



# READING BETWEEN THE LINES: HOW **POLITICS, MONEY & FEAR CONTROL** CAMBODIA'S MEDIA

REPORT  
May 2008



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**LICADHO**

CAMBODIAN LEAGUE FOR THE  
PROMOTION AND DEFENSE OF HUMAN RIGHTS

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**LICADHO**

CAMBODIAN LEAGUE FOR THE PROMOTION  
AND DEFENCE OF HUMAN RIGHTS

## Cambodian League for the Promotion and Defense of Human Rights (LICADHO)

LICADHO is a national Cambodian human rights organization. Since its establishment in 1992, LICADHO has been at the forefront of efforts to protect civil and political and economic and social rights in Cambodia and to promote respect for them by the Cambodian government and institutions. Building on its past achievements, LICADHO continues to be an advocate for the Cambodian people and a monitor of the government through wide ranging human rights programs from its main office in Phnom Penh and 12 provincial offices.

LICADHO pursues its activities through its seven program offices:

- The Human Rights Education Office provides training courses to target groups such as government officials, students, monks and provides dissemination sessions to the general public.
- The Monitoring Office investigates human rights violations and assists victims in the legal process. Specially trained staff also monitor 18 prisons to assess prison conditions and ensure that pre-trial detainees have access to legal representation.
- The Medical Office provides medical assistance to prisoners and prison officials in 18 prisons and provides medical care and referrals to hospitals for victims of human rights violations.
- The Project Against Torture provides comprehensive rehabilitation services to victims of torture and conducts advocacy against torture.
- The Children's Rights Office educates the public on children's rights, creates child protection networks at the grassroots level, and investigates children's rights violations.
- The Women's Rights Office educates the public about women's rights, investigates women's rights violations and advocates for social and legal change.
- The Advocacy, Documentation and Resource Office compiles case files into a central electronic database so that accurate information can be easily accessed and analyzed.

### For More Information Contact:

Dr. Kek Galabru, President  
LICADHO  
#16, Street 99  
Phnom Penh, Cambodia

Tel: (855) 23 360 965/364 901  
Fax: (855) 23 360 965/217 626  
E-mail: [contact@licadho.org](mailto:contact@licadho.org)  
Web: <http://www.licadho.org/>



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## Executive Summary

*There can be no press freedom if journalists exist in conditions of corruption, poverty or fear.*

INTERNATIONAL FEDERATION OF JOURNALISTS

Cambodia's news media is often described as one of the freest in the region, with no official censorship and a "flourishing press".

But if we look beyond just the quantity of newspapers and magazines, and listen to journalists and editors describe their working environment, we find a media closely controlled by politics, money and fear.

Almost all Cambodia's media is aligned to a political party, with the vast majority favoring the ruling Cambodian People's Party (CPP). The situation varies depending on the media - television is totally owned or controlled by the government or CPP, radio has a few opposition-aligned stations and some important independent voices, while most newspapers act as mouthpieces for one party or another, with the exception of the foreign-language press.

The partisan ownership of Cambodia's media produces institutionalized political bias in news reporting. This bias is reinforced by a culture of corruption in which journalists are regularly bribed to attend press conferences and photo opportunities, a practice so common it isn't even considered corruption by most Cambodia reporters. The result is news coverage weighted heavily in favor of those who can pay, namely the government and the CPP.

Historically, Cambodia has little tradition of an independent, free news media. The 1991 Paris Peace Accords, and Cambodia's new Constitution in 1993, ushered in unprecedented media freedom - at least in theory. Distrustful government officials grappled with how to control the burgeoning media industry and its influence on popular opinion, while journalists themselves struggled to find and fulfill their role as watchdogs for the public.

The rapid media growth occurred mainly in newspapers, with dozens of new titles being created. Most were propaganda sheets for one political faction or another, a situation that remains today. Newspapers (of all political stripes) developed a reputation for printing virulent and often derogatory critiques, and wild accusations unsubstantiated by evidence, against their patrons' political rivals. The result was a rowdy and boisterous press which at least provided a variety of political viewpoints, if not usually in a professional or balanced manner. Editorial standards of newspapers have almost certainly improved somewhat since the 1990s, but still have a long way to go.

It is no coincidence that the government has been prepared to permit the existence of many newspapers - which have an extremely limited impact because of lack of distribution and Cambodia's high level of illiteracy - but tightly controls the electronic media. Over the years, the government has generally denied radio and television licenses to anyone considered

unsympathetic to the CPP. Although some opposition-aligned or independent operators have managed to obtain radio licenses, a stranglehold has been kept over the more powerful visual medium of television.

Cambodian television news viewers are fed a steady diet of propaganda for the government and CPP. This skewed news coverage - particularly the absence of opposition or independent voices, and endless stories showing government officials opening new infrastructure projects or handing out food or money to villagers - has the potential to directly influence Cambodia's voters.

Despite the myth of a free media, censorship does exist in Cambodia. At the State broadcaster Television Kampuchea (TVK), political and other controversial stories are first vetted by senior staff at the Ministry of Information. "Hot" stories are rejected or edited to ensure they reflect only the official government line.

Perhaps more pervasively, the widespread practice of self-censorship - which is perhaps the single biggest threat to media freedom in Cambodia - keeps many stories out of the public sphere. Journalists know the stories which might land them in trouble, and tackle them with extreme care or not at all.

Journalists - many of them critical of the system they are forced to work within - are typically low paid and feel they must uphold the status quo or else risk losing their job, or worse.

Fear is a fact of life for many of Cambodia's journalists. In a 2007 survey of 150 journalists conducted for this report, 65% of them said they were afraid of being physically attacked, and 62% feared legal action against them. More tellingly, 54% said they *had been* threatened with physical harm or legal action.

At least nine journalists (mostly newspaper ones) are believed to have been murdered because of their work since Cambodia's new Constitution in 1993. Not one of their killers has been brought to justice - a powerful message of impunity for those who target journalists.

Other journalists have been injured by beatings or failed assassination attempts, or had their offices looted by mobs or had grenades thrown at them. Thankfully, murders and other serious physical violence against the media have subsided in recent years, but minor physical assaults and death threats continue.

So, too, do legal attacks on journalists. Over the years, countless journalists have faced criminal charges or the threat of them, and some have been imprisoned. Most recently, the Prime Minister's high-profile arrest of critics (including a radio station owner) in December 2005 has been followed by other senior government officials who use the courts or the threat of legal action to punish critics and silence dissent.

Under Cambodia's 1995 civil Press Law, people who are defamed by the press can seek redress from the courts, including asking that publications be ordered to publish retractions or pay compensation. But complainants (including government officials) have often ignored

these civil procedures in favor of suing under Cambodia's Criminal Code, which includes the offenses of defamation or libel, disinformation and incitement.

The Press Law's explicit proviso that "no person shall be arrested or subject to criminal charges as result of expression of opinion" has been violated repeatedly.

The partial decriminalization of defamation and libel in 2006 was warmly welcomed by the international community, but its effect is largely cosmetic. Journalists still face jail on the alternative criminal charges of disinformation and incitement, or a fine for defamation worth a year or two's salary (and possible imprisonment as debtors if they cannot pay it).

The Press Law gives the government the power to suspend publications for up to 30 days, and confiscate copies of offending editions, if they publish information harmful to "national security and political stability". These terms are undefined in the law, and this provision has often been misused to silence dissent, punish libelous reporting and censor information damaging to the government.

As well as fear of physical and legal attacks, and the lack of editorial independence given to many journalists by their employers, the endemic corruption with the news media also encourages selective and biased reporting. In the survey done for this report, 25% of respondents said they knew journalists who took bribes in return for favorable coverage, while a further 35% didn't want to answer the question. Even more journalists, 34%, said they knew a colleague who took bribes for *not* reporting stories.

Yet, there are pockets of hope for Cambodia's media.

Independent radio services, including international broadcasters such as Radio Free Asia, Radio France International and Voice of America, provide some balance to the heavily CPP-biased electronic media and do report more freely on politics, illegal logging, land grabbing and corruption. The reportedly high listenership of these news bulletins shows there is a thirst by many Cambodians for independent and non-government news sources. Even the existence of factional newspapers, many of them unethical and full of propaganda, at least allows diverse political voices to be heard in Cambodia's limited urban newspaper market.

Within the community of Cambodian journalists, there is also good news amongst the bad. While some reporters and editors willingly peddle political propaganda or extort money, there are others who understand the responsibility they have to the public and report with integrity. Many others express a desire to work differently, if only the situation allowed them to.

Cambodia's media has developed quickly over the past decades, with vast improvements from the dark days of total media control by the Khmer Rouge and the subsequent Vietnamese occupation. Yet Cambodia's media remains far from free. Through various methods - especially partisan ownership, institutionalized political bias and fear - the ruling CPP keeps a close control over journalists and the way they report the news.

## Introduction

*"Press freedom is like the canary in the coal mine...Assaults on the media are inevitably followed by assaults on other democratic institutions."*

JENNIFER WINDSOR, EXECUTIVE DIRECTOR OF FREEDOM HOUSE

GLOBAL SURVEY OF MEDIA INDEPENDENCE, 2 MAY 2007

This report focuses on the news media of Cambodia - television and radio stations, newspapers and, to a limited extent, the Internet. It will look at the media from a human rights perspective, examining the state of press freedom, access to information, attacks and threats against journalists. The report is based on documentary research, in-depth interviews and a survey of 150 Cambodian journalists.

The results might hold some surprises about a media often cited as one of the most free in Southeast Asia.

A robust news media has long been accepted as a crucial part of a healthy democracy. At the best of times, the media is a source of information for the public about their society and government. This is especially important around the times of elections and political debates. At the worst of times, the media can become a tool for misinformation and propaganda.

From a human rights perspective, the functions of the media are associated with two fundamental rights - the right to freedom of expression and the right to access of information. These rights are protected by several international conventions which Cambodia has signed and ratified, as well as the Cambodian Constitution and, to some extent, Cambodian laws.

The right to seek information and communicate news and views is a right Cambodians are legally entitled to, yet media ownership and the government and courts restrict the boundaries of this entitlement.

Journalists who have exercised their right to freedom of expression have sometimes found themselves attacked in Cambodia, both physically and legally. Considering the important role of the media in a healthy democracy, many of these attacks constitute threats to journalists as human rights defenders.

A human rights defender is a person who, individually or with others, acts to promote or protect fundamental human rights in a non-violent manner. Journalists play this role by reporting on human rights violations, providing a voice to victims and challenging injustice. In a wider sense, they also defend human rights by disseminating and uncovering news relevant to Cambodia's social and political reality, thereby exercising the public's right to information.

The purpose of this report is twofold - first it will look at Cambodia's current media environment in terms of freedom of expression and access to information, and second, it will look at attacks against journalists.

The idea is to identify the shortcomings of Cambodia's media (as well as some of its strengths) and the methods of control which are often unseen by those reading, listening and watching.

The report is part of a wider project to increase the recognition of the role journalists can play as human rights defenders; a role which benefits the public, civil society and a healthy democracy. The project also aims increase the capacity of journalists to protect themselves, as well as of non-government organizations (NGOs) and others to advocate for international standards of freedom of expression in Cambodia.

## **ACKNOWLEDGEMENTS & NOTE ON METHODOLOGY**

Information for this report came mainly from three sources:

- Media survey of 141 reporters, editors, photographers and cameramen/women in Phnom Penh and 12 provincial capitals
- Interviews with key media stakeholders
- Books, reports and articles

The detailed results of the survey, and a description of the methodology used, are included as appendixes to this report.

Most media figures interviewed for this report were promised that their names or specific titles would not be used. Instead, their general role (i.e. "senior reporter") was used to indicate their expertise or perspective. This anonymity was considered necessary to allow sources to speak about sensitive issues without fearing repercussions.

See the bibliography (in appendix) for key documentary sources cited in this report.

The author would like to thank the interviewees for their time and insights. Thanks also to the many journalists who took the time to fill out the survey questionnaire, especially to those who answered sensitive questions honestly. Lastly, the author is grateful to LICADHO's provincial staff for handing out and collecting questionnaires in their provinces.

# I. Media Environment

## HISTORY

The current state of Cambodia's news media should be viewed in the context of its history and evolution. There is very little tradition of media freedom in Cambodia. Successive regimes saw the media primarily as a tool to spread propaganda or - when journalists did try to push the boundaries of free expression - as a target for repression. From the French colonial period through to the deadly Khmer Rouge regime of the 1970s and the Vietnamese-backed communist regime which succeeded it, a stranglehold has been kept on the media.

A new era of media freedom, at least in theory, was ushered in by the 1991 Paris Peace Agreements, the subsequent United Nations-supervised national elections, and Cambodia's new Constitution in 1993. This saw a surge in growth, mainly in newspapers and to a far lesser extent in electronic media. Distrustful government officials grappled with how to control the media and limit its influence on public opinion, while journalists themselves - in a country with little tradition of independent, professional journalism - struggled to find and fulfill their role as watchdogs for the public.

### **PRE-1953: COLONIAL BEGINNINGS**

During the 1920s Cambodia had three newspapers - *L'Echo du Cambodge* and *L'Impartial de Phnom Penh* in French, and the Vietnamese language *Cao-mien Huong-truyen*.<sup>1</sup> A handwritten monthly journal called *Kampuchea Soriya* was published by the Buddhist Institute, but dealt with only religious and literary matters.<sup>2</sup>

The first Khmer language newspaper, *Nagara Vatta*, was published in 1936, while the country was under French colonialism. It published twice a week and was soon selling 5,000 copies of each issue.<sup>3</sup> The paper was nationalistic, anti-Vietnamese and, by the early 1940s, a critic of the French. It was closed down after one of the editors led an anti-French demonstration in 1942.<sup>4</sup>

State broadcaster Radio Diffusion Nationale Khmer (RNK) was launched in 1947, under the Ministry of Propaganda.<sup>5</sup>

In 1952, one of the editors of the *Nagara Vatta*, Son Ngoc Thanh, returned from exile to start the *Khmer Krok* (Cambodians Awake) newspaper, the title indicating the link between media and a growing national identity.<sup>6</sup>

### **1953 - 1970: CONTROL OF THE PRESS**

By the mid-1960s, there were as many as 13 daily newspapers, two weeklies, three monthlies, a Sunday supplement and a daily mimeographed press summary. However, according to some

<sup>1</sup> Lor Chandara, 'Media in Cambodia's Emerging Democracy', paper presented to a regional media seminar, 2003.

<sup>2</sup> Harish C. Mehta, *Cambodia Silenced: The Press under Six Regimes*, pg 28

<sup>3</sup> David P. Chandler, *A History of Cambodia (second edition)*, 1993, pg 159

<sup>4</sup> David P. Chandler, *A History of Cambodia*, Pg 166-8

<sup>5</sup> Puy Kea. *Radio Profile in Cambodia*, 2007

<sup>6</sup> David P. Chandler, *A History of Cambodia*, Pg 164

scholars many served as "political propaganda tools and helped build the personality cult of King Sihanouk".<sup>7</sup>

Between 1941-1970<sup>8</sup>, news was censored, journalists jailed and newspapers frequently shut down in order to stamp out voices of dissent. This led to significant self-censorship by the media.<sup>9</sup>

One editor arrested in 1955 was Saloth Chhay, the brother of Saloth Sar (better known as Pol Pot, the future leader of the Khmer Rouge).<sup>10</sup> Khieu Samphan, who would later become head of state under the Khmer Rouge regime, was beaten, stripped naked and photographed by plain-clothes police for his writings in his weekly, *L'Observateur*.<sup>11</sup>

King Sihanouk often played foreign press off against each other, reprinting favorable stories in his *Kambuja* magazine and using them to discredit his critics. In 1964, Prince Sihanouk announced he would set up a "rogues gallery" to publicly display photos of critical journalists. The following year, he banned all Western journalists, accusing Bernard Krisher of *Newsweek* (and later the founder of *The Cambodia Daily*) of insulting the Queen. The ban was selectively enforced.<sup>12</sup>

In 1960, China officially handed over Cambodia's second AM radio station, Voice of Cambodia, which was also a propaganda tool.<sup>13</sup>

By February 1966, Cambodian television began broadcasting in black and white.

