



**CAMBODIA:
THE INDEPENDENT
P R E S S
IN RUINS**

**REPORTERS
WITHOUT BORDERS**
FOR FREEDOM OF INFORMATION

CONTENTS

1. Crackdown on independent media (summer-autumn 2017)	3
1 - Closure of Khmer democracy's historic media	4
Death of Cambodia Daily	4
Radio Free Asia and local independent FM stations	6
2 - Harassment and intimidation of journalists	7
Arrests and violence	7
Pressure and press card blackmail	9
3 - Self-censorship	10
Radio France Internationale	10
Phnom Penh Post	11
Voice of Democracy	11
2. Government control of the media	13
1 - Compliant broadcast media	13
Ownership concentration and political ties	13
Sun TV – abortive independent TV channel	14
2 - Fresh News: his master's voice	16
Chinese-model news agency	16
Fake news factory	18
3 - Internet: new target for control	19
Return of the cyber-crime law	19
Internet as new information vehicle	20
Facebook's central role	23
Recommendations	24

INTRODUCTION

After the Khmer Rouge nightmare ended in **January 1979**, Cambodia set out on a bumpy road to democracy during the ensuing decades, a transition mapped out in the 1991 Paris peace accords. Under United Nation aegis, the parties undertook to hold the country's first pluralist elections in 1993. Article 41 of the constitution that was adopted that year proclaims press freedom as one of the indispensable guarantees of Cambodian democracy.

And it worked. Khmer and English-language newspapers emerged at the start of the 1990s, radio stations organized debates, and an opposition press was established. Media freedom and independence were at the very heart of the Cambodian body politic.

But it has been marked by a stubborn phenomenon, the "Hun Sen system," named after the man who has been prime minister since 1985 and has proved impossible to remove. He has resisted all reforms, transitions, and protests, establishing an authoritarian regime marked by widespread corruption – one in which economic and political power is concentrated without any transparency in the hands of a limited group. The result is a political elite that is strongly opposed to the idea of inquisitive journalists prying into their affairs.

At the last general election in 2013, the victory of Hun Sen's Cambodian People's Party (CPP) was widely disputed in the independent media, whose message was relayed in massive demonstrations on the streets of Phnom Penh that continued for a year. Having clearly learned the lesson from this disturbing precedent, the government has no intention of letting this kind of "disorder" recur and wants to silence all discordant voices before the next parliamentary elections, due in July 2018.

In a simplistic, either-with-us-or-against-us strategy, the regime is now in the process of banning, obstructing, or intimidating all independent media outlets that might refuse to toe the official line. At the same time, the main opposition party has been banned just six months before the elections. Cambodia now stands at a crossroads in which media freedom will play a key role. Will the democratic transition be able to continue or will Cambodia sink into dictatorship and return to its old demons? What follows is a look at the way news and information is currently circulated in Cambodia by independent media, party mouthpieces, and enterprising citizen-journalists.

Daniel Bastard
Head of Asia-Pacific Desk

1

CRACKDOWN ON INDEPENDENT MEDIA (SUMMER-AUTUMN 2017)

The municipal elections in June 2017 saw a breakthrough by the main opposition party, the Cambodia National Rescue Party (CNRP), which won 46% of the vote.

The impact of this challenge to Prime Minister Hun Sen's CPP, which has ruled for decades, was explosive. Hun Sen sensed the danger and saw the need to rein in the media. Decisions were taken by a select group in July. The cabinet met at the start of August. Thereafter, things moved quickly. In August and September around 25 media outlets were closed or taken off the air.

4

1 - CLOSURE OF KHMER DEMOCRACY'S HISTORIC MEDIA

At a press conference during an ASEAN World Economic Forum in Phnom Penh in May, [Hun Sen suddenly lashed out at two media outlets](#). He targeted US-Congress funded *Radio Free Asia*, calling it "a radio against the government," and *Cambodia Daily*, which he accused of "opposing me all the time." Journalists who opposed the government and did not report the news "properly" would be seen as "servants of foreigners," he warned. Pointing to two journalists attending the press conference, he added: "Now the two (...) who work for *Radio Free Asia* and *Cambodia Daily*, now write it properly. You will remember this." He left no doubt as to which two media outlets were the regime's main adversaries.

Death of *Cambodia Daily*

The staff of *Cambodia Daily*, the country's oldest English-language newspaper, learned from a carefully-orchestrated leak in the pro-government news website *Fresh News* on August 4, 2017 that the tax department had suddenly decided that the newspaper owed 6.3 million US dollars (5.3 million euros) in back taxes. The newspaper was given until September 4 to settle this alleged debt. If it failed to pay, it would just have "pack up and go," [Hun Sen himself said a couple of weeks later](#).

As the decision was taken in a completely opaque manner, no one knew how the tax demand had been calculated. Pointing out that no tax audit had been conducted, then editor Jodie DeJonge, said it was clearly arbitrary and politically motivated. "[The government has been increasingly critical](#) of the *Cambodia Daily* and our reporters over the past few months," she



→ Founded in 1993, the same year as the first free elections, *Cambodia Daily* accompanied Cambodia's democratic transitio

© TANG CHHIN SOTHY / AFP



→ The front-page story of *Cambodia Daily's* last issue was headlined: "Descent into outright dictatorship." Its premises are now empty.

© TANG CHHIN SOTHY / AFP

said. "Now, we are facing a huge tax bill, which we dispute. But this is not a tax issue, it is a free press issue." The tax demand was also seen [as designed to intimidate](#) all other outlets that dared to cover the country's problems.

Launched in 1993, the year of Cambodia's first free elections, and publishing under the slogan of "All news without fear or favor," *Cambodia Daily* helped to nurture the initial blossoming of Cambodian democracy. Over the years, it continued to be an independent media outlet, criticizing not only the government and ruling party but also opposition representatives when the findings of its investigative reporting so demanded.

After 24 years of reporting and defending media freedom, it was denied renewal of its license and published its last issue on September 4. Ironically, its last front-page story was about the arrest of the leader of the opposition.



→ Mam Sonando, the owner of the independent radio station Beehive, grappling with riot police during a peaceful demonstration in 2014.

