorities*”. Article 552 prohibits commentaries that are intended to “*put pressure on the court...in order to influence its judicial decision*” and carries a prison term of up to six months. The press release espouses an interpretation of Cambodian law that could be used to restrict future assemblies in front of a Court that call for the release of an accused person.

The Cambodian government’s response to the COVID-19 pandemic has impeded the right to freedom of

¹³³ See for example, Mech Dara, ‘Riot Police, Further Arrest in New Year’s Eve NagaWorld Strike Crackdown’ (*VOD*, 1 January 2022) <https://vodenglish.news/riot-police-further-arrest-in-new-years-eve-nagaworld-strike-crackdown/>; and Khuon Narim, ‘Court questions six NagaWorld union leaders for incitement while at least 15 more arrested Monday’ (*CamboJA*, 3 January 2022) <https://cambojanews.com/court-questions-six-nagaworld-union-leaders-for-incitement-while-at-least-15-more-arrested-monday/>.

¹³⁴ Long Kimmarita, ‘Nine charged over NagaWorld protest’ (*The Phnom Penh Post*, 4 January 2022) <https://phnompenhpost.com/national/nine-charged-over-nagaworld-protest>.

¹³⁵ Four UN Special Rapporteurs, ‘Cambodia: Arrests of strikers may amount to breach of human rights law – UN experts’ (5 January 2022) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28015&LangID=E>.

¹³⁶ Luke Hunt, ‘As Chair of ASEAN, Hun Sen Warns of Crack Down on Protesters’ (*The Diplomat*, 8 November 2021) <https://thediplomat.com/2021/11/as-chair-of-asean-hun-sen-warns-of-crack-down-on-protesters/>.

¹³⁷ Ministry of Justice, ‘Press Release from the Spokesperson of the Ministry of Justice’ (3 August 2020) <https://opendevelopmentcambodia.net/announcements/press-release-ministry-of-justice-calls-on-protesters-requesting-the-ministry-to-drop-the-charge-against-rong-chhun-to-stop-action-immediately-before-authorities-take-legal-action/>.



assembly. The government has repeatedly justified its prohibition of protest activities based on the supposed goal of promoting public health and curbing the COVID-19 pandemic. In practice such prohibitions have been both unnecessary and disproportionate to the aim of protecting public health, as demonstrated by the prohibition of Human Rights Day celebrations in 2020.¹³⁸ Six UN Special Procedure Mandates have expressed concern over the government's "*apparent attempts to incite fear amongst human rights defenders*", including by criminalizing the means through which they carry out their work, such as organizing and participating in peaceful demonstrations.¹³⁹

During the pandemic, the government imposed strict lockdowns on certain "*red zones*" in Phnom Penh deemed to be high risk for COVID-19 transmission. Residents in red zones were prohibited from leaving their homes for any purpose except medical emergencies. As a result, many experienced food insecurity and voiced their desperation at food shortages.¹⁴⁰ Spontaneous protests erupted within red zones, and the Prime Minister responded by threatening to deny food aid to those protesting.¹⁴¹ During one red zone protest on 29 April 2021, residents held signs reading, "*We are starving*".¹⁴² In response, the local commune chief labelled protesters as an "*opposition group*", accused them of not being poor, denied that the residents were in fact hungry, and chastised them for giving authorities "*headaches*".¹⁴³ On 1 May 2021, a spokesperson of the Council of Ministers called those claiming to be hungry "*liars*",¹⁴⁴ and local authorities dismissed protesters asking for food as "*politically motivated*".¹⁴⁵

The Committee should:

- **Recommend the RGC to restore the right to freedom of assembly, including by:**
 - ***Ceasing the imposition of blanket bans on peaceful assemblies;***
 - ***Ensuring all restrictions on peaceful assemblies are prescribed by law, necessary to achieve a legitimate aim, and proportionate to that aim; and***
 - ***Providing full and timely explanations of any restrictions on peaceful assemblies.***

¹³⁸ CCHR, ADHOC, Solidarity Center, and ICNL, 'Cambodia Fundamental Freedoms Monitor: Fifth Annual Report' (April 2021) p.27 <https://cchrcambodia.org/admin/media/report/report/english/CCHR-FFMP-Report-Year-5-Apr-Dec-2020-Eng.pdf>.

¹³⁹ Six UN Special Procedure Mandates, 'Information received concerning the detention of and charges against Cambodian human rights defenders' (10 November 2020) AL KHM 8/2020 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25670>.

¹⁴⁰ Amnesty International, 'Cambodia: Authorities must avert COVID-19 humanitarian crisis' (30 April 2021) <https://www.amnesty.org/en/latest/news/2021/04/cambodia-humanitarian-crisis-covid/>.

¹⁴¹ Ramsmei Kampuchea Daily, Facebook https://www.facebook.com/watch/live/?v=143168371088354&ref=watch_permalink.

¹⁴² *Khmer Times*, 'Red Zone residents in Meanchey District gather to demand for immediate food assistance, defying curfew and lockdown measures' (30 April 2021) <https://www.khmertimeskh.com/50848522/red-zone-residents-in-meanchey-distict-gather-to-demand-for-immediate-food-assistance-defying-curfew-and-lockdown-measures/>.

¹⁴³ Mech Dara, 'Red-Zone Residents Protest for Food, Official Labels Them 'Opposition Group'' (VOD, 29 April 2021) <https://vodenglish.news/red-zone-residents-protest-for-food-official-labels-them-opposition-group/>.

¹⁴⁴ Phorn Bopha, 'Mounting desperation in Cambodia amid COVID lockdown' (*Aljazeera*, 2 May 2021) <https://www.aljazeera.com/news/2021/5/2/mounting-desperation-in-cambodia-amid-covid-lockdown>.

¹⁴⁵ Hul Reaksmeay, 'Phnom Penh Administration Dismisses Food Shortage Concerns in Red Zones' (VOA, 7 May 2021) <https://www.voacambodia.com/a/phnom-penh-administration-dismisses-food-shortage-concerns-in-red-zones-/5881862.html>.