### **1970-1975: OFFICIAL CENSORSHIP**

When Lon Nol overthrew Prince Sihanouk on 18 March, 1970, the country's largest newspaper, *Koh Santepheap*, waited a day to determine the political outcome of the move, then shifted its editorial policy to back Lon Nol. The other two largest dailies - *Nokor Thom* and *Khmer Ekareach* - did the same, to avoid being jailed.<sup>14</sup>

Lon Nol introduced official censorship of the press by the Ministry of Information but lifted it in August 1970. At first, *Koh Santepheap* protested - publishing blank spaces on the page where censored articles had been removed - but eventually they stopped writing critical articles.<sup>15</sup>

In 1972, Lon Nol introduced a tough Press Law, which forbade damaging the "honor of a person" - and thus silencing stories on corruption and other abuses.

Cambodia's only paper-making factory in Kratie was captured by the Khmer Rouge, adding to the already expensive price of newsprint. A new rule requiring 1.6 million riel for a newspaper

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<sup>7</sup> Harish C. Mehta, *Cambodia Silenced*, pg 37

<sup>8</sup> For part of this period, Sihanouk was Prince, not King. He served as King 1941-55 until he abdicated to play a greater political role, and was Head of State from 1960-70.

<sup>9</sup> Harish C. Mehta, *Cambodia Silenced*, pg 38

<sup>10</sup> Harish C. Mehta, *Cambodia Silenced*, pg 40

<sup>11</sup> Harish C. Mehta, *Cambodia Silenced*, pg 41

<sup>12</sup> Harish C. Mehta, *Cambodia Silenced*, pg 70-86

<sup>13</sup> Puy Kea, *Radio Profile in Cambodia*.

<sup>14</sup> Harish C. Mehta, *Cambodia Silenced*, pg 21

<sup>15</sup> Harish C. Mehta, *Cambodia Silenced*, pg 21, 100

permit made it even harder to survive and the 20 papers which existed at the start of Lon Nol's regime dropped to four or five by the 1975, according to one source.<sup>16</sup>

Between 1973 and the collapse of the Lon Nol regime in 1975, National Radio of Cambodia stopped producing new material and replayed old broadcasts of music, dramas and operas.<sup>17</sup>

### **1975-1979: YEAR ZERO**

Journalists were largely considered part of the "imperialist" element of society which the Khmer Rouge wanted to wipe out, and almost all Cambodia's journalists died between 1975 and 1979.<sup>18</sup>

However, the "Four Year Plan" drawn up by the regime in July-August 1976 included instructions to develop propaganda tools, including radio, films, art and newspapers. The Plan also suggested printing in foreign languages ("especially English") from 1977 onwards. This, like many other aspects of the plan, was not implemented.

The Khmer Rouge produced three monthly magazines, aimed at its own party cadre. Before the Khmer Rouge seized power in April 1975, these publications were handwritten and then photocopied, but afterward they used printing presses in Phnom Penh.<sup>19</sup>

The *Yuvoachun Nung Yuvounarie Padewat* (Boys and Girls of the Revolution) was published from January 1974 to November 1978. The *Tung Padewat* (Revolutionary Flag) was published from January 1975 until at least September 1978. The Khmer Rouge also published the *Renaseris Kampuchea* (Kampuchea Front).<sup>20</sup> The publications were filled with revolutionary propaganda.

RNK continued broadcasting three times a day, with an hour of pre-recorded communist policy, agricultural activities and farmers' songs.<sup>21</sup> Broadcasting was made difficult by a lack of working equipment, while "human resources were severely limited due to the genocide, especially those in this profession".<sup>22</sup>

With a few exceptions, the country was closed to international media.

### **1979-1993: COMMUNIST CONTROL**

After the Vietnamese invasion which toppled the Khmer Rouge regime in January 1979, national radio was controlled by the newly-installed People's Republic of Kampuchea (PRK). It broadcast news, education and political editorials, often including attacks against the rebel Khmer Rouge. Advertisements were prohibited.

<sup>16</sup> Harish C. Mehta, *Cambodia Silenced*, pg 102, 105. The year the factory was captured is not mentioned.

<sup>17</sup> Puy Kea *Radio Profile in Cambodia*

<sup>18</sup> Minister for Information, Khieu Kanharith estimates 95% of journalists were killed by the KR. (Interview with Khieu Kanharith, cited in Sharp, Wayne. *Guiding the Development of Free and Responsible Election Coverage: A Canadian Perspective on Media Coverage of Elections in Cambodia, 2003*)

<sup>19</sup> George Chigas & Dmitri Mosyakov, *Literacy and Education Under the Khmer Rouge*, Yale University

<sup>20</sup> George Chigas & Dmitri Mosyakov, *Literacy and Education Under the Khmer Rouge*, Yale University

<sup>21</sup> Puy Kea *Radio Profile in Cambodia*

<sup>22</sup> Puy Kea, *Radio Profile in Cambodia*, pg12

The Vietnam-backed government operated its own State news agency, Sarpordamean Kampuchea (also known as SPK).

The PRK printed 50,000 copies of their mouthpiece newspaper, *Kampuchea* and distributed it free. The editor of *Kampuchea* from 1979 onwards was Khieu Kanharith, who later became Minister of Information.

Foreign media were largely banned between 1980 and 1986.

Rebel groups including the Khmer Rouge, FUNCINPEC and the Khmer People's National Liberation Front managed clandestine radio broadcasts from the Cambodia-Thai border area.

In 1986, TVK started broadcasting in color.

In 1987, Hun Sen (then Chairman of the Council of Ministers, and currently Prime Minister) announced that radio advertising would be allowed on air.<sup>23</sup>

### **1991-1993: UNTAC**

After the 1991 Paris Peace Accords, the United Nations Transitional Authority of Cambodia (UNTAC) ushered in a new period of media freedom.

Radio UNTAC (AM 918 KHz) first broadcast in November 1992 in an effort to support the peace efforts and explain the upcoming elections. UNTAC gave away 346,000 free radio sets. Radio was considered one of the most influential tools UNTAC used to convince the nervous public that their vote was secret and is partly credited for the 90% voter turnout.<sup>24</sup>

In September 1993, Radio UNTAC signed off and handed over \$4 million dollars worth of radio equipment to the Ministry of Information. Most of the equipment disappeared, although some of it was given to National Radio of Cambodia and is still used today.<sup>25</sup>

### **1993-2008: RAPID GROWTH - AND PERSECUTION**

The 1991 Paris Peace Accords and the 1993 Cambodian Constitution gave legal grounds for freedom of expression, and a new media industry flourished.

Newspapers mushroomed. According to one estimate, in 1993 Cambodia had about 30 newspapers, the following year about 45, and by 1995 about 90.

The clearer sound and easier tuning of FM radio made it more popular than AM frequencies and new stations opened.

The first press club, the Khmer Journalists Association (KJA) was established in late 1993. Within two years, as it became an increasingly vocal advocate for press freedom, pro-

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<sup>23</sup> Puy Kea, *Radio Profile in Cambodia*, pg 13

<sup>24</sup> Puy Kea, *Radio Profile in Cambodia*, pg 16

<sup>25</sup> Puy Kea, *Radio Profile in Cambodia*, pg 17

government media newspapers split from it to form their own association. Undermined, the KJA gradually faded into obscurity.

In 1994, three journalists were killed because of their work. In the same year, at least nine newspapers were closed or threatened with closure by the government.

Nguon Nuon, a Funcinpec member and editor of *Damneung Pelpreuk* (Morning News), became the first journalist jailed since the UNTAC mission and national elections. In April 1994 he was arrested and detained for two days for stories accusing a provincial governor of corruption. In July, he was imprisoned for a month for articles insinuating that several senior CPP officials were involved in a coup attempt.

The Press Law was passed in 1995, after intensive lobbying from the international community and civil society to persuade the government to remove criminal provisions including prison sentences from the law.

In October 1995, 150 angry villagers from Kandal stormed the Phnom Penh offices of *Sereypheap Thmei* (New Liberty News), looting and destroying equipment and beating up staff, in response to a critical story about a Hun Sen-supported development project in their commune. A week later, Hun Sen gave a speech in the commune, defending the villagers' actions as "not wrong".

In 1996, one journalist was killed because of his work. Another, a prominent FUNCINPEC radio presenter, was shot and seriously injured.

In 1996, the Supreme Court upheld separate cases of defamation or disinformation against newspaper editors Chan Ratana and Hen Vipeak for derogatory articles about co-Prime Ministers Norodom Ranariddh and Hun Sen. They were sentenced to one year's imprisonment - the first such convictions and sentences since UNTAC - but were released by Royal pardon after a week in prison.

In March 1996, the editor of a Vietnamese-language anti-communist newspaper was arbitrarily arrested and deported to Vietnam, where he was imprisoned.

The first and only State-owned FM broadcaster, National Radio 96FM, started with USD\$900 worth of second hand equipment in March 1999.

In 1997, four journalists were killed. One of them died, and at least 22 other journalists were injured, in a grenade attack on a political rally.

In a trend that continues today, National Radio and TVK focused on the activities of the King, the Prime Minister Hun Sen (including replays of entire speeches) and activities of government officials. They also featured music and light entertainment.

In May 1997, TVK's television station in Sihanoukville was attacked, and a technician killed, after the (CPP-controlled) station refused to broadcast a political speech by a FUNCINPEC leader.

During the July 1997 coup, the Cambodian People's Party seized FUNCINPEC television and radio stations.<sup>26</sup>

In 2003, a senior journalist at a FUNCINPEC radio station was shot dead, four days after Prime Minister Hun Sen publicly criticized the stations' broadcasts.

Defamation was partially decriminalized (it remained a criminal offence but prison sentences for it were abolished) in 2006.

## AUDIENCE

Before looking at Cambodia's media and some of the challenges it faces, it's important to understand how Cambodian citizens receive information.

Across the country, people get most of their news and entertainment from broadcast media. A study in 2003 found that 52% of those surveyed had watched TV more than three times in the past week, and 38% had tuned in to a radio station more than three times in the same period.<sup>27</sup>

The study concluded that "TV continues to be the most powerful medium" for reaching the population, but that is open for debate.<sup>28</sup> Some argue that TV is viewed mostly for entertainment, while people tune in to radio to hear news, meaning that radio has more influence on public opinion.

When you talk  
about the  
countryside,  
talk about  
radio

Many journalists, editors and producers interviewed for this report supported this view, saying radio was the most important *news* media because it is relatively cheap to buy, cheap to run and listeners can tune into one of several international programs which are seen as a rare source of more objective news.

"When you talk about the countryside, talk about radio," said a veteran local journalist.<sup>29</sup>

Regardless of whether TV or radio is more influential, it's clear that both reach far more people than newspapers or the Internet.

The 2003 study found that only 9% of respondents read a newspaper regularly. One reason for this is Cambodia's low levels of literacy - it's estimated that only 73.6% of Cambodians are literate, but this may be lower still if "literacy" is understood to be the ability to read a

<sup>26</sup> Human Rights Watch, *World Report 1998* - <http://www.hrw.org/worldreport/Asia-02.htm>

<sup>27</sup> The Asia Foundation (TAF), *Democracy in Cambodia - 2003: A Survey of the Cambodian Electorate*. The figures quoted are from a draft dated 16 May 2003, see <http://www.asiafoundation.org/pdf/DemocracyinCambodia.pdf>. The survey's sample size was 1,008 people in 24 provinces.

<sup>28</sup> TAF, *Democracy in Cambodia*, Pg 90

<sup>29</sup> Interview with journalist on 23 August 2007.

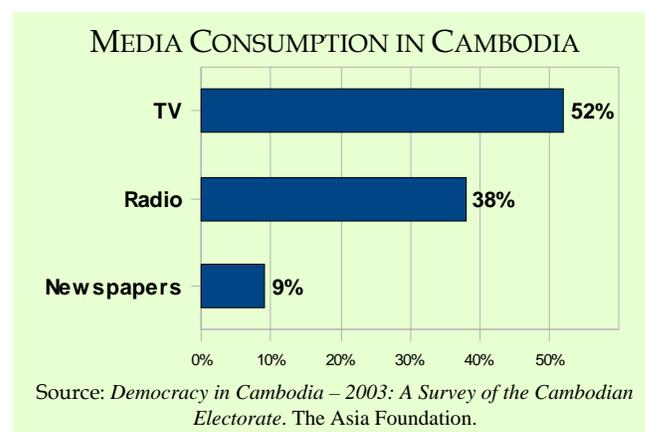
newspaper, rather than just a few words.<sup>30</sup> Also important is the lack of newspaper distribution to areas outside of Phnom Penh and some provincial capitals. There are some provincial newspapers, but many of these publish sporadically or are merely a tool of extortion (as will be discussed in more detail later). Some major Phnom Penh publications do send a few copies (mostly by taxi) to towns such as Siem Reap and Sihanoukville, but for most of the approximately 85% of Cambodians who live in rural areas, there is simply no newspaper to buy.

However, despite their limited reach, newspapers remain one of the main forums for political news, opinion and gossip - and therefore the most common target of attacks against the media.

The influence of the Internet is still limited. It is estimated that Cambodia has 44,000 Internet users, or just 0.3% of the population.<sup>31</sup> Reasons for this low figure include lack of education, language and computer skills, prohibitive cost of computers, and limited availability of electricity and Internet services. The Internet is a fast-developing sector, however, especially amongst student bloggers, and some use it to download information (such as banned reports about illegal logging and corruption) which the government seeks to restrict. Like newspapers, the prevalence of the Internet is mostly confined to well-educated urban Cambodians.

All of these are only some of the ways in which Cambodians receive information. For example, when The Asia Foundation asked Cambodians in 2003 who they would like to hear election-related information from, the answers included: village chief (74%), commune chiefs (61%), public meeting (59%), TV (58%), group leaders (57%), friends or family (46%) and radio (41%).<sup>32</sup> Only 15% of respondents cited newspapers, preferring comic books (33%) and plays (25%).

This reveals a society still very much built around village and commune structures, with local leaders playing important roles. The broadcast media has significant penetration, and therefore the potential to disseminate news and influence opinion, but it is just one way that Cambodians get information.



So if we understand Cambodia's media environment across the country, we see a mostly rural audience who are enthusiastic radio listeners and TV viewers, while access to newspapers and the Internet is mostly restricted to urbanites, in Phnom Penh or provincial capitals.

<sup>30</sup> The statistic is from Cambodia's National Institute of Statistics, 2004, which defines a literate person as one who "can both read and write a simple message"

<sup>31</sup> This statistic is widely cited, and sourced to the UN's International Telecommunication Union, but it's unclear how it was calculated.

<sup>32</sup> TAF, *Democracy in Cambodia*, Pg 91. It should also be noted that 98% of commune chiefs belong to the ruling CPP and the commune *councillors* (of which 70.4% are CPP) elect village chiefs.

## OVERVIEW OF THE NEWS MEDIA

This section provides an introduction to the current state of main news media - newspapers, radio and television - and the key challenges and restrictions facing them. More detailed information on the ownership and political bias of particular media outlets will be given later in this report, in the section on Media Ownership, Licensing & Political Bias.

### NEWSPAPERS

Government officials and media commentators often cite Cambodia's "flourishing press" - with its sheer number of publications and opposing political viewpoints - as evidence of a free media environment. In reality, the major Khmer-language newspapers are closely controlled by political parties or influential individuals, who use the newspapers for their own propaganda, while dozens of others are merely tools for collecting bribes. The press may be relatively free, in terms of quantity of publications, but not in quality and independence.