© TANG CHHIN SOTHY / AFP

Local independent FM stations and Radio Free Asia

The closure of several radio stations confirmed fears of a crackdown on independent media outlets. The information ministry ordered two independent radio stations – *Women's Media Centre of Cambodia (WMC)* and *Mohanokor* – to suspend their activities without warning on August 23 on the grounds that they had violated the terms of their licenses. Three other radio stations, *Kampong Cham*, *Angkor Ratha*, and *Samleng Cheayden*, were closed the next day for retransmitting the Khmer-language programs of the US government-funded broadcasters *Radio Free Asia (RFA)* and *Voice of America (VOA)*. These broadcasters had themselves [already been the target of Cambodian government intimidation in 2012](#).

Including local relays of the mother stations, more than 30 FM radio stations had been closed in the space of a few days. Others were ordered to stop broadcasting news and to limit themselves to entertainment programs. A few days later, the total of closed radio stations had risen to 21. The ministry's decision to close *Mohanokor* for "not requesting permission to broadcast external programs" was challenged unsuccessfully by the station's management. The director of *WMC*, which was forced to stop retransmitting *VOA* and *RFA*'s programs, pointed out in August that "such programs never posed any problem in the past." *RFA* announced on September 12 that it was closing the [Phnom Penh bureau](#) it had been operating for the past 20 years – a closure that put around 50 employees out of work.



→ Radio station owner Mam Sonando's arrest five years ago led to major protests.

© TANG CHHIN SOTHY / AFP

2 - HARASSMENT AND INTIMIDATION OF JOURNALISTS

The message transmitted by the government is explicit, to say the least: either you're with us or you're against us, and this is what happens if you're against us.

By dint of intimidation and closures, the authorities have imposed a climate of fear among Cambodia's journalists. Fear of reprisals for being overly critical of the authorities is deeply anchored in the journalistic culture. And for good reason.

Arrests and violence

At least 14 journalists have been killed in Cambodia since 1992 in relation to their profession. **Kem Ley**, a well-known political commentator, [was gunned down](#) in the center of Phnom Penh in July 2016 two days after referring on *RFA* to a damning [report](#) about the control that Hun Sen's family wielded over the country's key businesses. His murder shocked many Cambodians, including journalists. The concern increased when the alleged gunman was convicted in a sham trial in which the prosecution case was riddled with inconsistencies and witnesses had little credibility.

→ Cambodians were shocked when well-known political commentator Kem Ley was gunned down in the street in the summer of 2016.

© TANG CHHIN SOTHY / AFP



→
Police take former Radio Free Asia
journalists Yeang Sothearin
(foreground, in a blue shirt)
and Uon Chhin (left) to prison.

© Pha Lina / Phnom Penh Post



Eleven months later, in June 2017, Australian documentary filmmaker [James Ricketson](#) was arrested for filming a rally organized by the main opposition party and has been held ever since on [a spying charge](#) that carries a possible ten-year jail sentence.

8

In early October, a month after *Cambodia Daily* closed down, two of its former reporters, **Aun Pheap** and **Zsombor Peter**, learned that [they were charged with “inciting crime”](#) under articles 494 and 495 of Cambodia’s penal code in connection with their coverage of the campaign for the previous June’s municipal elections, and in particular, for interviewing future voters. They are facing possible two-year jail sentences.

After the initial complaint, information minister Khieu Kanharith posted a [photo of Peter’s Canadian passport](#) on Facebook and threatened him with reprisals if he failed to respect the electoral law. Although later removed, the post was indicative of the government’s hostility towards independent journalists.

Two other journalists found themselves in deep water a month later. This time it was former *RFA* journalists **Uon Chhin** and **Yeang Sothearin**, who were arrested on November 14, two days before a hearing at which the pro-government supreme court was to rule on a proposed ban on the main opposition party. Accused of trying to improvise a studio “for journalistic activities,” they were eventually charged with espionage under a loosely-worded law that criminalizes sending information to a foreign country that could be “prejudicial to national defense.” The two journalists, who denied working for *RFA* after its bureau was closed, are facing the possibility of 15 years in prison.

→
The Cambodian media followed the trial of commentator Kem Ley’s accused murderer very closely. Many called it a travesty of justice.

© TANG CHHIN SOTHY / AFP



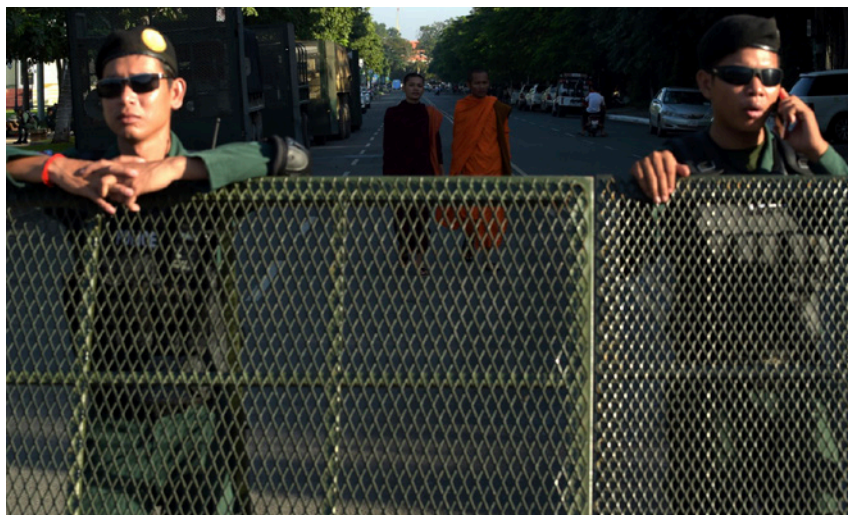


→ Journalists cover a hearing in the trial of Khmer Rouge official Nuon Chea, also known as “Brother Number Two.”
© TANG CHHIN SOTHY / AFP

Pressure and press card blackmail

Judicial pressure is not the only method used to impose self-censorship. The authorities sometimes resort to sordid methods too. Shortly after the arrest of Uon Chhin and Yeang Sothearin, two pro-government news websites posted photos that allegedly showed one of the journalists filming and participating in pornographic videos. The sites said they had received the photos from the police, who claimed to have found them on the journalist's computer. After this new low, around 100 Cambodian journalists signed a petition for their release that pointed out that the two detainees were respected reporters of long standing.