Since the early 1990s, the government has been less restrictive on print media, in terms of allowing the creation of numerous new publications, than it has been on the electronic media. The latter, precisely because of its greater reach and ability to inform and affect Cambodians' opinions, has not been granted anywhere near the same degree of freedom.

The Ministry of Information has an official list of 303 newspapers, 32 newsletters, 98 magazines, 42 international media and nine imported newspapers.<sup>33</sup> However, this is a cumulative total of years of registrations and does not reflect what actually appears on the newsstands. Several publications are listed more than once and others exist only on paper, having gone bankrupt or their owner having died.

In reality, there are 15-20 newspapers which publish regularly.<sup>34</sup>

Daily newspapers *Koh Santepheap*, *Rasmei Kampuchea* and *Kampuchea Thmei* are believed to be the three top-selling papers, with probable circulations of 20,000-25,000 copies. Most of the smaller papers have a print run of a few thousand copies, but numbers fluctuate with the day's news and circulations can soar at key times such as during elections or political strife.<sup>35</sup>



Most daily and weekly newspapers feature general news and politics, as well as sport, business and extracts from books. The top-selling publications compete for readers with their

<sup>33</sup> Ministry of Information list of registered print media, updated June 2007.

<sup>34</sup> These include: Rasmei Kampuchea Daily (Light of Cambodia Daily) Koh Santepheap Daily (Island of Peace Daily), Kampuchea Thmei Daily (New Cambodia Daily), Samleang Yavachoun Khmer (Voice of Khmer Youth), Moneakseka Khmer (Khmer Consciousness), Deum Ampil (Tamarind Tree), Akrei Yeathor (Civilization), Chakroaval Daily (Universal Daily), Sralang Khmer (Khmer Love), Khmer Amatak (Immortal Khmer), Black and White, Rasmei Angkor (Light of Angkor), Teashanak Khmer (Khmer Vision), Khmer Machah Srok (Khmer Own the Land), Sna Day Khmeng Wat (Achievement of Pagoda Boys), Khmer Mekong, Sakal News (Universal News) and Mekong Cambodia.

<sup>35</sup> There are no independent audits of newspaper circulation in Cambodia.

front pages, with sensational headlines and gory photographs of crime victims or traffic accidents used to attract attention. This is important because few newspapers have formal subscription systems, and most sales occur at roadside or market newsstands. A reader's choice may depend on their political sympathies (i.e. whether they want a pro-government or opposition newspaper) but editors say there is little brand loyalty. Often, prospective readers browse a newsstand and choose the paper with the most interesting front page, encouraging a 'race to the bottom' in editorial standards as newspapers compete to attract readers.<sup>36</sup>

None of the major Khmer-language newspapers are considered politically-neutral. In fact, nearly all newspapers, big or small, are owned or backed by powerful politicians or businessmen and reflect their patrons' political biases in their editorial content. For smaller publications, their patrons - and editorial lines - can and frequently do change. Around 2000, it cost as little as \$400 a month to buy the loyalty of a newspaper which published several times a week, but it's unclear what the 'going rate' is these days.<sup>37</sup> (For more on the inter-related issues of media ownership and editorial bias, see the section on Media Ownership, Licensing & Political Bias).

Cambodian journalists usually divide the press into three categories: the pro-government papers, the opposition papers and the international papers. By international newspapers, they are usually mean *The Cambodia Daily*, *Phnom Penh Post*, *Cambodge Soir*, and more recently the newly-launched *Mekong Times*, but there's also a healthy sub-genre of Chinese-language newspapers which focus mostly on business news. The international media is generally considered independent - though some recent events have challenged that belief - and many Cambodian journalists envy the freedom and relative protection (and better salaries) enjoyed by staff working for these titles.

The pro-government and opposition papers use their pages to promote their respective political parties and launch attacks against their foes. The pro-government newspapers often simply ignore major news events, if they are deemed embarrassing or discomfiting to the powers-that-be, or else present only the carefully-worded government line on them. The opposition newspapers, meanwhile, frequently make accusations - often with few if any facts to support them - against government officials and their associates.

"If we look at the two groups, they are tools for the parties and they are always fighting against each other so they don't have the chance to follow any code of ethics," said a local reporter.<sup>38</sup>

There is often no differentiation between news and editorials, with the opinions of the writer (or editor, or publisher) permeating news reports, and a low level of other professional standards. Many local journalists interviewed for this report complained about the lack of quality of Cambodia's newspapers, citing cases of plagiarism, factual errors, blatant political bias, libel, unattributed quotes or sources and clumsy layout.

<sup>36</sup> This analysis of buying habits is based on interviews with media monitors and journalists.

<sup>37</sup> Britt-Loise Edman, *Trapped in the Past, Seeking out a Future: A Study on the Cambodian Media Sector*, commissioned by Sida and Forum Syd, 12 May 2000, pg 18.

<sup>38</sup> Interview with a local reporter on 11 September 2007.

But others noted some improvements. Media monitoring by one NGO between 1996 and 1998 found that a quarter of all print articles about women were pornographic.<sup>39</sup> While newsstands continue to do a steady trade in booklets of “sex stories”, the portrayal of women in newspapers has improved, largely thanks to the education and advocacy of the Women’s Media Center.

As well as the main 15-20 newspapers, there are a host of other titles which seem to exist mainly for the purpose of extortion, which publish only when a money-making scheme is underway. They generally come under two categories, known as “wishing papers” or “blocking papers”.

Blocking papers use blackmail to extort money from prominent figures or businessmen not to publish stories, especially when illegal logging, smuggling, corruption or extra marital affairs are involved. For major scandals the pay-offs can be high - as much as USD\$1,000 for a blocked story according to one senior editor. Some pseudo-journalists will go as far as printing up a few copies of the story on newsprint to clearly show the damaging story. Others take on-the-spot bribes to turn a blind eye to misdeeds. For some it’s an industry:

“Sometimes you can find dozens of journalists on the border-gate of Poipet - they work as an ‘authority’ there,” said a senior editor, speaking of the extortion of smugglers on the Thai-Cambodian border .<sup>40</sup>

The other common scam is the *jun bo* or “wishing paper”. Here, a publisher will publish an edition devoted to the birthday (or promotion, marriage, etc) of a senior politician and attribute the sponsored advertorial to a middle-ranking official or businessman, sometimes without their knowledge, much less their consent. The publisher approaches these middle-ranking official for payment, which is considered an investment to curry favor with the high-ranking figure.

A variation to the wishing paper is celebrities buying fame. Young singers or actors pay publishers to appear on the cover of glossy magazines, according to a senior editor. The bribe for this can be as low as US\$100. As well as for career enhancement, the editor said these cover shots have also been used in visa applications for the United States, to prove that an applicant is likely to return to Cambodia due to their fame and fortune. “Most of them stay” in the US, he said.<sup>41</sup>

Interestingly, the number of newspapers published tends to swell before elections and at other politically-charged times. This could be seen as evidence of increased demand for news and a responsive press, but more likely is that politicians are simply more interested in creating and supporting publications around these times; like a flurry of pamphleteering, politicians pay to get their message out on the newsstands.

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<sup>39</sup> Tive Sarayeth, Women’s Media Center director, ‘Media reform experiences in Cambodia’, paper presented at a forum in 2002.

<sup>40</sup> Interview with editor on 12 September 2007.

<sup>41</sup> Interview with editor on 12 September 2007.

Cambodia's press has been described as a "mad dog" rather than a "watch dog".<sup>42</sup> Newspapers in particular have a reputation for "wild accusations" that are often not supported by evidence.<sup>43</sup> The accusations are often politically-motivated and some would probably render journalists liable for civil defamation or libel action in most countries with solid legal systems - although not death or imprisonment as has been the case in Cambodia. The freedom to publish, therefore, is sometimes not balanced with the responsibility to publish accurately, fairly and independently. Some observers say the quality of the Cambodian press has somewhat improved since the early 1990s, while others think it is much the same.

Cambodia's print media has the most freedom of all the traditional media, but it is far from free. Publications are mostly political mouthpieces, or used for extortion. The relative freedom which newspapers enjoy is a double-edged sword. Due to the political editorials and accusations found in print media, newspaper journalists have often been targeted by physical attacks, lawsuits and threats - or even murder. It is, however, far from a level playing field. Journalists of certain political stripes - those from pro-CPP newspapers - are usually free to defame, lie and propagandize in their pages with impunity. But those with a non-CPP political bent have regularly faced severe consequences for doing much the same.

### **RADIO**

The success of Radio UNTAC and the UN's distribution of 346,000 free radios in the early 1990s kick-started the popularity of radio in Cambodia. A small transistor radio is relatively cheap to buy and run, even in areas without electricity. Plus, it's easily portable and ideal for listening to around the house or bringing to the fields, hence its popularity in rural areas.

There are 53 radio stations officially registered with the Ministry of Information, as of June 2007. Of these, 22 are in Phnom Penh and 31 are in the provinces, but this includes relay stations. Virtually all are FM frequencies, with one State-owned national radio AM frequency.

Most stations use a 10 kilowatt transmitter, which can broadcast up to 150 kilometers, depending on the height of the antenna and geographical features. The exception is national radio, which has a 220 kilowatt transmitter for its AM frequency and a 20 kilowatt transmitter for its FM frequency. One private radio station owner spoke of an unofficial limit to the size of non-government radio transmitters.<sup>44</sup>

The number of stations is not a reflection of freedom of the airwaves. Government restrictions on radio licensing has ensured that most though not all stations are pro-government in what they broadcast. The government directly or partly owns five radio stations, and several others are privately-owned by government officials. In addition, the Bayon and Apsara stations (which are affiliated to TV stations of the same name) openly serve as mouthpieces of the CPP. Opposition parties and anyone considered unlikely to be sympathetic toward the government (and specifically the CPP) have routinely been denied radio licenses over the years.

<sup>42</sup> Chris Tenove, 'Cambodian media: a "mad dog" not a watchdog', UBC Journalism Review. April 2001

<sup>43</sup> International media commentator interviewed on 24 August 2007.

<sup>44</sup> Interview with radio station owner on 13 September 2007.

There are exceptions to the government's domination of the airwaves, and a solid but small niche for independent or at least non-government voices has been carved out. There are several stations which are said to be supported by, or lean toward, the opposition, and two stations which are considered to be independent. In these cases, it seems that the issuing of radio licenses was due to political maneuvering at the time of licensing, the personal connections of the applicant to a senior government official, or the sale or transfer of an existing license. (For more on radio licensing and ownership, see the Media Ownership, Licensing & Political Bias section of this report).

The two stations widely cited as being the only ones outside of the control of political patrons are Beehive Radio (FM 105) and the Women's Media Center (FM 102). The latter, run by an NGO of the same name, focuses on social issues affecting women and is an important vehicle for neutral education and awareness-raising on such issues. Politically, it is non-controversial and is widely believed to shy away from broadcasting strong criticism of the government.

Beehive, on the other hand, has never been far from controversy. Believed to be one of the most popular radio stations, and known for airing dissenting viewpoints, it has been closed down by the government on several occasions and its owner imprisoned twice.

Beehive, whose broadcast range is said to reach about two-thirds of the country, has consistently provided a rare forum for independent news and critical voices. One way it has done this is by selling airtime to opposition parties, unable to get radio licenses themselves, to broadcast their views and political platforms.

More significantly, Beehive has since 1999 sold air-time to the US government-funded international broadcasters Radio Free Asia (RFA) and Voice of America (VOA). In recent years, it has done the same to Voice of Democracy (VOD) which was formerly part of a human rights NGO established by Khem Sokha, who subsequently left to form the Human Rights Party. The government has consistently denied RFA, VOA and VOD their own radio licenses.

The Khmer-language news bulletins, telephone call-in shows and forums of RFA, VOA and VOD, along with Radio France International (which has its own station), are believed to be popular and especially so with Phnom Penh listeners.<sup>45</sup> Together, they provide virtually the only independent, vigorous reporting and commentary available on the airwaves - a critical counterweight to the government's domination of radio.

Not surprisingly, these journalists, and particularly those from RFA which is known for its on-the-ground reporting and exposes of illegal logging and corruption, have frequently faced threats and intimidation. Several RFA reporters have fled the country because of death threats.

Beehive's pioneering broadcasts of RFA and VOA's news bulletins (which at the time were otherwise only beamed into Cambodia by shortwave from abroad) gave them an audience reach they would otherwise not have had. Predictably, the government opposed this and

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<sup>45</sup> For RFA, one survey found more than 31% of the country's population, and 56% of those living within 50 miles (80km) of Phnom Penh, listened to RFA on a regular basis. Shawn W. Crispen, 'Cambodia's Battling Broadcasters', Committee to Protect Journalists, October 2007; <http://www.cpj.org/cambodiabroadcasters/index.html>

several times forced Beehive to temporarily suspend the VOA and RFA broadcasts. Although the government continues to deny licenses for RFA and VOA, and more recently also for VOD, it seems to have given up the fight (for now at least) to prevent Beehive airing their programs. Some other stations, including WMC's FM 102, now also broadcast VOA, RFA or VOD.

A recent development in the radio industry, in May 2007, was the creation of the Cambodian Broadcasters Association, under the leadership of Apsara television and radio's general director, Sok Eysan, a CPP central committee member. The association quickly gained 30 radio station members and held its first monthly meeting in the CPP headquarters in Phnom Penh. It is unclear at this point what role the association will play.<sup>46</sup>

Cambodia's radio media is a mixed bag. While most stations are controlled by political parties, especially the CPP, the bold stance of Beehive radio has allowed investigative journalism and reports critical of the government to reach the masses.

### **TELEVISION**

Television is arguably the most popular media in Cambodia and, because of its wide appeal and the power of the moving image, the most tightly-controlled of all the media forms. Every one of the country's seven TV stations<sup>47</sup> is either owned or closely affiliated to the government, and more particularly to the CPP. Controversial news stories are either directly censored by the government or self-censored by journalists and their producers.

"I think everywhere there is censorship," said one television reporter.<sup>48</sup>

Three television stations - Television Kampuchea (TVK), Bayon and Cambodian Television Network (CTN) - have near-national coverage. The coverage of other stations depends on their relay sub-stations. There are no comprehensive independent audits of which stations have the most viewers.

"I think  
everywhere  
there is  
censorship"

TELEVISION REPORTER

Entertainment drives Cambodian TV. Locally-produced drama serials, live concerts, game shows and stage comedy shows are all staples. Thai dramas were popular but were banned by the government after the 2003 anti-Thai riots. There are also foreign dramas and movies dubbed into Khmer. Chinese ghost and action films are popular, as is American wrestling.

Cambodians who cannot afford a TV set of their own or just want to relax outside will often spend time at a coffee shop, where the cost of a coffee also buys TV viewing time.

While they may compete in providing entertainment to their viewers, the seven TV stations are virtually identical in their presentation of news - none of it is anywhere near politically-neutral. This is predictable, given their ownership: The state-owned national broadcaster,

<sup>46</sup> Correspondence with a radio program manager on 20 November 2007.

<sup>47</sup> TV3, TV5, TVK, TV9, Apsara, Cambodian Television Network (CTN) and Bayon TV. There are also two pay TV networks, which also carry local channels as well as international content.

<sup>48</sup> Interview with a local reporter on 11 September 2007.

TVK, is directly controlled by the Ministry of Information, and two other stations are co-owned by the government. Two more stations, Apsara and Bayon (which also have their radio equivalents) are widely believed to be owned respectively by the CPP and the Prime Minister's family. The sixth station is affiliated to FUNCINPEC, and owned or licensed to a government minister from the party, but in reality is pro-government and non-critical of the CPP. The last, and newest, station is owned by a prominent business tycoon who is widely believed to be close to the CPP.