Many other journalists would have signed the petition but they feared that the list of signatories could easily be turned into a hit-list for use by the authorities. *RFA's* former journalists are living in a state of acute anxiety. **San Sel**, who worked for the *RFA's* Khmer-language service for two years, said: “*After the bureau was closed, the information ministry sent a clear message: if you work as a journalist, you will be subjected to judicial proceedings by the interior ministry.*”



→ Police deny access to journalists during a supreme court hearing on banning the only opposition party.
© TANG CHHIN SOTHY / AFP

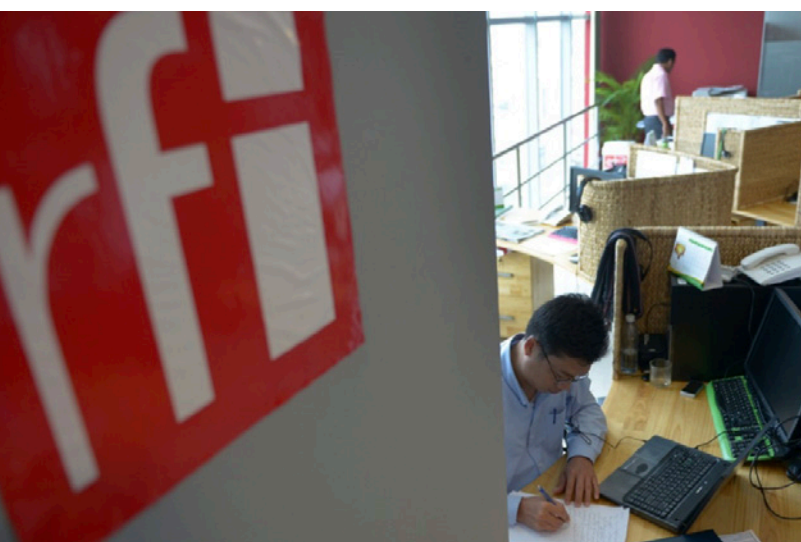
All of the former *RFA* and *Cambodia Daily* journalists are being prevented from freelancing for other media outlets because the information ministry systematically rejects their press card applications. Worse still, “suspect” persons are denied access to public places. On November 16, the day that the supreme court held its hearing on the proposed ban on the main opposition party, former *Cambodia Daily* journalist **Len Leng** was arrested in a public space outside the supreme court building and was placed in provisional detention on the grounds that she did not have a press card.

This nightmarish situation has largely chilled the fervor of the traditional exponents of media pluralism in Cambodia, while the other media outlets are extremely nervous.

3 - SELF-CENSORSHIP

The government did not beat around the bush when asked about the wave of closures of media outlets at the end of the summer. In response to a query from the UN Human Rights Council, the information ministry said in a written reply – posted on the ministry's website and the national news agency website – that the closures were “*a warning to all media*” and that “*there is no condition that the revoked licenses can be renewed or reissued*.” At least its response had the merit of being clear.

10



© TANG CHHIN SOTHY / AFP

Radio France Internationale

The French state-owned broadcaster *Radio France Internationale (RFI)* has so far been spared from the radio station carnage. It is one of the few foreign-owned media outlets to remain open. Its brand new offices overlook the square where thousands of people gathered in 2013 to protest against the alleged election fraud. No one has the right to demonstrate in the square now.

Nonetheless, the comments by government spokesmen about the media closures reflect a concern that foreign-owned media could participate in a vast conspiracy aimed at toppling the government. This could occur by means of a “*color revolution*,” meaning mass protests like those in former Soviet republics and Arab countries (named

after colors or flowers – the Orange, Pink, Rose, Tulip and Jasmine Revolutions) that brought down previously invulnerable leaders.

Not being perceived as part of this pseudo-conspiracy is what saved us, they say at *RFI Khmer*, even if the station's management prefers not be quoted in yet another sign of the nervousness among journalists in Phnom Penh. The station toes a very fine line. “*Every story must be refereed with enormous precision in order to balance the ruling party's views with those of the opposition*.” That comment was made before the main opposition party was banned. Achieving such a balance is much harder now. *RFI Khmer* knows it is lucky to have been spared and its management says it will take even greater care in the run-up to the general elections.



© TANG CHHIN SOTHY / AFP

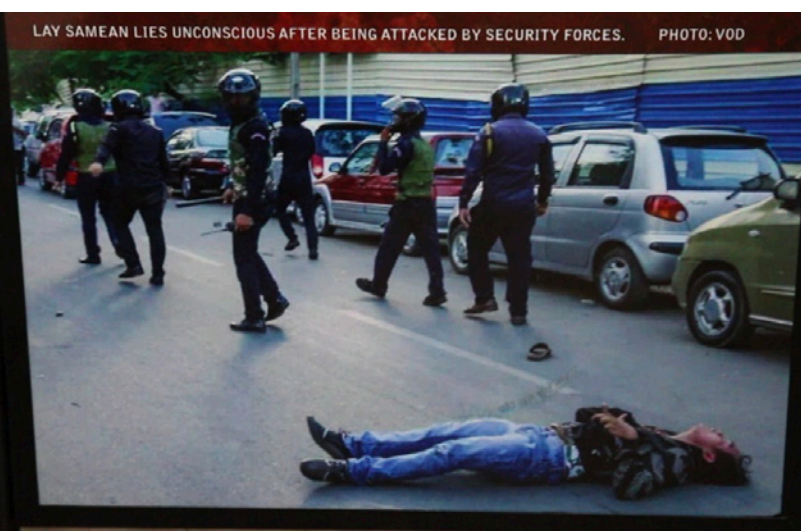
Phnom Penh Post

A similar view is to be found at the *Phnom Penh Post*, the other foreign-owned media outlet that survived the summer 2017 purge. Its editor, **Kay Kimsong**, is as cautious as his *RFI* colleagues when asked about the current press freedom climate in Cambodia. "It's sad to have lost two independent media outlets such as the *Cambodia Daily* and *Radio Free Asia*," he said. "It's a cruel loss for Cambodian citizens and society. But I think the *Cambodia Daily* had to close because it did not have enough money to pay the fine that was

demanded from them. We don't have that kind of problem at the *Phnom Penh Post*."

The newspaper does indeed seem to be well funded. Launched as a fortnightly in 1992, it was taken over in 2008 by Ross Dunkley, an Australian veteran of newspaper publishing in Southeast Asia with the help of fellow Australian Bill Clough and his oil and gas development company Twinza. Since then, it has become a daily that is published in both English and Khmer. "*The Post brought with it a mixed legacy*," Dunkley says. "*It had assumed the moral and ethical high ground, but at the same time there was an NGO culture there and their way of thinking was certainly much more different from that of a newspaper man like myself.*"

This was one of *Cambodia Daily's* weaknesses. It depended financially on its founder's NGO, World Assistance for Cambodia. But the government passed a Law on Associations and NGOs (LANGO) in 2015 that has been universally criticized for its lack of clarity. Now, when an NGO does something that upsets the authorities, the authorities can penalize it as they see fit.



Voice of Democracy

The same concern is to be found at the Cambodian Centre for Independent Media (CCIM), the NGO that operated *Voice of Democracy (VOD)*. Launched in 2003 with the goal of promoting human rights, *VOD* was one of the radio stations that was closed in August. Partly funded by the European Union, it had nearly 8 million listeners, especially in rural areas.

It still survives as a news website, *VODHotNews*, and as an online TV news channel. But the CCIM's staff are as nervous as their colleagues at other independent media. "*Even after the radio station was closed, we had to be very careful*," said **Nop Vy**, the center's media programs director. "*After the information ministry rescinded the licenses of 21 radio stations, most of the other radio license owners took fright. With the result that they preferred to stop broadcasting sensitive programs in order to avoid being subjected to more drastic censorship by the authorities.*"

→
Voice of Democracy radio reporter Lay Samean lies unconscious after being attacked by security forces while covering a demonstration.

© Photo VOD / Daniel Bastard/RSF

To self-censor or be shut down? It's a tough choice. And it can get even tougher. *"Even if we want to stay firm, professional, and dedicated to our job without fear or favor, we may still hesitate to tackle certain sensitive subjects for the simple reason that it could put us in physical danger,"* **Nop Vy** added. *"In the past, one of our radio reporters was badly beaten by the security forces, to the point of losing consciousness. That makes you think twice."*

In short, by means of violence, closures, and intimidation, the Cambodian government has partly succeeded in its aim of silencing all criticism in order to ensure that it wins the next general election. All that's left is to ensure a flood of propaganda by compliant media and by journalists who know how to follow orders.

2

GOVERNMENT CONTROL OF THE MEDIA

A few figures suffice to show the level of the ruling party's grip on the mass media. Cambodia's four biggest media-owning groups, Royal Group, Hang Meas, Hun Mana and Seng Bunven, reach nearly 85% of the public. Their CEOs are all government members or direct advisers. The group headed by Hun Mana, the prime minister's eldest daughter, is an empire with a finger in every media pie.

13

The same goes for the group owned by Say Chhum, the current senate speaker and the ruling CPP's vice-president. As well as two TV channels and several radio stations, it also owns [Rasmei Kampuchea](#), one of Cambodia's leading newspapers.

Read by barely 10% of the population, most of the Khmer-language print media support the government. The four leading newspapers reach two of every three readers. And they are naturally owned by government supporters.

The most widely read newspaper is *Koh Santepheap*. It attracts its readers with gory front-pages stories about accidents or seedy criminal activity. And so as to be as close as possible to its sources, most of its journalists are interior ministry employees. And this collusion is no trivial matter.

1 - COMPLIANT BROADCAST MEDIA

Ownership concentration and political ties

Watched by 96% of Cambodians, television is clearly the country's most popular media category. The combined ratings of just four TV channels represent 80% of the country's viewers and all of these channels are owned by people who are either members of the government or its advisers. Government members or advisers own eight of the ten leading TV channels.

The combination of high viewer ratings, high level of ownership concentration, and direct political affiliation to the ruling party or government leaves no room for media pluralism. TV news consists above all of official ceremonies, speeches by the prime minister, and the inevitable military parades. The star journalist of one of these TV channels, *Cambodia News Channel (CNC)*, is also president of the Union of Journalist Federations of Cambodia and under-secretary of state in the interior ministry.

CNC is owned by Kith Meng, a businessman with Australian and Cambodian dual nationality who has been president of Cambodia's chamber of commerce since 2007. The meeting rooms at his business conglomerate, the Royal Group, are decorated with enormous portraits of Hun Sen's family. In a sign of his proximity to the regime, *CNC*'s license says its mission includes "*helping the government broadcast the nation's progress and development!*" Kith Meng does not hide his links with Bun Rany, the prime minister's wife, with whom he serves on the board of the Cambodian Red Cross.

→
 Hun Sen (center) celebrates the marriage of his daughter Hun Mana (left), together with his wife Bun Rany (right) in 1999. For more than 20 years, the prime minister's family has headed a media empire that leaves no room for pluralism.



© AFP



© CHARLY TWO / AFP



© TANG CHHIN SOTHY / AFPV



© TANG CHHIN SOTHY / AFP

Bun Rany is herself the owner of the country's other biggest TV channel *Bayon TV*, although Hun Sen's daughter Hun Mana has now taken charge of the Bayon Media group and has begun modernizing it. It includes three TV channels – of which one, an all-news channels, is dedicated to glorifying her father – several radio stations and several newspapers.

In this monolithic broadcast media landscape, attempts to create independent TV channels have had little success.

Sun TV, abortive independent TV channel

After the 2013 general election and the massive protests against the ruling CPP's allegedly fraudulent victory, the CPP and opposition struck a deal to end the crisis that included the creation of an independent TV channel. But it was up to the opposition to do it. The project was launched in 2014, with *Sun TV* as the future channel's name, promising a new dawn for broadcasting in Cambodia. But three years have gone by since then and the project has ground to a halt.

It is not for want of trying. A company called Cambodia Independent Media (CIM) was created to run the TV channel. Funds were raised, land was bought in a northern part of Phnom Penh for *Sun TV*'s headquarters, studios, and transmitters, and the information ministry even granted the license that the ruling party had promised. But thereafter everything became ensnared in an administrative labyrinth.

"We have been waiting for months for the building permit that the district authorities are supposed to issue," CIM CEO **Kun Lum Ang** said. *"We have also filed a construction application for the tower block and the studios with the city hall, without getting any reply. Everything was done according to the rules. The officials responsible for these documents are clearly making us wait. When we ask them where something is, they reply that it isn't ready yet. What else can we do?"*

These are not the only problems that the *Sun TV* project has encountered. **Kun Lum Ang**'s husband, the project's previous boss, was arrested in August 2015 over a Facebook video about a border agreement between Cambodia and Vietnam that contained translation errors. After this was branded in court as a "*provocation*," he was sentenced to seven years in prison on a charge of falsifying an official document. This was another blow for *Sun TV*.