Each station's links to the government and ruling party produces a political bias which will be discussed in more detail later in this report. But, in short, Cambodia's television news is a carefully-controlled vehicle for government propaganda.

Most nightly news broadcasts feature clips of government dignitaries (usually CPP ones) handing out food, money and other goods to poor villagers, inspecting new roads and irrigation systems, or hosting workshops and conferences. While the same senior government officials are shown over and over again, opposition politicians or other critical voices are rarely covered. Major issues and news events which are considered too sensitive, such as mass evictions, are simply ignored.

Managers at the television stations make no apologies for this steady diet of propaganda fed to their viewers.

"It [our coverage] shows the duty and competence of the government," explained the station director of Apsara, when asked about the overtly pro-government content. "If we don't support the government, who will support them?"

Even CTN, the newest station which presents a trendy, modern face and targets a younger audience, is little different from its staid competitors when it comes to covering politics. It broadcasts video clips several minutes long of the Prime Minister and other government leaders inspecting public works and handing out rice, and its news "analysis" programs take a predictable and unabashed pro-CPP line.

The most overt censorship occurs within TVK. All news scripts are screened by the station's general director, with any politically-sensitive reports being sent to the Minister of Information for vetting, according to one local reporter who provided a detailed description of the censorship process.<sup>49</sup>

Anecdotal evidence indicates similar restrictions on all the other TV stations, though probably more through self-censorship than pre-broadcast vetting such as at TVK.

"If we don't support the government, who will support them?"

APSARA STATION  
DIRECTOR

<sup>49</sup> Interview with a local reporter on 11 September 2007. Pre-publication censorship is illegal under the Press Law, but there is no law covering this aspect of broadcast media.

The Cambodian Television Association, which holds monthly meetings with all TV directors, serves as a link between the stations and the Ministry of Information (which grants TV licenses). The association's president is Mao Ayuth, a former director of TVK, a Secretary of State at the Ministry of Information and a central committee member of the ruling CPP. While often the meetings discuss trivial matters of taste, such as performers wearing short skirts, it also talks to directors about political content.

"If one TV station says something unclear, it could cause an impact," said Chum Kosal, who divides his time between being a presenter for CTN and an advisor to the Prime Minister.

Overall, Cambodia television enjoys wide popularity for entertainment but its news content is strictly controlled.

### **INTERNET**

The Internet has a limited, but growing, influence in Cambodia.

Internet use has been held back by high costs, poor infrastructure, a shortage of IT professionals and the difficulties in developing a standardized Khmer font. But advances in technology and the recent adoption of Unicode as a way to standardize Khmer fonts should help bring growth to Cambodia's cyber sphere.<sup>50</sup>

There are at least 10 registered Internet service providers (ISPs) in Cambodia: including Camshin.net, Camintel, Cogetel's Online (formerly Bigpond), Mobitel's Everyday and the government-run Camnet services.<sup>51</sup>

There are estimated to be 44,000 Internet users in the country<sup>52</sup>, many of them using cyber cafes rather than having their own computers and Internet access.

Blogging is becoming increasingly popular with Cambodian students. However, the country's best-known blogger is former King Norodom Sihanouk, who has been an active (and often controversial) blogger for years.<sup>53</sup>

Several Khmer language newspapers have websites, as do foreign language publications such as the *Phnom Penh Post*.

One notable news website is KI Media, whose slogan is "Dedicated to Publishing Sensitive Information About Cambodia." It does just that, trawling online media for Cambodia-related stories and also posting translations of Khmer-language stories not otherwise available in English. The website's content is supportive of the opposition SRP, and many observers believe it is run by the party or sympathizers.

<sup>50</sup> Until recently, different Khmer fonts were used and were not compatible with each other. In 2004, the Open Society of Cambodia released Unicode - which converted 20 different Khmer fonts. Since then they have released the first software application fully operational and documented in Khmer, a browser and an office suite.

<sup>51</sup> According to website Cultural Profile: Cambodia. [http://www.culturalprofiles.net/Cambodia/Directories/Cambodia\\_Cultural\\_Profile/-1764.html](http://www.culturalprofiles.net/Cambodia/Directories/Cambodia_Cultural_Profile/-1764.html)

<sup>52</sup> This statistic is widely cited, and sourced to the UN's International Telecommunication Union, but it's unclear how it was calculated.

<sup>53</sup> The former King's website - [www.norodomsihanouk.info](http://www.norodomsihanouk.info) - has received more than 1.3million visitors, according to the site's counter on 21 October, 2007.

The Internet also provides an outlet for sensitive information during a government crackdown. In June 2007, a report by Global Witness on illegal logging and corruption was banned by the government, but was downloadable from the Global Witness web site. Similarly, a documentary made by American filmmaker Bradley Cox about the assassination of trade union leader Chea Vichea was banned by the government but remained available for viewing online.

The role of the Internet in Cambodia's media environment is something to watch in the future.

## MEDIA ASSOCIATIONS

### CAMBODIAN

Cambodia's first press club, the Khmer Journalists' Association, was established in 1993<sup>54</sup> and was initially supported by journalists from most if not all of the major newspapers. Under its first president, Pin Samkhon, it opposed arrests and detentions of journalists and advocated against the restrictive Press Law being drafted by the government. As it grew more active, including by conducting public opinion polls on the popularity of politicians, it became increasingly unpopular with the government. Editors of pro-CPP newspapers such as Pen Samitthy of *Rasmei Kampuchea* opposed the KJA's stance on the Press Law and its conducting of polls, and withdrew membership of the association.

Within two years of its founding, a group of pro-government newspapers - with the open support of then co-Prime Ministers Hun Sen and Norodom Ranariddh - split from the KJA to form their own association, the League of Cambodian Journalists (LCJ). An internal battle for the KJA presidency soon ensued between Pin Samkhon and an editor from the government-owned *Kampuchea* newspaper, the latter supported by other pro-government journalists, and the association soon faded into inactivity and obscurity.

The KJA experience was a sign of things to come, as the unity of Cambodian journalists was short-lived and politicization and factional splits became the norm.

There are currently 15 Cambodian journalist clubs and associations registered with the Ministry of Information:

CLUB OR ASSOCIATION NAME	DATE FORMED
Khmer Journalists Association	July 28, 1994
League of Cambodian Journalists	<sup>55</sup> July 13, 1999
Independent Journalist Union	September 11, 2000
Club of Cambodian Journalists	September 11, 2000
Cambodian Association for Protection of Journalists	October 6, 2000

<sup>54</sup> Although according to the Ministry of Information list, it wasn't registered until 1994.

<sup>55</sup> In reality, it was founded mid-1995 when members of the KJA split away to form the LCJ, with the support of Prime Minister Hun Sen. See 'Hun Sen joins new journalist league', *Phnom Penh Post*, July 14 - 27, 1995.

Cambodian Journalist Association	June 21, 2002
Cambodia's Media Forum on Environment	June 26, 2002
Neutral Journalists Association	July 2, 2003
Khmer Journalist Democracy	November 26, 2003
Federation of Cambodian Journalists	November 26, 2003
Cambodia Press Association for Liberty	April 26, 2005
Khmer Journalist Friendship	August 18, 2005
Independent Press Organization	November 28, 2005
Cambodia Independent Nation of Journalists Association	March 17, 2006
Press Distributors Association	August 16, 2006

There are two main reasons for the existence of so many journalist groups, according to observers. One is the splintering of groups along political lines. Another reason is the tradition of newspaper editors forming a press association to increase their perceived influence in the community. In the words of one CCJ board member, "everyone wants to be a big boss".<sup>56</sup>

Of the 15 journalist associations, two stand out.

The **Club of Cambodian Journalists (CCJ)** was formed in 2000. It has around 130 members who must have two years experience and pay a monthly fee of 5,000 riel (USD\$1.25). The nine-member board of CCJ includes influential editors and reporters in Cambodia's media, and is chaired by Pen Samithy, the editor of *Rasmei Kampuchea*. The CCJ monitors attacks against the media (physical and legal) but rarely speaks out publicly about them, preferring a "soft approach".<sup>57</sup> CCJ also runs forums and sends representatives to overseas media conferences. Recently, it announced the Investigative Journalism Award Competition, with cash prizes provided by the US Embassy.

The **Cambodian Association for the Protection of Journalists (CAPJ)** is led by Um Sarin, a reporter for Radio Free Asia, and claims to have more than 200 members. CAPJ is more active than CCJ in releasing statements to condemn attacks against the press, which are then distributed worldwide by groups such as the International Journalists Federation and the International Freedom of Expression Exchange. In this way, CAPJ provides a link between the on-the-ground realities faced by Cambodian journalists and international advocates.

In July 2007, 11 media associations united to form the National Press Council (NPC),<sup>58</sup> including one of the major players - CAPJ - but not the other, CCJ. Members of CCJ's board were involved in initial discussions about forming the NPC but ultimately decided not to join.

<sup>56</sup> Interview with CCJ board member, 16 August 2007.

<sup>57</sup> Interview with CCJ board member, 16 August 2007.

<sup>58</sup> According to an undated statement, its supporters include: Cambodian Association Protection Journalist, Khmer Journalists Friendship, Cambodia's Media Forum on Environment, Khmer Journalists Democracy, Cambodian National Journalists for Freedom (Chheavann Salideth), Cambodian National Journalists for Freedom (Than Vutha), Independent Journalists Union, Cambodian Independent Nation of Journalists Association, Federation of Cambodian Journalists, Cambodian Press Association for Liberty, Organization Press Council of Cambodia. It should be noted that two of these clubs - both factions of the Cambodian National Journalists for Freedom - are not officially registered with the Ministry of Information, but their leaders are listed with the Ministry as having started other press clubs.

According to Um Sarin, the president of the NPC (as well as CAPJ), it was formed because international NGOs were confused about who they should deal with on media issues. He said a “united” Press Council would provide a “strong voice” inside and outside Cambodia. He said the NPC would also try to find compromises between its members in order to discuss issues such as press freedom, a code of ethics and alerts when threats or attacks occur.<sup>59</sup>

The implications of this merger are not yet known. One CCJ board member claimed that while press clubs can register with the Ministry of Information, a National Press Council would have to seek approval from the Ministry of Interior or even the Prime Minister. Registration procedures would hinge on whether a Press Council was considered a media club or an NGO.

However, in a sign that the government might play favorites, Minister of Information Khieu Kanharith recently recommended CCJ president Pen Samitthy to be Cambodia’s representative at the Southeast Asian Press Alliance (SEAPA), an independent press freedom watchdog NGO.<sup>60</sup> This would indicate the government will support CCJ as the “voice” of Cambodia’s media, rather than the Press Council.

### **INTERNATIONAL**

As well as the local press clubs, there are a number of international media organizations which work on Cambodian media issues, including:

**Reporters Without Borders/Reporters Sans Frontières** is perhaps the world’s best recognized press freedom group. Based in France, with an office in Bangkok, RSF releases statements on specific incidents of attacks, threats or press freedom issues. It compiles an annual report of press freedom worldwide, including Cambodia, a World Press Freedom Index, and a Predators of Press Freedom list.

The New York-based organization **Committee to Protect Journalists (CPJ)** releases alerts regarding attacks against journalists, as well as features and reports on press freedom issues. CPJ’s Bangkok-based program consultant reports difficulty obtaining accurate information from local press groups in Cambodia. CPJ has a program which can help reporters fleeing threats or in need of medical assistance after a physical attack.

**International Federation of Journalists (IFJ)** is the world’s largest journalist organization, with around 500,000 members in more than 100 countries. IFJ publishes press releases about attacks on journalists and other materials about media issues. The Cambodian association CAPJ is an associate member of IFJ.

**Southeast Asia Press Alliance (SEAPA)**, formed in 1998, is an NGO campaigning for press freedom in the region. It releases alerts and commentaries on media attacks and press freedom issues.

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<sup>59</sup> Interview with Um Sarin on 27 August 2007.

<sup>60</sup> It is unclear why a government minister would have a say in who represents journalists in an organization whose vision “is for a Southeast Asian region where free expression and an independent and responsible press promote information and knowledge societies with transparency and pluralism as the norm”.

**International Freedom of Expression Exchange (IFEX)** is a clearing house for alerts and information regarding attacks against journalists or freedom of expression. Often these alerts include an appeal to write letters to governments. IFEX publishes statements and alerts by RSF and CPJ, as well as by other human rights and press groups, making it a good place to see a snapshot of press freedom issues in Cambodia.

**Internews** is primarily a training organization aiming to improve access to information and promote independent media. In Cambodia, Internews has conducted training about investigative journalism, the Khmer Rouge Tribunal, and HIV-AIDS.

## CORRUPTION

Corruption is rife within Cambodian journalism, ranging from one-off payments of hundreds of dollars to the more common practice of paying reporters a few dollars to attend press conferences.

The nature of corruption makes it hard to quantify accurately. But, in the survey of 141 Cambodian journalists conducted for this report, 25% of respondents said they knew journalists those who took bribes in exchange for favorable reporting, while a further 35% didn't want to answer the question.<sup>61</sup> Even more respondents, 34%, said they knew a colleague who took bribes for *not* reporting stories.

Predictably, when journalists were asked if they took bribes themselves, only 13% admitted they did. But when asked if they had ever accepted money or gifts for attending a press conference, a third of journalists surveyed said they had, while a further 13% didn't want to say.

This is a worrying phenomenon in the Cambodian media - journalists generally don't consider corruption to include accepting envelopes of money from politicians, businesses or even NGOs at press conferences. In interviews, some reporters defended the practice, saying that they took the money to supplement their low salaries but claimed it had no influence on the way they wrote their stories.

"When we accept the envelope we are not biased," said a senior manager of a radio station, before adding, however: "But the voice of the envelope-giver is a bit longer."

The ubiquitous "envelope", which is used as slang by journalists for bribes, is a daily occurrence. In this scenario, typically a press conference is called and those reporters who attend write their names and organizations in a log book, as is quite normal. However, this log is then used to distribute small payments - usually between US\$1.25 and US\$5 for small events, and US\$10-US\$20 for larger events. One TV journalist boasted about regularly receiving US\$50 from the ruling party to attend events in other provinces, explaining that transport was also covered.<sup>62</sup>

<sup>61</sup> The journalists were asked 'Do you know of journalists who receive money or gifts in return for favorable reporting?' and were given the options of selecting 'yes', 'no' or 'don't want to say'. 25% said yes, 27% said no, 35% chose 'don't want to say', and the remaining 13% didn't answer the question at all. See media survey in appendix, Q. 31 and related Q. 32-34.

<sup>62</sup> Interview with TV Journalist, 28 August 2007.

It's worrying that some NGOs pay the media to attend their events. This practice encourages and reinforces one of the core problems in the Cambodian media - journalists seeking or expecting payments in order to publish (or not publish) a story. There's little difference between an NGO paying journalists to cover a press conference and a politician paying journalists to write a complimentary story about him or herself.

Senior political and business figures who grant one-on-one interviews to journalists may pay them bribes of several hundred dollars. Two journalists described this practice as a form of "peaceful threat", to ensure positive reporting or to keep reporters silent on sensitive issues.<sup>63</sup>

As discussed previously in the newspaper section, "wishing papers" and "blocking papers" are two other common scams set up to profit from publishing.

Interestingly, one reason why journalists - especially freelancers - are quick to seek and take bribes is that they themselves often have to pay their editors to publish their stories. Commonly US\$20- \$60 is given to an editor by a non-staff reporter to get a freelance story published, a story which has obviously made even more money for the journalist.<sup>64</sup>

"If you don't pay the editor, the story will not be published," said a senior editor.<sup>65</sup>

Most journalists interviewed linked corruption to low salaries in the media industry. The average salary for a journalist is between USD\$50 and USD\$200 a month, and 87% of those surveyed saying their monthly salary was insufficient to support themselves and their families.<sup>66</sup> Therefore, they claimed, journalists are forced to take bribes.

However, while low salaries are no doubt a factor in the practice of corruption, it is by no means a blanket excuse. Even some of the better-paid journalists reportedly take bribes.

The widespread corruption within the media raises obvious doubts about whether journalists can, to any large extent, play a watchdog role in exposing corruption and other abuses by government officials or other influential individuals. An interesting case in point is the recent

#### CASE STUDY: BUDGETING FOR BRIBES

It is common practice for journalists to receive envelopes of money in exchange for attending press conferences and other events.

But where does this money come from?

When a government ministry is involved, it comes from the finance department of that ministry, as shown by this accounting document provided by a journalist on the condition the name of the Ministry was kept confidential.

In this leaked document, we see expenses for an event publicizing a new sub decree (legislation directing how a law is to be implemented). Along with usual expenses, the document shows that 15 journalists were paid US\$10 each for their attendance. Later on the budget line, a further \$120 was paid to 12 journalists.

The total payment of US\$270 was confirmed in a separate document, which listed the bribes as "expenses and allowances for journalists".

<sup>63</sup> Separate interviews with journalists on 23 August and 27 August 2007.

<sup>64</sup> Interview with journalist on 27 August 2007.

<sup>65</sup> Interview with senior editor, 12 September 2007.

<sup>66</sup> See media survey in annex, Q. 10 for salary and Q. 11 for sufficient/insufficient for needs.

competition, funded by the US Embassy and run by the Club of Cambodian Journalists, to award prizes for stories uncovering corruption in society.

Corruption in the media reflects the reality of Cambodian society at large, but it is particularly troublesome for an industry supposed to be based on accuracy, fairness and independence. When these foundations of ethical journalism can be bought so cheaply, the essential role of the media in society is compromised.

## CAMBODIAN MEDIA AND THE LAW

In theory, Cambodian journalists are protected by legal provisions at three levels - international covenants, the national constitution and national law. In reality, however, seemingly solid legal protections for journalists are undercut by Cambodia's notoriously corrupt and biased judiciary and police, who routinely support the interests of the powers-that-be and fail to independently and objectively uphold the law.

### INTERNATIONAL COVENANTS

The 1948 **Universal Declaration on Human Rights** sets the tone for international human rights legislation. Article 19 of the Declaration states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The 1966 **International Covenant on Civil and Political Rights (ICCPR)**<sup>67</sup> elaborates on these rights. Its Article 19 states:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; the right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.

### CONSTITUTION

These international obligations are recognized by Article 31 of the Cambodian Constitution:

The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women's and children's rights.

More specifically, Article 41 states:

Khmer citizens shall have freedom of expression, press, publication and assembly.  
The regime of the media shall be determined by law.

<sup>67</sup> Cambodia signed the Covenant in 1980 and ratified it in 1992.

## **NATIONAL LAWS**

There are several laws which most commonly affect Cambodia's media.

The 1995 **Press Law** is a civil law limited to printed publications.<sup>68</sup> It contains several strong protections for journalists, including a prohibition on pre-press censorship and the right to maintain the confidentiality of sources.

However, the Press Law also includes vaguely-worded articles which can be used maliciously against journalists<sup>69</sup>, including most significantly:

The press shall not publish or reproduce any information which may affect national security and political stability. (Article 12)

For violating this provision, publications can face civil fines (of up to US\$3750), have copies of the offending edition confiscated by authorities, and have their licenses suspended for up to a month. Critically, however, national security and political stability are not defined in the law. Part of the role of the media in a robust democracy is to question, investigate and critique national institutions, leaders and policies, which could spuriously be argued to affect political stability and even national security.

In addition, the Press Law effectively prohibits the print media from publishing false information which harms "the honor or dignity" (which are undefined) of someone, and permits the courts to levy civil fines and compensation orders against offenders.

However, the main problem with the Press Law is that it is usually ignored in favor of provisions under Cambodian criminal law such as defamation, disinformation and incitement. The Press Law itself is vague and contradictory about just when criminal charges can and cannot be used, stating (Article 20) that: "Any act committed by employers, editors of journalists that violated the Criminal Law shall be subjected to punishment according to Criminal Law. But nevertheless, no person shall be arrested or subject to criminal charges as result of expression of opinion."

The reality is that numerous print journalists have over the years faced criminal charges for the "expression of opinion". Government officials and other influential individuals have regularly sued journalists and media owners under Cambodia's **Criminal Defamation and Libel** provision, contained in Article 63 of the 1992 UNTAC Criminal Code.<sup>70</sup>

In May 2006, the law was amended to remove the prison sentences for defamation/libel, leaving only fines as punishment. However, it remains a criminal offence. In addition, a journalist who is convicted of defamation may be jailed if they cannot pay the fine, which ranges from US\$250-US\$2,500.

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<sup>68</sup> There is no specific law covering broadcast media or Internet publishing.

<sup>69</sup> The original draft of the Press Law was much more restrictive, but was softened in the face of strong criticisms of it by press and human rights groups.

<sup>70</sup> The law was written by the UN during the UN Transitional Authority in Cambodia mission. It was intended as a temporary penal code, but it has remained in force. A new penal code has been in the process of being drafted for years, but has yet to go to the National Assembly.

Another common charge leveled against media workers (for which prison sentences still apply) is **Disinformation**, under Article 62 of the UNTAC law. Under this provision, a journalist, editor or media owner can be jailed for up to three years for distributing information that is “false, fabricated, falsified or untruthfully attributed to a third person”, provided they did so “in bad faith and with malicious intent” and that it has “disturbed or is likely to disturb the public peace”.<sup>71</sup> The latter conditions - that the publication must be proven to have been motivated by malice and that it posed a real threat to the “public peace” - would seem to set a high threshold for prosecution, but the reality has been different. Many journalists, and others such as NGO leaders, have been prosecuted without a shred of evidence that their acts were malicious or threatened public peace.

Human rights groups argue that the disinformation law contradicts Cambodia's Constitution and international conventions. They also note that “in most well-founded democracies, legal provisions on disinformation or dissemination of false news do not exist”.<sup>72</sup>

The other article of the UNTAC law used against journalists is **Incitement** (Articles 59-60). Again, vaguely-worded provisions in this law open it up for abuse. Most dangerously, a journalist or other person can be charged with inciting the committing of a crime *even if that crime did not actually occur*.

When criticized over these provisions, the government is quick to point out that it was the UN (during the UNTAC mission to Cambodia) which wrote this law. In response, a UN official has stated that the law was “enacted as a temporary measure and under very particular circumstances, which no longer reflect the situation in today's Cambodia”, and that the law is inconsistent with Cambodia's subsequent Constitution and ratification of the ICCPR.<sup>73</sup>

## JOURNALISTS AS HUMAN RIGHTS DEFENDERS

This report is part of a wider project aimed at protecting journalists from threats and assisting them to be human rights defenders.

But do journalists see themselves as human rights defenders?

The answer, judging from a survey of 141 media workers, is overwhelmingly yes. In fact, 85% said they considered themselves human rights defenders. They gave dozens of different reasons why they believed this, many seeing themselves as champions of victims or vulnerable people.

But this self-image of Cambodian journalists and editors is somewhat contrary to what often appears on the newsstands and on the airwaves. In reality, newspapers often sensationalize violence, violate the privacy of victims of crimes and abuses, and sometimes favor the perpetrator rather than the victim.

<sup>71</sup> Article 62, UNTAC Criminal Code, 1992

<sup>72</sup> Press Statement of the Alliance for Freedom of Expression in Cambodia (AFEC), 12 October 2006.

<sup>73</sup> Press release of the Special Representative of the Secretary-General for Human Rights in Cambodia, 27 December 2005.

In addition, fear and self-censorship, and the lack of freedom given to many journalists by their employers to write objectively and fairly, leave critical gaps in Cambodia's media. Some stories, such as those about human rights violations committed by police, military or other officials, are simply too "hot" for many journalists to touch.

Because many human rights abuses involve State officials, coverage of rights issues are often considered to be the domain of the opposition-aligned press, and are largely ignored by the pro-government media. Stories which are damaging to the government or ruling party are dismissed by officials as lies or exaggerations of the opposition parties, rather than legitimate human rights concerns.

Journalists and human rights workers do have a close relationship in Cambodia. Reporters need sources to inform them about violations<sup>74</sup> and rights workers use journalists to advocate publicly. Often this is a mutually beneficial relationship. Sometimes there are tensions.

Journalists can act as human rights defenders but primarily their role is as a journalist. Reporters should not be expected to put a human rights 'spin' on the news, and the human rights community should try to understand the constraints of media in Cambodia.

There are some awkward questions that need to be considered.

There certainly are Cambodian reporters and editors who do act as human rights defenders. They do this by reporting accurately, fairly and independently. They give a voice to the vulnerable, when appropriate, and they protect the rights and dignity of victims. To use a journalism catch phrase, they report "without fear or favor". But do 85% of Cambodian journalists fit into this category?

Can a journalist be a human rights defender if he or she takes bribes? Does the human rights community expect too much from individual journalists working in a media environment based on self-censorship, corruption and fear?

How exactly does a journalist play the role of a human rights defender? Is it simply by fulfilling his or her duties ethically? Or is there more to it than that?

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<sup>74</sup> When journalists and editors were asked, 'What are the top three sources of information for your stories?', the second most popular answers, after 'victims', was 'NGOs'. See media survey, Q. 21.

## II. Freedom of Expression & Access to Information

### MEDIA OWNERSHIP, LICENSING & POLITICAL BIAS

The ownership of Cambodia's various news media is one of the key ways the government and political parties control news and views. Ownership is directly linked to licensing of media, controlled by the government, and in turn creates an institutional political bias within most media outlets.

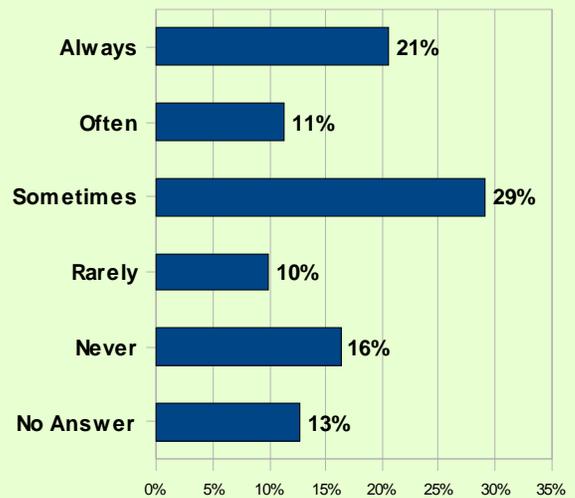
The level of control is not universal or even. The print media is the freest - precisely because it has the least reach and impact of any media. From the early 1990s, under pressure from the UN, NGOs and political parties following the Paris Peace Agreements which pledged to bring liberal democracy and human rights to Cambodia, the government allowed the emergence of dozens of new publications. The result was a diverse and boisterous print media providing a platform for different voices to be heard, although not usually in an independent or professional manner. Through ownership (whether by pro-government or opposition owners and backers) many publications remain mere propaganda sheets for one side or another.

The government has kept a firmer grip on electronic media, limiting independent or non-government voices on the radio waves and maintaining a stranglehold on television. Arbitrary restrictions on licensing of electronic media (see below) have been the main tool to achieve this.

The effect of media ownership is felt by journalists. When journalists were asked, in the survey done for this report, if media owners influenced their reporting, "29% said "sometimes" and 32% said "often" or "always".<sup>75</sup> (In contrast, when asked the more specific question of whether editors had ever asked them to favor a politician or party, only a total of 15% answered "sometimes", "often" or "always", with 68% saying editors "never" interfered.)<sup>76</sup>

The propaganda nature of many media outlets - not necessarily the fault of individual reporters and editors, but simply a reflection of the environment they have to work in - may well have a powerful impact. This is probably most evident with the CPP-controlled television media and to a lesser extent radio. The one-sided news coverage (or lack of coverage) of critical issues and events, the lack of airtime given to opposition political voices, and the never-

MEDIA OWNERS INFLUENCE OVER REPORTING



Source: Media Survey. LICADHO.

<sup>75</sup> See Media Survey, Q. 27. The question asked was: 'Does the owner of your media outlet have an influence on the news?'

<sup>76</sup> See Media Survey, Q. 28. The exact question asked was: 'Has your editor / producer asked you to write a story in favor of a certain political party or politician?'

ending images of government officials presiding over infrastructure projects, likely has an influence on how Cambodians vote.

### ***THE GOVERNMENT'S ROLE***

The government, through misuse of its position as media licensor and regulator, as well as its ownership of State media, plays a leading role in controlling the country's media. This power is reinforced by the government, or individual officials, often acting as complainant in court cases against journalists.

The government directly owns and operates Television Kampuchea (TVK), two radio stations (one AM and one FM) and a State news agency called Agence Kampuchea Presse (AKP). All are under the Ministry of Information's control and all are pro-government (essentially meaning pro-CPP) in content. The government also co-owns other TV and radio stations.

The Ministry of Information grants licenses to television, radio and newspapers. The process varies for each medium. Newspaper licensing, which is usually a formality, is covered by the 1995 Press Law. The law gives the ministry the power to shut a newspaper down or suspend it, as has happened countless times over the years. It can also confiscate copies of publications.

Under the Press Law, these powers can only be used if publications violate "national security and political stability". But, as will be discussed in more detail later in this report, they are often misused to silence dissent, punish libelous reporting and censor information damaging to the government.

There is no law for radio and television licenses, which are, as one observer put it, "dependent on government whim".<sup>77</sup> Television is the most tightly controlled, with only pro-government stations obtaining licenses. The opposition SRP has repeatedly applied for radio and television licenses and been denied, and NGOs have faced the same arbitrary refusal when seeking radio licenses. For years, the Ministry of Information has used the same excuse to deny radio license applications - that there are no frequencies left on Cambodia's radio spectrum to be awarded<sup>78</sup> - while at the same time periodically giving out licenses to its sympathizers. Voice of Democracy radio, created by the Cambodian Center for Human Rights (CCHR), has several times since 2003 been denied a license for that ostensible reason. But a month before its latest rejection, in September 2007, the ministry managed to find a frequency (FM 106) to give to a CPP Secretary of State at the Ministry of Foreign Affairs, Kao Kim Hourn<sup>79</sup>.

In order to try to close one loophole in its control of electronic media, in February 2007 the ministry ordered all television and radio stations not to transfer or sell licenses if unable to continue operating and to return the license to the ministry.

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<sup>77</sup> Kate Evans, 'Scolding someone is like scolding oneself: Asian Values in Cambodian Journalism', New Voices in Media Research . [www.arts.usyd.edu.au/departs/media/newvoices/Kate%20Evans.pdf](http://www.arts.usyd.edu.au/departs/media/newvoices/Kate%20Evans.pdf)

<sup>78</sup> Puy Kea, *Radio Profile in Cambodia*, 2007. In particular, see its citing of announcement released by the Ministry of Information on 20 April 2005 signed by Minister Khieu Kanharith.

<sup>79</sup> Kao Kim Hourn, who is also President of the University of Cambodia, also recently opened a weekly newspaper and is reputed to be applying for a TV license.

In addition, the government has - without any lawful basis - several times arbitrarily closed down radio and television stations or otherwise imposed restrictions on their broadcasts.

Finally, government authorities or senior government leaders (often supposedly acting as private citizens), have often filed lawsuits against journalists. The judiciary's lack of independence from the government has nearly always ensured that the journalists have lost the case, regardless of its merits. Some cases have clearly been malicious legal actions, unsupported by evidence, and an effort to stifle press freedom in Cambodia.