In April 2016, the authorities in the province adjoining Phnom Penh rejected CIM's application for a permit to build a transmitter on land it had bought. The authorities said a group of local families had petitioned the courts to block the application on the grounds that the radio waves from the transmitter would be harmful. Representatives of some of these families later acknowledged that the local authorities had orchestrated the petition.

And when CIM wanted to raise capital by putting shares in the company on sale, the stock exchange management committee imposed such strict rules that the attempt had to be abandoned. The initial idea was to raise between 10 and 20 million dollars to run *Sun TV*, but at the moment CIM has no more than 500,000 dollars – not much to launch a TV channel.

This is an enormous contrast with the 30 million dollars, at least, that the government raised to launch the interior ministry's own official TV channel with great fanfare on September 28. Called *Nice TV*, it has 300 employees who work in a brand-new seven-story building within the interior ministry. Its license defines its mission as "*covering security matters and national police operations*" and "*praising government policy and law enforcement activities*."

One cannot help but suspect the influence of Cambodia's Chinese cousin in this unique wording, because *Nice TV* received funding from the Chinese company Fujian Zhongya Culture and Media. It is not the only example of Xi Jinping's actions in Beijing being used as a model by Hun Sen's government.

→
Television has long been the
main news source for many
Cambodians.

© TANG CHHIN SOTHY / AFP



2 - FRESH NEWS: HIS MASTER'S VOICE

Chinese-model news agency

Agence Kampuchea Presse (AKP), the government-backed news agency – or rather, propaganda agency – reports news that is “so dull, so dry, and so wooden,” says researcher Sebastian Strangio, the author of “Hun Sen’s Cambodia.” *AKP* always refers to Hun Sen by the honorific “Samdech Akka Moha Sena Padei Techo Hun Sen,” which means “Illustrious lord, great supreme protector, almighty warrior Hun Sen.” But no one pays attention to *AKP*’s old-fashioned rambling, so a digital alternative was created.



→
Prime Minister Hun
Sen (right) receives
his Chinese counterpart
Li Keqiang.

© TANG CHHIN SOTHY / AFP

Fresh News was launched in 2012, initially as a Facebook page and soon after as a website with a viral mission. “*Fresh News is AKP with some digital flourishes*,” says Strangio, “a digital update to the old form of state media.” According to Strangio, the government regards *Fresh News* as its direct link to the digital era. “*The policy orders flow downstream straight from Hun Sen through the Council of Ministers*” until they become *Fresh News* content.

The site often publishes “opinions” or “letters to the editor” in which unidentified “readers” express strong views critical of the opposition or against “foreign conspiracies aimed at overthrowing the government.” The comments on *Fresh News* usually precede those of Hun Sen or members of his party. This was the case last October, when one of these trolls supplemented his condolences for the victims of the Las Vegas shooting with a hate comment in response to a US travel warning about Cambodia. Hun Sen used exactly the same words in a speech three days later.



→
A tribute to the late
King Norodom Sihanouk
in October 2017 gives
Fresh News another
opportunity to praise the
government.
© TANG CHHIN SOTHY / AFP

This practice recalls the Wumaodang, the Chinese Communist Party's army of online commentators, who are paid to flood the Chinese Internet with pro-government opinions. According to Southeast Asia specialist Carl Thayer: "It's quite plausible that they discuss this with China and even take assistance. They need to get training, advice, guidance, and mentorship." The *Fresh News* website's style recalls the results of the efforts by the Chinese official news agency *Xinhua* to modernize its content and style. Thayer says there is little doubt that "*Fresh News has been set up by the government under the appearance of independence in order to attack political opponents.*"

The recipe is more or less the same every day: draw attention to the problems in other countries in order to discredit those who would change things in Cambodia; attack all forms of opposition as a potential danger to Cambodia's stability; and criticize the United States as the mastermind of the color revolution that would try to topple and the government and create chaos.

A report about a suicide bombing in Afghanistan is contrasted with a report that "*Singaporean investors benefit from Cambodia's peace and stability.*" An article headlined "19 victims affected by US chemical bombs" is accompanied by one about Hun Sen asking: "*Did the United States think about human rights and democracy when it bombed Cambodia?*"

Even if the website's management has long denied any link with the government or ruling party, the strategy is crude, especially as *Fresh News* has little time for journalistic ethics and has gradually established itself as Cambodia's biggest fake news factory.

Fake news factory

For example, after the main opposition party was banned in mid-November 2017, the European Union's representatives expressed their concern about the future of democracy in Cambodia. But the *Fresh News* story said something quite different: "*Cambodia reinforces its relations with the EU.*"

It was *Fresh News* that broke the story that spying charges had been brought against opposition leader Kem Sokha, who was arrested on the night of September 3 and has been in prison ever since. *Fresh News* also broadcast the arrest live on its site with the banner "Exclusive."

→
Fresh News transmits
Prime Minister
Hun Sen's speeches
around the clock.
The website also had
exclusive photos
of the arrest of
opposition leader
Kem Sokha (right).



Capture Daniel Bastard / RSF

It was around this time that *Fresh News* ran a story that said: "An American citizen, Geoffrey Cain, used to be a leader planning a mass movement to topple the former South Korean president, Mrs. Park Geun-hye." Cain is in fact a Seoul-based reporter who happened to dine one evening in a restaurant with Kem Sokha's daughter, who is now living in exile in Seoul and is Cain's friend. A photo from Cain's Facebook account accompanied the story, which also claimed: "*This person is now employed by a superpower country to plan a strategy assisting the opposition party to topple the government led by Prime Minister Hun Sen.*" Needless to say, Cain has no plans to visit Cambodia in the near future.

It was *Fresh News* that published the leaked tax department notice in August from which *Cambodia Daily* learned about the demand for payment of a colossal sum in back taxes that forced it to close the following month. And it was *Fresh News* that recently ran an editorial proposing amendments to the electoral law so as to redistribute the seats of the opposition legislators whose party has just been banned. Two weeks later, the same amendments were submitted to the cabinet and were approved by the ruling party's representatives in the national assembly.

With more than two million visitors, *Fresh News* now has a major presence in the digital news terrain. During the last general election, the opposition conducted a very active online campaign, especially on Facebook, and *Fresh News* was created as a response to the Internet's rapid rise in Cambodia.

After getting control of the mass media and silencing independent media outlets, the government now only has to gag the Internet in order to complete its control over news and information before the next election, which will then be little more than a formality.