The following examines in more detail the ownership and licensing of Cambodia's major print, radio and television outlets, and the biases they take.<sup>80</sup>

### TELEVISION

Every one of Cambodia's seven stations is directly controlled or strongly influenced by the government/CPP. The stations are:

STATION	OWNER/MANAGER	ADDITIONAL INFORMATION
Apsara TV	<ul style="list-style-type: none"> <li>▪ Owned by the Apsara Media Group although its director won't reveal just who that is<sup>81</sup>, has long been reported owned by the CPP.</li> <li>▪ The general director is Sok Eysan, a CPP central committee member who considers it his "duty to the people" to promote the government.<sup>82</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ In 2006, it partnered with French company Solaris International to improve technology, program content and coverage</li> <li>▪ Apsara has a radio as well as television station</li> </ul>
Bayon TV	<ul style="list-style-type: none"> <li>▪ Widely reported to be owned by Prime Minister Hun Sen's family</li> <li>▪ Currently run by his daughter Hun Mana.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Established in 1998</li> <li>▪ For many years, Bayon's transmission tower was located inside Prime Minister Hun Sen's guarded compound just outside of Phnom Penh</li> <li>▪ Prime Minister Hun Sen and his wife cut the ribbon to open Bayon's new facilities in March 2007.</li> <li>▪ Like Apsara, Bayon also has a radio station</li> </ul>

<sup>80</sup> Confirming exactly who owns Cambodia's media can be difficult because some use 'front men' to conceal the identity of the true owner. Unless otherwise stated, media owners named in this report have been confirmed as much as possible by documents or reliable sources.

<sup>81</sup> Apsara's general director Sok Eysan repeatedly refused to divulge who owns Apsara Media Group or the land on which the station is located.

<sup>82</sup> During a 10 August 2007 interview, Sok Eysan gave the researchers two copies of the CPP members-only publication, *Pracheachun Magazine* (The People), which mentions his donation of US\$100 for issue #71, April 2007.

CTN	<ul style="list-style-type: none"> <li>Owned by Royal Group, run by Cambodian-Australian tycoon Kith Meng<sup>83</sup>, current National Chamber of Commerce President considered to be close to the government.<sup>84</sup></li> </ul>	<ul style="list-style-type: none"> <li>The newest and arguably the most modern of the stations</li> <li>The station is pro-CPP in content</li> </ul>
TVK	<ul style="list-style-type: none"> <li>State broadcaster managed by Ministry of Information</li> </ul>	<ul style="list-style-type: none"> <li>Strict pre-broadcast censorship of sensitive issues</li> </ul>
TV3	<ul style="list-style-type: none"> <li>Co-owned by the Phnom Penh Municipal Service of Information, and Thai company KCS Cambodia</li> <li>It's general director, Kham Poeun Keomony, is an advisor to Senate President Chea Sim (CPP)</li> </ul>	<ul style="list-style-type: none"> <li>The Phnom Penh Municipal Service of Information names its proprietors as the Municipality and the Ministry of Information<sup>85</sup></li> </ul>
TV5	<ul style="list-style-type: none"> <li>Co-owned by the Cambodian military and MICA Media. The general director is Kem Kunvoth, a central committee member of the CPP.<sup>86</sup></li> </ul>	
TV9	<ul style="list-style-type: none"> <li>Claims to be "licensed as a 100% private sector company"<sup>87</sup>.</li> <li>It is believed to be owned by the family of Khun Haing, Minister of Cults and Religions (FUNCINPEC) and managed by his relatives.</li> </ul>	<ul style="list-style-type: none"> <li>Established by the FUNCINPEC party in the early 1990s</li> <li>Up until 1997, it was politically non-controversial, supportive of FUNCINPEC and its coalition government partner CPP. In the run-up to the July 1997 violent events, the station openly promoted FUNCINPEC and railed against the CPP; TV9 (along with FUNCINPEC's radio station) was attacked during the fighting and was afterwards controlled by the CPP.</li> <li>It was subsequently returned and today it is, in the hands of Khun Haing, considered pro-government and conciliatory toward the CPP</li> </ul>

<sup>83</sup> Kith Meng's Royal Group also owns the country's biggest mobile phone operator Mobitel, a licensed betting agency and half of ANZ Royal bank.

<sup>84</sup> Kith Meng is not known to hold any government position but he is believed to have easy access to the Prime Minister, as do several of CTN's journalists (one of whom is an advisor to the PM). Kith Meng was instrumental in negotiations between Hun Sen and opposition leader Sam Rainsy which led to the latter's return from exile in 2006. As President of the Chamber of Commerce, he has also traveled abroad with Hun Sen and played a role in promoting Cambodia to foreign businesses on behalf of the government.

<sup>85</sup> The Phnom Penh Municipal Information service also owns FM103, Sweet FM (88 FM) and Love FM (97.5FM) radio stations and the Phnom Penh Municipal Cable Television; <http://www.culturalprofiles.net/cambodia/Units/1142.html>

<sup>86</sup> Document provided by a senior journalist.

<sup>87</sup> From TV9's website: <http://www.tv9.com.kh/aboutus.html>

The Minister of Information has indicated that two new television stations might soon be given licenses - CTN Plus (owned by Kith Meng) and Southeast Asia TV (owned by Kao Kim Hourn, Secretary of State at the Ministry of Foreign Affairs and International Cooperation).<sup>88</sup>

Not surprisingly, given their ownership, Cambodia's television stations are no place to look for freedom of expression or objective information. As noted earlier in this report, all the stations' news broadcasts are politically-biased toward the government. A typical report consists of a narrated account of a government official or group of officials (almost always a member of the CPP) traveling to the countryside to inspect a road or bridge, or to donate food, money and other goods to locals.

*Heng Samrin [CPP Honorary President and National Assembly President] said the CPP sometimes hires the private Apsara TV or Bayon TV to cover CPP events, but that only TVK runs regular news reports on government activities.*

*"TVK covers government activities, not the CPP," he maintained.*<sup>89</sup>

In this way, government ministries or leaders suggest a story, pay the costs of the coverage and provide a financial encouragement for the reporter. The practice of handing out envelopes of cash at press conferences or media photo opportunities is common. A TVK reporter boasted of receiving US\$50 and free transport to cover a government event.<sup>90</sup>

One journalist noted the irony of being forced to cover "giving ceremonies" but not being allowed to report on the obvious poverty which provides the backdrop for political leaders handing out petty cash and packets of noodles to rural Cambodians.<sup>91</sup>

These news broadcasts, dull as they may be, may well be a powerful political tool.

A recent study indicated that Cambodian voters are most impressed by the building of infrastructure, and link it to their voting preference. When the International Republican Institute asked Cambodians what would influence their voting at the 2007 commune council election, the top answer (43%) was "infrastructure."<sup>92</sup> When asked why they thought the country was going in the right direction, 78% of respondents cited "infrastructure". The ruling CPP won 84% of commune council chief positions.<sup>93</sup>

"The media, especially the TV, plays a crucial role for the poor and the illiterate people. They only see the CPP doing things for development," said Koul Panha, director of the Committee

<sup>88</sup> Kao Kim Hourn also opened a newspaper and a radio station in 2007, and is the president of the University of Cambodia.

<sup>89</sup> 'CPP Dominates TVK's News, Pre-Poll Coverage', *The Cambodia Daily*, 12 December, 2006

<sup>90</sup> Interview with TV journalist 25 August, 2007.

<sup>91</sup> Interview with reporter on 11 September 2007.

<sup>92</sup> A nationwide survey released by the International Republican Institute in June 2007 asked 2,000 people (who had previously responded optimistically about the country's future) "Why do you feel the country is going in the right direction?". An overwhelming 78% of respondents cited "infrastructure" as the main reason. Similarly, when the survey asked "What reason to favor a party for 2007 commune council elections?" the top answer was "building infrastructure" (43%). <http://www.iri.org/asia/cambodia/pdfs/2007-06-12-Cambodia.pdf>.

<sup>93</sup> CPP won 1,591 chief positions, compared to Sam Rainsy Party (28) and Funcinpec (2) - [http://neclect.org.kh/English/ElectionResult/2007/Official%20results/Official%20Results\(seast\\_e\).pdf](http://neclect.org.kh/English/ElectionResult/2007/Official%20results/Official%20Results(seast_e).pdf)

While this political bias is unsurprising in the case of TVK, the State-owned broadcaster, it applies equally to the other stations. Some openly admit that their role is more like a public relations department of the government, rather than an independent news provider.

“In every society there are both positive and negative points, but we should encourage the positive and diminish the negative - this serves the interests of the country and the people,” said Sok Eysan, director general of Apsara and also a CPP central committee member. “Everyone loves a good thing.”<sup>95</sup>

In a typical Apsara TV bulletin on 10 August 2007, eight of their 12 news stories followed this formula of infrastructure inspection or community handouts by various *Aidoms* (a title used for government officials).<sup>96</sup> There was no critical news. The message was clear: the government is out helping the people; the government is responsible for building roads and bridges (even when some if not all are funded by international donors). There is little, if any, mention of political opposition, crime (including the widespread impunity for crimes committed by police, military or government officials) or pressing issues such as poverty and land-grabbing.

TV5’s general director has said his station covers the “community work” done by the government. “I have never seen the Sam Rainsy Party build schools, roads and pagodas. That is why we don't broadcast their news,” said Kem Kunvoth<sup>97</sup>, who too is a CPP central committee member

Bayon TV’s pro-government bias is clearly advertised on its web site, which says that it’s local news is intended to serve as “a bridge to carry the governmental policies to people”.<sup>98</sup> This is hardly surprising considering the station is run by the Prime Minister’s daughter.

The newest station, CTN, which is slicker in its presentation and perhaps the most liberal in content, is not much different. Its news and “commentary” shows often give a platform for CPP officials to speak at length about their good work, and explicitly or implicitly criticize opposition parties and NGOs (particularly human rights ones). If it does occasionally venture into areas it should not, this is quickly stopped; in a telling case in August 2006, Prime Minister Hun Sen objected to a program which had discussed corruption and the show was immediately taken off air by CTN.<sup>99</sup>

“When I have  
free time from  
CTN I come  
back to the  
Council of  
Ministers and  
fulfill my work  
for the Prime  
Minister”

CTN INFORMATION OFFICER  
CHUM KOSAL

<sup>94</sup> ‘CPP Dominates TVK’s News, Pre-Poll Coverage’, *The Cambodia Daily*, 12 December 12, 2006

<sup>95</sup> Interview with Sok Eysan on 11 September 2007.

<sup>96</sup> In an obvious conflict-of-interest, one of the stories featured a speech made by Sok Eysan, who is the station’s general director. The other stories included monks receiving awards, a meeting between the Foreign Minister and Korean dignitaries, a conference on Islam and the burning of eggs to prevent bird flu.

<sup>97</sup> ‘CPP Dominates TVK’s News, Pre-Poll Coverage’, *The Cambodia Daily*, 12 December 12, 2006

<sup>98</sup> <http://www.bayontv.com.kh/localnews.html>

<sup>99</sup> *The Cambodian Daily*, 16 August 2006.

One of CTN's main presenters and "information officer", Chum Kosal also works as an advisor for the Prime Minister. One of his CTN roles is to interview provincial ministers "to show their achievements", but he sees no conflict of interest.

"I have to divide [my time], when I have free time from CTN I come back to the Council of Ministers and fulfill my work for the Prime Minister," he explained.<sup>100</sup>

A rare but limited exception to the CPP's monopoly on television news occurs during election campaign periods, when State-owned TVK - in a program paid for by UNDP - presents more balanced news coverage of political parties.<sup>101</sup> This is a very limited occurrence, and has had no discernable effect on the content of TVK's other regular broadcasts the rest of the time.

Even when it is pretending to be balanced, TVK finds more subtle methods to get its bias across to viewers. For example, shortly before the national elections in 2003, it screened the movie *The Killing Fields* every night for a week, apparently in an effort to remind people of the Pol Pot regime from which CPP (or its predecessor) claims to have liberated the country.<sup>102</sup>

The other, "private" television stations have for years resisted being forced to sell airtime to political parties for advertisements during election campaigns, a move which disadvantages other parties far more than the CPP. The claimed reason for this policy is that political party ads are less lucrative than regular, commercial advertisements. In the run-up to the 2003 elections, however, all but one of the stations (as well as TVK) readily aired a CPP propaganda "documentary film" defending its ouster of FUNCINPEC in the 1997 coup.<sup>103</sup>

Before the 2007 commune elections, CTN broadcast a program entitled 'Genius and Achievement' which interviewed only CPP commune chiefs and government officials speaking about their achievements. CTN's political coverage in general was described by one election monitoring group as "hugely biased" toward the CPP.<sup>104</sup>

## **RADIO**

The ownership of radio stations is also dominated by those loyal to the CPP. But there are also two stations believed to be aligned to the opposition SRP and two others with politically-independent owners.

The main national or Phnom Penh-based stations (excluding smaller provincial stations) are:

<sup>100</sup> Interview with Chum Kosal on 13 September 2007.

<sup>101</sup> The program does not provide equal but "equitable" coverage to the major parties, with the amount of coverage given to each party allocated according to criteria including the number of seats the party has in the National Assembly (therefore, CPP receives the most coverage). In the 2007 commune election period, the program consisted of a 15-minute news segment, attached to TVK's nightly news show, over 15 days. It also has a weekly 40-minute current affairs show running from between the 2007 commune elections and the 2008 national elections. See <http://www.equitycam.tv/>

<sup>102</sup> Article 19, ADHOC & CLEC, *Freedom of Expression and the Media*, June 2006.

<sup>103</sup> Statement by Daniel Calingaert, Prospects for a Democratic Election in Cambodia, International Republican Institute, to the US Congress Subcommittee on East Asia and the Pacific House International Relations Committee, June 10, 2003. See also *The Run-Up to Cambodia's 2003 National Assembly Election: Political Expression and Freedom of Assembly Under Assault*, Human Rights Watch, June 12, 2003.

<sup>104</sup> Committee for Free & Fair Elections in Cambodia (COMFREL), *Final Assessment and Report on 2007 Commune Council Elections*.

STATION	FREQ. (MHZ)	OWNER/MANAGER	PERCEIVED POLITICAL BIAS
<b>AM Radio Station</b>			
National Radio	AM 918	▪ State-owned national broadcaster	CPP
<b>FM Radio Stations</b>			
Sweet FM 88	FM 88	▪ Eng Setha Mouly (a relative of former Minister of Information Ieng Mouly) or Hun Sen/CPP. <sup>105</sup>	CPP
New Life Voice FM (Christian Station)	FM 89.5	▪ Taing Vek Houng	Neutral in content
FM 90	FM 90	▪ FUNCINPEC	FUNCINPEC
Ta Prohm FM	FM 90.5	▪ Originally reportedly licensed to FUNCINPEC MP Ear Limsour. <sup>106</sup>	FUNCINPEC
RFI relay station	FM 92	Radio France International	Neutral
FM 93.5	FM 93.5	▪ Former BLDP-aligned station ▪ Current ownership uncertain but believed to be partisan to SRP	SRP
Bayon FM	FM 95	▪ Reportedly owned (along with Bayon TV) by Prime Minister Hun Sen's family ▪ Its general director is his daughter, Hun Mana	CPP
National FM	FM 96	▪ State-owned.	CPP
Apsara FM	FM 97	▪ Refuses to reveal ownership; widely believed to be CPP-owned ▪ Run by Sok Eysan, a CPP central committee member.	CPP
Love-FM (Pop music Station)	FM 97.5	▪ Co-owned by the Phnom Penh Municipality and KCS Cambodia.	Neutral in Content
Military FM	FM 98	▪ Co-owned by Ministry of Defense and a Thai company. ▪ Run by Anucha Vacharat Tangkar.	CPP
FM 99	FM 99	▪ General director is Kim Boeurn ▪ Ownership unclear <sup>107</sup>	CPP
Family FM (Christian Station)	FM 99.5	▪ Far East Broadcasting Company Cambodia.	Neutral in Content
BBC relay station	FM 100	▪ British Broadcasting Corporation	Neutral

<sup>105</sup> The precise current ownership is unclear. The station was established by Ieng Mouly when he was Minister of Information in the early 1990s, and aligned to his Buddhist Liberal Democratic Party (BLDP). In 2003, it was reported that the station had been sold to Hun Sen. See "Radio purchase tightens CPP grip on airwaves", Phnom Penh Post, November 7-20, 2003.

<sup>106</sup> The station used to be run by Noranarith Anandayath, then a FUNCINPEC steering committee member and chief of cabinet of party leader Prince Norodom Ranariddh. When Ranariddh was ousted from the presidency in October 2006, there was also effectively a coup at the station, which remained in FUNCINPEC's hands while Ranariddh left to form another political party.. See Alliance for Freedom of Expression in Cambodia, urgent alert, October 23, 2006, available at <http://www.licadho.org/press/files/132AFECUStaffRemovalRadioTaProhm06.pdf>

<sup>107</sup> The Cambodian Yellow Pages lists the same address for the FM99 office as for Apsara radio and television; <http://www.yellowpages-cambodia.com/media/television-and-radio-stations/>

ABC relay station	FM 101.5	▪ Australian Broadcasting Corporation	Neutral
Women's Media FM	FM 102	▪ Owned/run by the NGO WMC	Neutral
Phnom Penh FM	FM 103	▪ Co-owned by the Phnom Penh Municipal Service of Information and KCS Cambodia.	CPP
Sovanna Phum FM	FM 104	▪ Unknown	SRP
Beehive FM	FM 105	▪ Mam Sonando	Neutral
South East Asia FM	FM 106	▪ Kao Kim Hourn, CPP Secretary of State	CPP
Khmer Radio	FM 107	▪ Khun Haing, FUNCINPEC Minister of Cults and Religions ▪ Run by Khun Elena	FUNCINPEC/ CPP

The owners of many radio stations are aligned with political parties and their broadcasts reflect this bias. The State-owned National Radio takes a pro-government and pro-CPP line with minimal coverage of dissenting viewpoints. As with their television counter-parts, Bayon and Apsara radio stations are the leading mouthpieces of the CPP on the airwaves. Some other stations are largely politically "neutral", by virtue of providing only music or other entertainment content, but they are essentially loyal to the CPP. They may not actively promote the ruling, but they also do not provide a forum for independent news or views.

There are, however, a range of political viewpoints and some independent news available to radio listeners. This does not reflect a willingness by the government to open up the airwaves. In fact, the government has consistently sought to do the opposite, primarily by denying radio licenses to anyone considered non-sympathetic to the CPP, particularly opposition parties and NGOs.

At times, control of the airwaves has been imposed through more brutal means. In periods of great political tension, two FUNCINPEC-run stations have been taken over at gunpoint, and a senior journalist at one of them was murdered in what is widely believed to have been a political killing. Beehive radio, the most prominent independent voice on Cambodia's airwaves, has also been closed down and its owner jailed on several occasions.

FUNCINPEC initially secured licenses for its two stations (FM 90 and FM 90.5, the latter better known as Ta Prohm radio)<sup>108</sup> through its position as government coalition partner to the CPP. Traditionally, both FUNCINPEC stations have been passive and conciliatory toward the CPP, except at times when relations between the two parties have grown critically bad.

FM 90, established in the early 1990s, took a non-critical line toward the CPP for much of its existence, up until prior to the 1997 coup. During the coup, the station (as well as FUNCINPEC's TV9) was seized and looted by pro-CPP forces<sup>109</sup>; it took months before it returned to FUNCINPEC control and resumed operating. The station remains non-

<sup>108</sup> Both believed to be licensed to individuals in FUNCINPEC, rather than to the party itself.

<sup>109</sup> *Report of the Special Representative of the UN Secretary-General for Human Rights in Cambodia on Access to the Media*, 25 June 1998. [http://cambodia.ohchr.org/download.aspx?ep\\_id=120](http://cambodia.ohchr.org/download.aspx?ep_id=120)

confrontational toward the CPP these days, although some say its news broadcasts are more balanced and include a variety of differing views.

Ta Prohm radio, which was created later, around 2001, has a similar history. During a tense political deadlock following the 2003 national elections, when the station was launching broadsides against the CPP and Prime Minister Hun Sen, senior editor Chour Chetharith was assassinated outside the station's office. The murder happened four days after Hun Sen had publicly warned the station to change its critical tone. The station subsequently returned to taking a passive pro-government line after FUNCINPEC again entered into a coalition government with the CPP.

In late 2006, as party president Prince Norodom Ranariddh's relationship with Hun Sen grew grave once more, Ta Prohm's broadcasts became increasingly antagonistic toward the CPP again. In October, FUNCINPEC was wracked by internal infighting - widely believed to have been engineered by the CPP - which led to the deposing of Ranariddh as president. On the day of his ouster, armed bodyguards of party Secretary-General Nhek Bun Chhay took over the station. They allegedly instructed its director, Ranariddh loyalist Noranarith Anandayath, at gunpoint to broadcast favorably about the Prince's overthrow. He refused and, along with other staff, fled the station.<sup>110</sup> Today, it remains in the control of Nhek Bun Chhay and FUNCINPEC, and is docile toward the CPP.

The former Buddhist Liberal Democratic Party (BLDP) obtained a license for a radio station (FM 88) in the early 1990s, when it was part of the coalition government and senior party official Ieng Mouly was Minister of Information. (The license was reportedly issued in the name of a relative of his.) After Mouly led a split of BLDP in 1995 to form a pro-CPP faction of the party, the station's operating costs were reportedly shared with Hun Sen. In 2003, it was reported that the station had been sold to Hun Sen in its entirety.<sup>111</sup> The station is pro-CPP today.

Following the BDLP split, the rival Son Sann faction began operating a station (FM 93.5) in early 1997 despite repeated attempts by the Ministry of Information to shut it down. During the July 1997 coup, the station, like FUNCINPEC's, was looted. It was later granted a new license, in the name of an individual linked to BLDP, but never resumed due to lack of funds.<sup>112</sup>

The opposition SRP (and its predecessor the Khmer Nation Party) has repeatedly been refused a radio license since 1996. But the SRP has managed to secure a niche in the radio market through the revival of FM 93.5, the formerly defunct BLDP station's frequency, in 2003. It's unclear exactly how this happened, but by some accounts the station's license was sold or leased to an SRP sympathizer by a former BLDP official. The station is also said to have benefited, in equipment and other resources, from an influx of funding from the US-government funded International Republican Institute. FM 93.5 is widely perceived as leaning

<sup>110</sup> Alliance for Freedom of Expression in Cambodia, urgent alert, October 23, 2006, available at <http://www.licadho.org/press/files/132AFECUASTaffRemovalRadioTaProhm06.pdf>

<sup>111</sup> See "Radio purchase tightens CPP grip on airwaves", Phnom Penh Post, November 7-20, 2003

<sup>112</sup> *Report of the Special Representative of the UN Secretary-General for Human Rights in Cambodia on Access to the Media*, 25 June 1998. [http://cambodia.ohchr.org/download.aspx?ep\\_id=120](http://cambodia.ohchr.org/download.aspx?ep_id=120)

toward the SRP in its content, although some observers say that in its early days it made an effort to be balanced and objective in its news coverage. These days, it has less news of its own and mainly sells airtime to NGOs. (The ownership of FM 104, which shares a compound with FM 93.5,<sup>113</sup> is also unclear but it is also considered to be pro-SRP in content.)

As noted earlier in this report, the two radio stations broadcasting news and opinions that are often cited as being the only independent ones in the country are FM 102, run by the Women's Media Center (WMC), and FM 105, known as Beehive Radio (or *Sambok Khmum*).

The NGO-run FM 102 began in 1999 and is largely funded by foreign aid money, including from the US, Australia and Britain. It primarily broadcasts educational and informational material about social issues, particularly those affecting women. It is the only NGO in Cambodia to have its own radio station, though it (along with other stations) sells airtime to other NGOs. The WMC's focus on social change for women, not politics, almost certainly helped it to obtain the radio license. Its co-director Tive Saraveth's former career with the Ministry of Information and friendship with Minister Khieu Kanharith may also have helped.

FM 105, or Beehive Radio, is known for airing critical views of the government. Its owner Mam Sonando, a colorful Khmer-French businessman who lived in France for 30 years and used to run a discotheque in Paris, is an unlikely figure in Cambodia's radio world. Returning to Cambodia in 1994, he established the radio station two years later and subsequently used it to promote his own, now-defunct political party, the Beehive Party, during the 1998 national elections. Beehive radio is currently considered non-partisan, in that it does not support any one political party. In the view of the government (and presumably many of its listeners who tune in for exactly that reason), however, it is decidedly anti-government. Sonando often describes himself as independent but not neutral, because he's "biased" in favor of the Cambodian people. Over the years he has been a vocal critic of Hun Sen and the CPP, and to some extent also the SRP and other parties. Most recently, he has campaigned to try to persuade all the non-CPP parties to join together into a single unified opposition, to vie more effectively with the CPP in the forthcoming 2008 elections.

By his account, Sonando obtained a radio license through luck and personal connections. The then Minister of Information Ieng Mouly, of the BLDP party, was an old friend of his from France. The license was issued in 1995, as Mouly was leading a split of BLDP to form a pro-CPP faction, and "it is widely believed that the CPP issued Sonando with a license with the anticipation that he would be supportive of their cause". The license was originally issued to the Cambodian Association for Economic Development, which he had founded. Sonando has said



Beehive owner Mam Sonando brought to court during his second detention

<sup>113</sup> FM 104 is listed in the Cambodian Yellow Pages as having the same address as FM 93.5.

his initial aim with the radio station was simply to play music and “bring fun to the Cambodian people”, but soon after the station began broadcasting in August 1996 he changed his tune.<sup>114</sup>

In May 1997, Beehive was ransacked and looted by a mob of people dressed in police and military uniforms. In 1998, in the midst of mass demonstrations following the national elections - which Sonando’s Beehive Party unsuccessfully competed in - the government suspended Beehive’s license and Sonando fled to Thailand. It resumed broadcasting in 1999 and Sonando later closed his political party to focus on his broadcasting. He has twice been jailed, firstly for alleged incitement of anti-Thai riots in Phnom Penh in 2003 and again two years later for broadcasting an interview with an activist who was critical of a new Cambodia-Vietnam border treaty. In both cases, there was no credible evidence against him and the criminal charges were widely criticized as a government attack on freedom of expression.

Today, Beehive is reportedly one of the most popular radio stations in the country and an important vehicle for independent news and political debate. In the run up to the July 2008 elections, Sonando is selling airtime to various opposition parties, including the Sam Rainsy Party, the Human Rights Party, and the Norodom Ranariddh Party, to each broadcast their own one-hour programs daily. The idea is for them to present their political platforms, although at times the parties have mainly used the airtime to attack each other. In a rare display of censorship, in October 2007 Sonando suspended the NRP’s show for three days because of content deemed offensive to Prime Minister Hun Sen.

A key feature of Beehive, since 1999, has also been its selling of airtime to US government-funded broadcasters Radio Free Asia and Voice of America to air their Khmer-language news and commentaries. The government has several times ordered Beehive to stop this, arguing that the station does not have the right to broadcast foreign news services, but eventually backed down under criticism.

While consistently denying VOA and RFA their own radio licenses, the government has granted licenses to other foreign-government broadcasters - Radio France International (FM 92), British Broadcasting Corporation (FM 100) and the Australia Broadcasting Corporation (FM 101.5). In 2005, when RFI was granted a license for its own radio station, Minister of Information Khieu Kanharith justified the ban on VOA and RFA by saying that they “serve the American government”, while RFI and BBC did not serve the French and British governments.<sup>115</sup>

Similarly, the US-funded Cambodian Center for Human Rights has consistently been denied a radio license. Its Voice of Democracy (VOD) radio component, now separated from CCHR into a standalone entity, has however been able to broadcast by renting airtime from Beehive radio and from FM 93.5.

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<sup>114</sup> Information about the founding and licensing of Beehive is from: Article 19, ADHOC & CLEC, *Freedom of Expression and the Media*, June 2006: ‘Disco’ Mam Sonando’, *Phnom Penh Post*, June 29 - July 128, 2007; Beehive Radio’s website (<http://www.sbk.com.kh/pages/history.htm>).

<sup>115</sup> <http://www.voanews.com/Khmer/archive/2005-10/2005-10-31-voa4.cfm>

RFA, VOA and VOD, as well as the Khmer-language news of RFI, represent a positive exception to Cambodia's radio environment of political control and self-censorship of news. Although the professionalism and political neutrality of individual journalists working for them may vary, and the government sometimes accuses them of being mouthpieces for the opposition, they provide more accurate reporting and rare critical debate of issues. They cover illegal logging, corruption and other sensitive stories which the pro-CPP electronic media simply ignores. As a consequence, these radio journalists have been targeted for threats and intimidation in recent years.

Overall, many radio stations act as mouthpieces for their preferred political parties. However, the independent stations and international relay-broadcasts give listeners a range of options which simply do not exist in television.

### NEWSPAPERS

Cambodia's newsstands are well-stocked with dozens of publications, giving the appearance of media freedom and a thriving news industry. However, as noted earlier in this report, most publications have a political bias - one determined by their owners or patrons - and a clear lack of neutrality and objectivity. While there is more diversity in newspaper ownership than radio or television, the majority of Cambodian readers are buying newspapers with a pro-government bias.

It is worth looking in detail at who owns the country's three top selling newspapers:

**Rasmei Kampuchea** is owned by the Thai Boon Roong company of Teng Bunma. Bunma, once considered Cambodia's richest man, is perhaps most famous for shooting out the tire of a Royal Air Cambodge Boeing 737 because of the perceived rudeness of the staff in 1997. He was once declared by the US to be a drug trafficker.<sup>116</sup>

Bunma has had a long running association with the CPP and has been a financial supporter of Prime Minister Hun Sen. He has funded infrastructure projects opened by the Prime Minister, and gave US\$1 million to Hun Sen after the 1997 coup d'état.<sup>117</sup> In recent years, little has been heard from Bunma, after he reportedly suffered a major stroke (or even died, according to some unconfirmed rumors). Management of the paper is now said to be handled by his son, Khav Sambath. The paper's editor is Pen Samitthy, a former journalist on the government mouthpieces *Kampuchea* and *Phnom Penh* in the 1980s, who also heads the Club of Cambodian Journalists.

**Koh Santepheap Daily** is owned by Thong Uy Pang, a colorful and at times outspoken character once known for carrying a pistol complete with laser-guided gunsight. He had reason to do so, given that he has twice been targeted for violence - grenades were thrown at his house in October 1997 and he survived two bullets from a would-be assassin in June 1998.