3 - INTERNET, NEW TARGET FOR CONTROL



Return of the cyber-crime law

The latest *Fresh New* intrigue was the appearance of a post on its Facebook page on November 27 reporting that Hun Sen had been assassinated. After it was finally removed a few hours later, the CEO of *Fresh News* said hackers located in the United States and Canada had been responsible. In a post on his own Facebook page denying the report, Hun Sen said it was “*fabricated with bad intentions to cause chaos*,” while government spokesman Phay Siphon used the incident to call for adoption of a cyber-crime law.

Various versions of a cyber-crime bill have circulated in Cambodia since 2014 but the government has not so far presented it in parliament because of an outcry about the online free speech violations it would allow.

At issue are articles that would criminalize the authors or disseminators of content that “*defames or discredits*” the government or its representatives, or content that undermines “*political cohesion*.” After the recent *Fresh News* fake news, it is likely that the cabinet will take another look at the bill.

→
Fresh News often sets off baseless rumours on social networks, such as a November 2017 rumour that the prime minister had died.

©TANG CHHIN SOTHY / AFP

→
Independent media access is strictly controlled during authorized demonstrations.

©TANG CHHIN SOTHY / AFP



Internet as new information vehicle

Access to online information has soared in recent years in Cambodia. The media outlets that were closed in August continue to exist online. On October 25, *Cambodia Daily* announced its renaissance as “a digital only, non-commercial publication based off shore.” Content production has so far been limited but it has posted weekly news summaries and a “Timeline of Ongoing Descent.”

Many Cambodians have turned to the online versions of *Voice of Democracy*, *Radio Free Asia* and *Voice of America*. *VOD Hot News* has more than 800,000 followers on Facebook and 20,000 visits a day to its website. *RFA*'s Facebook page is followed by 4.7 million and *VOA*'s by 5.8 million, making them Cambodia's most visited Facebook pages.

As social networks expand rapidly while the traditional media landscape stagnates, a growing number of citizen-journalists are starting to cover problems affecting their communities, especially in rural areas.

20

They include **Luon Sovath**, a 38-year-old Buddhist monk who documents evictions of families. With his shaved head and dressed in a saffron robe, he takes his smartphone everywhere. “*Cambodia's problem is the ruling party's control of everything – money, courts and monasteries,*” he says. “*So, I must defend human rights and talk about it. It's Buddha's rule. Only I use a smartphone and a Facebook account. It's the Web 2.0 version of the monk's life.*”



→
Luon Sovath
©Witness

To assist this phenomenon, the Cambodian Centre for Independent Media organizes several training sessions every year for citizen-journalists, with UNESCO support. CCIM media programs director Nop Vy says: “*A citizen can be an excellent journalist and his small contribution will necessarily have a big impact on society in terms of access to information and promotion of freedom of the press and expression.*”



→ A workshop organized by the Cambodian Centre for Independent Media brings professional journalists and citizen-journalists together.

© Daniel Bastard / RSF

21

At one of these seminars, secondary school teacher **Cheang Chamroeun** described the kind of risks that a citizen-journalist can run. He wanted to cover a land conflict in a village near his home. *"I went to see. I questioned the villagers and the authorities. I took photos. I wrote a very factual account – who, what, where, when, how and why – as I have learned to do. I added some photos and I posted everything on Facebook."*

Soon afterwards, Cheang Chamroeun was summoned by his school's principal, who is reputed to be close to the ruling party. *"My Facebook account is monitored very closely by my superiors,"* he said. *"The principal badgered me with questions and threatened to block my career if I continued."*

Many citizen-journalists have similar problems. The pressure and harassment is growing. But many of them are seeking recognition by the journalistic profession and the authorities in order to be better able to gather information.

The Internet's emergence as a vehicle of news and information poses a real challenge for the traditional methods of news control and censorship, as applied in broadcasting, for example. Last year, [social media \(especially Facebook\) overtook TV](#) as the leading source of news for Cambodians: 30% now get their news primarily from social networks, compared to 29% from TV. [A more recent survey](#) suggests that 40% of Cambodians use Facebook as their primary source of news, while only 27% use TV.

This is no small matter. A survey by [Shaviv Strategy & Campaigns](#), an Israeli firm of political consultants, found a big difference between the two groups in terms of electoral inclinations: 52% of those who get their news mainly from TV said they plan to vote for the ruling party at the next parliamentary elections, while 28% said they will vote for the opposition. Among those getting their news from Facebook, the opposite was the case: 56% said they will vote for the opposition and just 20% will vote for the ruling CPP.

The contrast was similar when they were asked which party is best placed to maintain law and order: 57% of the "TV viewers" named the ruling party and 33% named the opposition party. Among Facebook users 57% preferred the opposition and only 32% named Hun Sen's party. Similarly, when asked about an ability to create jobs: of those who get their news from TV, 60% thought the ruling party was better placed, compared to 35% who named the opposition. Among those getting their news online, 60% named the opposition and 33% named the CPP.

MEDIA CHOICE BY VOTERS

SOURCE: LEAKED POLL, PURPORTEDLY BY SHAVIV STRATEGY & CAMPAIGNS, SEPTEMBER-OCTOBER 2016

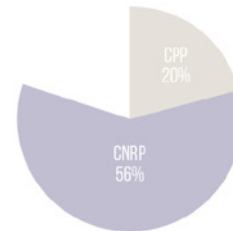
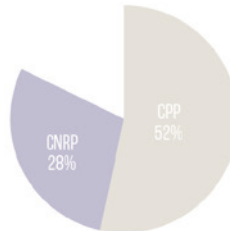


SURVEY RESPONDENTS WHO SAY THEY HEAR MOST ABOUT CURRENT AFFAIRS AND NEWS FROM TV

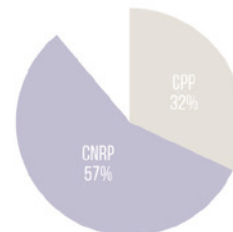
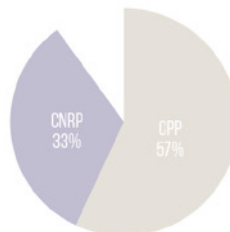


THOSE WHO SAY THEY HEAR MOST ABOUT CURRENT AFFAIRS AND NEWS FROM FACEBOOK

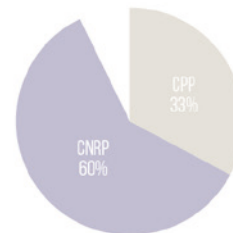
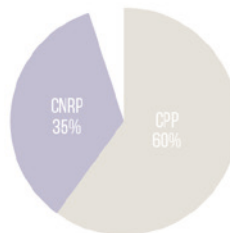
QUESTION:
IF PARLIAMENTARY ELECTIONS WERE HELD TODAY, WHO WOULD YOU VOTE FOR?



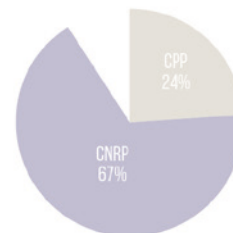
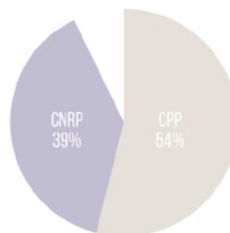
WHO DO YOU TRUST MORE TO HANDLE LAW AND ORDER AND FIGHT CRIME IN THE COUNTRY?



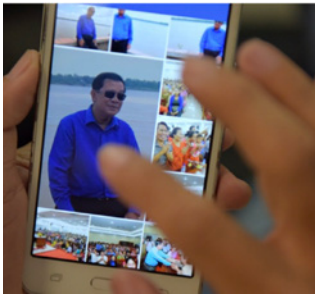
WHO DO YOU TRUST MORE TO CREATE MORE JOBS?



WHO DO YOU TRUST MORE TO RAISE THE PRICES OF AGRICULTURAL PRODUCTS?



Two lessons can be drawn from these figures. Firstly, the Hun Sen system's broadcast propaganda machine is clearly effective. And secondly, Facebook has an enormous responsibility now that it has become the leading vehicle of news and information in Cambodia. The decisions that the California-based social media giant takes about how it disseminates news can have a colossal impact on Cambodian society and its democratic future.



Facebook's central role

It's not just citizen-journalists who have turned to Facebook in Cambodia. With nearly nine million followers, Prime Minister Hun Sen's Facebook page is the eighth most followed of any world leader, according to a study by international public relations firm [Burson-Marsteller](#). Cleverly mixing selfies, karaoke, and political comments, his posts have received 58 million clicks, which puts him third in the click ranking, just behind Donald Trump and Narendra Modi.

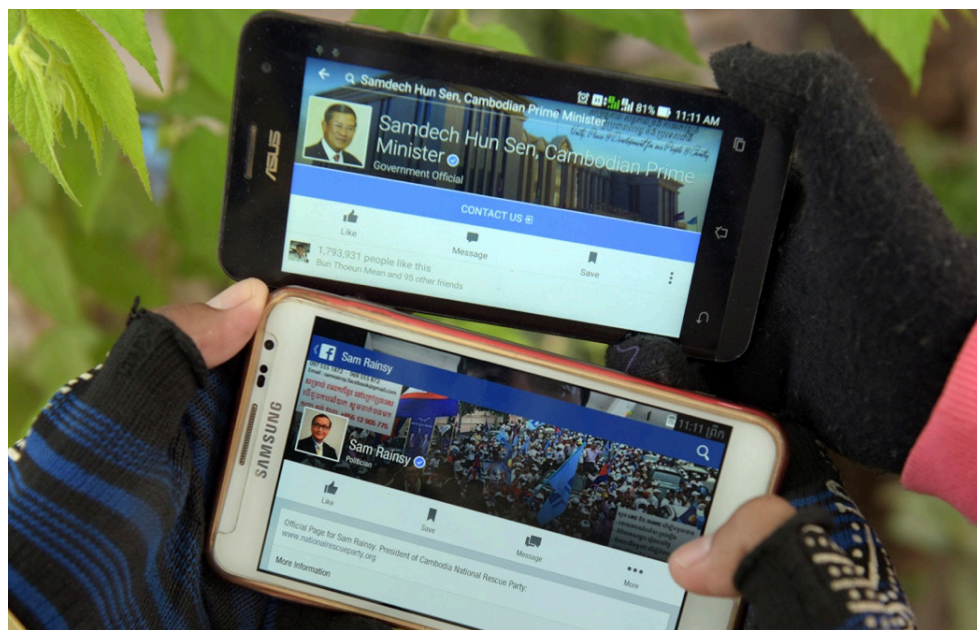
While it is the bloggers who make news and information come alive in Cambodia, they are at the mercy of decisions taken by Facebook in California. These bloggers include **Catherine Harry**, who has established herself as a Facebook star in Cambodia by video-blogging on subjects that are traditionally taboo in her country. Her first-person videos receive an average of 100,000 to 200,000 views.

Or they used to until late October, when Facebook included Cambodia in the six countries where it began trialling a new set-up in which the main News Feed is limited to the posts of friends and content from media organizations that pay to have their stories there, and all other news content is hived off to a secondary location called the Explore feed. The impact on content provided by citizen-journalists has been drastic. The first video that Harry posted after the change was viewed by just 2,000 people in the first hour instead of the usual 12,000. "*They can crush us just like that if they want to,*" she commented.

Sam Rainsy, an opposition leader who lives in exile to avoid being imprisoned, also has a much-followed Facebook page to which visits have fallen 25% since Facebook began the Explore feed trial. He says he lacks the money to buy Facebook followers from the international "click farms" that he accuses his rival, Hun Sen, of using.

The impact of this decision on the few surviving independent media outlets could be devastating. The *Phnom Penh Post's* Khmer-language Facebook page has suddenly lost 45% of its readers and traffic has fallen 34%. The newspaper's online section says the only way to recover these readers would be to pay for the posts to be read. In other words, those who pay the most will be read the most.

If a two-language daily newspaper that has been around for 25 years has been hit this hard by Facebook's decision, citizen-journalists are doomed and with them, any hope of a return to pluralism in Cambodia. Hence the need to pursue the fight for the freedom to inform, at all costs.



RECOMMENDATIONS

For the Cambodian government:

- The authorities must release the unjustly imprisoned journalists Uon Chhin, Yeang Sothearin and James Ricketson, and drop the baseless charges against the journalists Aun Pheap and Zsombor Peter.
- Cambodia Daily and the other media outlets that have been closed without due cause since August 2017 must be allowed to resume operating.
- Crimes of violence against journalists must be the subject of systematic and thorough investigation and prosecution leading to the conviction of those responsible by independent courts in order to reinforce the rule of law and to end impunity for crimes against journalists.
- The authorities must guarantee respect for media freedom and the freedom to disseminate news and information, including during the July 2018 parliamentary elections.
- The guarantees for journalistic freedom must be reinforced in the 1995 Law on the Press, so that journalists are free to work without hindrance at all times, including when they are covering the activities of the government and the security services.
- The 1995 Law on the Press must be amended so as to bring it into line with international standards on freedom of expression and information. In particular, article 12 of this law, which prohibits the publication of reports that could “affect national security and political stability” and allows confiscation of publications without reference to the courts, must be repealed.
- The authorities must enact appropriate legislation to limit media ownership concentration. Article 17 of the Law on the Press is insufficient, inasmuch as it does not specify the kinds of media outlets concerned or the threshold for being considered the owner of a media outlet (capital share, voting rights and so on).
- The proposed cyber-crime law must be completely overhauled so that it does not permit violations of the legitimate exercise of freedom of expression and information. In particular, articles about content liable to “generate insecurity and instability and endanger political cohesiveness” or “defame or discredit” the government or its representatives are, in the absence of a strict definition of these terms, contrary to international standards on freedom of expression, including article 19 of the International Covenant on Civil and Political rights, to which Cambodia is party.
- The authorities must finalize and adopt the proposed law on access to information using international standards and best practices as their basis. As the right of access to state-held information is essential for an open and transparent society, this law must be adopted after it has been brought into line with the relevant international standards. Furthermore, after its adoption, the authorities must ensure that this right can be exercised fully and freely, which means that state agencies must act with complete transparency and must not thwart requests from the public or journalists.
- The authorities must establish a new system to replace the current provisions in article 7 of the Law on the Press under which the government determines the

code of professional ethics that the media must respect. This new system could, for example, involve the creation of an independent media regulatory body in which journalists, on the one hand, and broadcasters and publishers, on the other, are equally represented. Its responsibilities could include evaluating media license requests, issuing media licenses, issuing press cards, and ruling on the suspension or withdrawal of press cards – functions currently assumed by the information ministry. This independent media regulatory body could also be responsible for establishing a code of media ethics, imposing sanctions for breaches of the code, and other related matters.

- The authorities must take concrete measures to ensure respect for the International Covenant on Civil and Political Rights, which has been signed and ratified by Cambodia, especially article 19 of the covenant.
- The authorities must allow the UN Special Rapporteur on human rights in Cambodia to carry out her duties properly and, in particular, must grant all her requests to visit Cambodia.
- The authorities must implement the recommendations (Recommendations Nos. 118.105, 118.20, 119.23, 119.24 and 119.26) that were accepted by Cambodia as part of the UN Human Rights Council's Universal Periodic Review process and must amend the country's penal code (especially its provisions on defamation, insult and inciting crime) so that it can no longer be used to restrict free speech and media freedom and so that it complies with international free speech standards.

For the Cambodian media:

- Media owners, publishers, and broadcasters must do more to promote free press practices and, in this regard, must respect the Code of Ethics of Cambodian Journalists that was adopted at a conference of Cambodian journalists in 2009. The instructions they give to their journalists must not violate this code.
- Media owners, publishers, and broadcasters must show solidarity with their journalists when they are attacked. To this end, they must establish safety procedures including emergency measures and provision of physical, medical, legal and financial assistance to journalists who have been attacked.

For Cambodia's international partners:

United Nations

- RSF recommends the adoption of a resolution at the next session of the UN Human Rights Council's that ask the Office of the UN High Commissioner for Human Rights to produce a report on the situation of human rights, including press freedom, in Cambodia.

European Union

- The European Commission and European External Action Service (EEAS) should comply with the resolution adopted by the European Parliament on October 19, 2017 calling on them to compile a list of individuals responsible for recent serious human rights violations in Cambodia with a view to imposing visa restrictions and asset freezes on them.
- The European Commission and the EEAS should suspend the "Everything but Arms" agreement for duty-free and quota-free EU imports from Cambodia until its government takes concrete measures to guarantee the freedom to inform.

- The European Commission should coordinate these actions with Cambodia's other main trade partners (Canada, Japan, and the United States).

United States

- The US government, particularly the US State Department should comply with the call from the House Foreign Affairs Committee to compile a list of individuals and companies that should be the targets of sanctions, including financial restrictions and restrictions on the movements of individuals.
- The US government should add relevant Cambodian nationals to its list of Specially Designated Nationals and should add Cambodia to the list of countries concerned by the Global Magnitsky Act until there is significant progress in Cambodian policy towards the media. The US State Department and the US Treasury Department's Office of Foreign Assets Control (OFAC) should, in particular, freeze the assets of relevant Cambodian individuals and companies and should ban US citizens from dealing with them.
- The US government should remove Cambodia from its list of countries with preferential tariff status and should coordinate this action with Cambodia's other main trade partners (Canada, European Union, and Japan).
- The US government should suspend the assistance it provides to the Cambodia government, while continuing its civil society democracy assistance program.

Japan

- The Japan International Cooperation Agency (JICA) should reassess its programs of financial and logistical assistance for Cambodia as long as the Cambodia government continues to suppress the freedom to inform. Transfers of funds, loans, and technical assistance to the Cambodian government should be reevaluated in line with JICA objectives, which are to promote the telecommunications sector and reinforce governance capacities.

ASEAN

- The members of the Association of Southeast Asian Nations (ASEAN) and its standing committee should remind Cambodia of its obligations in particular under the ASEAN Human Rights Declaration, which was signed and adopted by member nations in Phnom Penh in 2012. Article 12 of this declaration says: "Every person has the right to seek, receive and impart information, whether orally, in writing or through any other medium of that person's choice."

For online platforms

Facebook should scrap the Explore feed, a secondary news feed it has been testing in six countries including Cambodia, because it relegates independent news media to this less viewed location. As Facebook, in practice, has life or death power over Cambodia's independent media, it should conduct its experiments in a concerted, transparent, and responsible manner.



REPORTERS WITHOUT BORDERS promotes and defends the freedom to receive and impart information worldwide. Based in Paris, it has ten international bureaux (in Berlin, Brussels, Geneva, Madrid, New York, Stockholm, Tunis, Turin, Vienna and Washington DC) and has more than 150 correspondents in all five continents.

Secretary-general: **CHRISTOPHE DELOIRE**

Head of Asia-Pacific Desk: **DANIEL BASTARD**

INTERNATIONAL SECRETARIAT

CS 90247

75083 PARIS CEDEX 02

TÉL. +33 1 44 83 84 84

WEB : WWW.RSF.ORG

**REPORTERS
WITHOUT BORDERS**
FOR FREEDOM OF INFORMATION