Rasmei Kampuchea owner Teng Bunma interviewed on donation to PM Hun Sen in the mid 90s

<sup>116</sup> "WE HAVE RELIABLE REPORTING THAT HE [TENG BUNMA] IS CLOSELY AND HEAVILY INVOLVED IN DRUG TRAFFICKING IN CAMBODIA," SAID NICHOLAS BURNS IN A U.S. DEPARTMENT OF STATE DAILY PRESS BRIEFING ON 22 JULY, 1997. [HTTP://WWW.HRI.ORG/NEWS/USA/STD/1997/97-07-22.STD.HTML](http://www.hri.org/news/usa/std/1997/97-07-22.std.html)

<sup>117</sup> Far Eastern Economic Review, 2 December 1998 - [http://www.feer.com/breaking\\_news/981202.html](http://www.feer.com/breaking_news/981202.html)

Both attacks are widely believed to have been the result of CPP factional infighting.<sup>118</sup> *Koh Santepheap* has always been considered a pro-CPP paper, and its editor, Khieu Navy, also sits on the “Writers Committee” of the CPP’s own members-only publication *The Pracheachun Magazine*.<sup>119</sup> But, perhaps more than its pro-CPP line, the paper is best known for its tabloid-style reportage and grisly photos of crime news.

The official list of the Ministry of Information states that the owner of **Kampuchea Thmei Daily** is Ly Hour, but several sources say the real backer is Lim Huy Leng, a real estate tycoon and president of the Sihanoukville Chamber of Commerce. *Kampuchea Thmei Daily* is also widely considered to be a pro-government newspaper.

Other, smaller newspapers which publish regularly have the following owners and political bias:<sup>120</sup>

PUBLICATION	OWNER	PERCEIVED POLITICAL BIAS
Akrei Yeakthor	▪ Sgoun Nimol <sup>121</sup>	CPP
Black and White	▪ Chin Chanmony	Neutral / CPP <sup>122</sup>
Chakroaval Daily	▪ Keo Sophoan, businessman	CPP
Deum Ampil	▪ Soy Sopheap, also works for CTN	CPP
Khmer Amatak	▪ Bun Tha, advisor to Norodom Ranariddh	Norodom Ranariddh Party
Khmer Machah Srok	▪ Slonh Luy	Sam Rainsy Party
Khmer Mekong	▪ Tia Then, Secretary of State, Ministry of Education	FUNCINPEC
Mekong Cambodia	▪ Kong Youthear	FUNCINPEC
Moneakseka Khmer	▪ Dam Sith, Deputy Secretary General of the Sam Rainsy Party	Sam Rainsy Party
Samheng Youvachoun Khmer	▪ Keo Sothear	Norodom Ranariddh Party
Sna Day Khmeng Wat	▪ Samphan Narith	CPP
Sralang Khmer	▪ Thach Keth	CPP

<sup>118</sup> Uy Pang has repeatedly alleged that then anti-drug police chief Heng Pov, a CPP member, was behind the 1998 assassination attempt against him. Of the 1997 grenade attack at his house, Pang reportedly said at the time that “when I started running articles criticizing Chea Sim, Hok Lundy, Tea Banh’s son and Thai Boon Roong, two grenades were thrown into my house”; see ‘Criticism Linked to Bombing’, *The Cambodia Daily*, October 17, 1997.

<sup>119</sup> The writing committee is identified in the masthead of the magazine.

<sup>120</sup> The list of owners list is based on the official Ministry of Information list and interviews. The perceived political bias comes from interviews with media monitors, journalists and editors.

<sup>121</sup> Sgoun Nimol is the name on the Ministry of Information list, but two senior journalists suggested the paper is actually controlled by Prum Say.

<sup>122</sup> There were conflicting opinions amongst senior journalists about the political bias of this newspaper.

Rasmei Angkor	▪ In Chan Syvutha	CPP
Teashanak Khmer	▪ Sovan Sokha	Opposition

In Cambodia's boisterously political newspaper environment - in which publications are usually categorized as "pro-government" or "pro-opposition" (and further sub-divided between each party) - reporters are expected to adhere to the in-house political bias.

"If you write for FUNCINPEC, you can only write in favor of FUNCINPEC - it's not independent, you cannot write what you have seen," said a senior reporter.<sup>123</sup>

Bias can occur many ways, but most often by the selection or omission of a news story, editorializing, language choice and by using photographs or cartoons which editorialize.

This bias is not limited to editorial or comment articles; to the contrary, most newspapers do not have clearly defined opinion sections. Articles presented as news stories often include considerable editorializing or make strong accusations with no evidence or attribution. It is also common for different papers to engage in a battle of words over sensitive issues, with no attempt to provide balanced or objective coverage.

While unethical, this biased reporting does provide a platform for various political voices to be heard, albeit weighted heavily in favor of the ruling party. Allegations of corruption and other illegal activities often appear in opposition newspapers, while government papers will publish critical stories about the opposition parties and leaders. Newspaper readers with a strong political loyalty will choose a publication which reflects their own biases; thus papers reinforce pre-held political views.<sup>124</sup>

"It's not independent, you cannot write what you have seen"

SENIOR REPORTER

The newspaper industry is fast-changing, with smaller publications opening, going bankrupt, and switching owners and allegiances. An example is *Samleng Youvachoun Khmer* (Voice of Khmer Youth) which for years was one of the most virulent pro-SRP papers - attracting numerous lawsuits, and the murder of one of its editors. It eventually switched to FUNCINPEC and then to the Norodom Ranariddh Party. Another example is *Sralang Khmer*, formerly a pro-SRP paper which in recent years repeatedly raised the ire of government officials. In March 2008, amid a concerted CPP campaign to entice (and some say threaten) SRP officials to the ruling party, the paper's publisher and SRP steering committee member Thach Keth defected to the CPP. The first edition of the subsequent new-look paper reflected a 180-degree switch in content, with articles slamming all three opposition parties and warmly praising the CPP.

An important distinction to the "pro-government" or "pro-opposition" analysis of newspapers is that their biases may not be limited solely to supporting their own party and attacking rival parties. Within a party, a newspaper may also be biased toward a particular individual or

<sup>123</sup> Interview with a senior reporter on 14 September 2007

<sup>124</sup> However, as noted already in this report, many less-political newspaper buyers may simply browse newsstands looking for the most interesting front page, which encourages sensationalism and graphic coverage in newspapers.

group of people - the ones who are bankrolling the paper - rather than necessarily toward the party and all its officials as a whole. Financing newspapers has long been one of the ways that politicians, ensuring favorable coverage of themselves, jockey for position or influence within their party, as well as compete with external opponents.

As such, a pro-CPP newspaper or a pro-SRP one may devote glowing coverage to the officials within their respective parties who finance the publications, while ignoring or at times even publishing strident criticisms of other officials within the same party. The violence against *Koh Santepheap* in the late 1990s, for example, are widely believed to have been the result of the newspaper's shifting allegiances within the CPP and its critical articles about certain officials.

In some cases, journalists may not agree with the political bias they perpetuate. A senior reporter described how he works part time for a CPP-affiliated newspaper and also part time for a FUNCINPEC one. He uses a pen name for both jobs. "I collect the information and then write according to the political perspective [of the paper]," said the reporter, adding that he knows at least 15 colleagues who similarly divide their working life.

Another interesting phenomenon is the sharing of information between journalists who work for publications aligned with different parties. In some case, if a reporter obtains sensitive information which goes against the bias of their publication, they share it with friends on other papers, who write exposes without revealing the source of the information. The leaks are usually by journalists working for CPP-aligned newspapers who want the truth to emerge but know it would cost them their job, or worse, according to several journalists. "If their bosses knew, they'd have problems," said a journalist, who described the friendly sources as "double agents".<sup>125</sup>

Whatever the personal beliefs of each individual journalist - and the ways they may try to find around the restrictions - each knows that they must follow the political line of each publication they write for. In most robust democracies, press clubs list editorial balance and independence as essential ethics for journalists.<sup>126</sup> However, in Cambodia - with most newspapers owned or controlled by political forces - many journalists simply don't have the luxury of editorial independence; it's not what they are paid to do.

While some journalists willingly accept and even embrace this, for others - possibly many - it's a frustrating obstacle. "Of course they want to do journalism, they want to employ the experiences they learnt outside [in training course] but they are under the control others," said one journalist.<sup>127</sup>

The unfortunate reality of political control of newspapers (and other news media, particularly television) is something difficult to address through training courses. Over more than a decade, countless training programs have been run for Cambodian journalists, ranging from basic interview and story-writing skills to professional ethics and journalistic responsibility.

<sup>125</sup> Interview with an editor on 13 September 2007.

<sup>126</sup> The Press Law, in its guidance to press clubs, does mention that "Journalists shall disseminate information in good faith and make fair commentaries or criticisms consistent with a sense of justice" and the Club of Cambodian Journalists also has a code of conduct urging "honesty, dignity and justice". In reality, however, these non-enforceable codes are ignored.

<sup>127</sup> Interview with a journalist on 11 September 2007.

But after each course, the majority of reporters go back to media outlets whose owners and patrons pay them to toe a certain political line - not to be neutral, professional journalists.

The problem is exacerbated by a lack of business skills among those managing newspapers, and that most newspapers do not operate as sustainable businesses (earning sufficient revenue from advertising and sales to cover salaries and other operating costs). In fact, given the limited readership of newspapers in Cambodia, the reality is that many publications simply wouldn't be financially viable on their own and therefore are dependent on being bankrolled by politicians or other influential people.

Overall, Cambodia's newspaper scene is a heavily-politicized one in which most publications serve as mouthpieces for one party or another. There are, however, a variety of political voices able to be heard through the nation's newspapers, unlike much of the electronic media.

### **THE FOREIGN LANGUAGE PRESS**

Cambodia's foreign-language newspapers have, in general, long been considered exempt from the criticisms of political bias and lack of independence leveled against their Cambodian counterparts. However, recent events - including the abrupt firing of an editor at one of the papers - have raised some doubts about whether all of their owners guarantee their editorial independence.

The main foreign publications are the English-language *Cambodia Daily*, *Phnom Penh Post* and the recently-launched *Mekong Times*, and the French-language *Cambodge Soir*. All except the *Post* also have Khmer language sections.

The oldest are the *Daily* and the *Post*, both started by American citizens in the early 1990s. Over the years, they have been a staple source of vigorously independent news and analysis for the country's expatriate population and, increasingly for educated Cambodians, mainly in Phnom Penh.

Both publications have repeatedly raised the ire of the government or other influential persons, and the *Daily* has several times been successfully (but, many believe, unfairly) sued by government officials. Both papers have however avoided the violence, suspension of their licenses and other harsher sanctions that some of their fellow Cambodian publications have faced. This is widely attributed to the fact that, though they publish criticisms of the government and ruling party, the papers are not perceived as supporting an opposition party; that their distribution is limited and both publish in English (although the *Daily* introduced a Khmer section some years ago), thus their readership is limited; and that their foreign ownership likely affords them a higher degree of protection.

In early 2008, a majority stake in the *Post* was sold to three foreign businessmen: an oil and mining magnate; the publisher of the Myanmar *Times* newspaper in Burma; and a Frenchman with media experience in Vietnam and Thailand. The sale raised concern in some quarters that

the *Post* will soften its coverage of the government and ruling party, if the new owners wish to pursue other business interests (such as oil or mining concessions) in Cambodia.<sup>128</sup>

At *Cambodge Soir*, meanwhile, there was an obvious direct threat to its journalists' editorial independence in 2007. Since its inception in the mid-1990s, the French-language paper (which also has a Khmer section) had followed an independent and balanced editorial policy. In June 2007, however, the management abruptly fired its news editor, Soren Seelow, for publishing an article about a report by environmental watchdog Global Witness which alleged corruption by high-level government officials involved in illegal logging and other crimes. At Seelow's dismissal, the Khmer and foreign editorial staff walked out on strike in protest, and the management's response was to declare the closure of the newspaper, supposedly because it was bankrupt.

It was revealed that one of the shareholders/directors of the newspaper, Frenchman Philippe Monnin, was an advisor (paid by French government development agency funds) to Cambodia's Agriculture Ministry - whose Minister Chan Sarun was named in the Global Witness for his alleged involvement in illegal logging. Monnin reportedly told Seelow that *Cambodge Soir's* coverage of the report would upset the government and put him (Monnin) in a difficult position.<sup>129</sup> Publicly, Monnin declined all comment except, when asked why the striking staff were angry, to say: "They don't have the same way of perceiving the development of the country."<sup>130</sup>

Several months later, the newspaper was relaunched by its management with a noticeably softer tone toward the government. While many of the former staff returned to work there, some refused to do so because of what they believed were inadequate assurances of their editorial independence. Several former foreign and Khmer staff at the paper have recently launched their own French and Khmer language news website ([www.ka-set.info](http://www.ka-set.info)).

The latest addition to the foreign-language press is the *Mekong Times*, launched in early 2008. The paper, published in English and Khmer, is owned by a media development NGO. It appears to be cautiously independent but non-controversial in its political coverage.

It remains to be seen whether Cambodia's foreign-owned press will, as in the past, keep their reputation for being a model of objectivity and neutrality in the country's otherwise heavily-politicized press, or whether the experience of *Cambodge Soir* in 2007 is a harbinger of more to come.

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## CENSORSHIP AND SELF-CENSORSHIP

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Cambodia's Press Law specifically forbids pre-publication censorship, which is respected by government authorities. However it does not cover electronic media and State television

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<sup>128</sup> One of the new owners, Australian oil and mining magnate Bill Clough, is a shareholder of the Myanmar Times newspaper in Burma (which is criticized by many for being a mouthpiece of the country's repressive regime) and has also obtained oil exploration concessions from the Burmese regime.

<sup>129</sup> Reporters Without Borders alert, June 15, 2000, available at <http://www.ifex.org/alerts/content/view/full/84139>

<sup>130</sup> 'Cambodia Loses an Independent Press Voice', Douglas Gillison, *Asia Sentinel*, available at [http://www.irrawaddy.org/print\\_article.php?art\\_id=7674](http://www.irrawaddy.org/print_article.php?art_id=7674)

station TVK operates under the strict censorship of sensitive news. Other television, radio and newspaper journalists experience various kinds of government pressure and often practice self-censorship.

### **CENSORSHIP**

The worst censorship in Cambodia occurs within TVK. Stories on issues such as politics, corruption, human rights, poverty and social instability are vetted and may be censored by TVK's general director.

"He [the general director] screens every single phrase to see if there's any criticism of the government, individual or impact to society," said a local reporter on condition of anonymity.<sup>131</sup>

These "hot" topics are often removed from a broadcast or the editorial tone is softened, said the reporter. In times of political uncertainty - such as the year-long political stalemate which followed the 2003 national election - sensitive issues are first cleared with senior staff at the Ministry of Information, usually Minister Khieu Kanharith.

"All information on politics or the Khmer Rouge Tribunal had to go through K.K. [Khieu Kanharith]; the director dared not decide [to broadcast or not] because it had a big impact," said the reporter.

Editorial procedures at other stations are unclear, but the reporter who detailed the censorship regime at TVK said restrictions were widespread.

"I have many friends working at different TV stations and they all have protocols - they have the right to go cover stories but they don't have the right to tell the truth," said the reporter.

A senior staff member of one of the privately-owned TV stations told an NGO worker several years ago that if he had doubts about whether to broadcast something, he would call an advisor to the Prime Minister to seek instructions.

At TVK and other television stations, there is also an obvious policy not to feature certain individuals (such as prominent NGO leaders considered critical of the government) in their broadcasts; such individuals are rarely shown on television, unless they are attending a government-organized event, in which case they will be presented as being supportive of the government.

In isolated cases, an issue arises which is considered so sensitive that the government imposes a de facto ban on media coverage. One example was the controversial border treaty between Cambodia and Vietnam in late 2005. Hun Sen warned the media that anyone who suggested

"They have the right to go cover stories but they don't have the right to tell the truth"

REPORTER

<sup>131</sup> Interview with a reporter on 11 September 2007. The reporter gave a detailed account of censorship practices at TVK, and other journalists broadly confirmed the existence of pre-broadcast censorship at the station.

the border treaty ceded land to Vietnam would face defamation charges. Most pro-government media didn't dare report on the issue, despite its clear national interest, except to report the official government line. Beehive radio's Mam Sonando was arrested and jailed for three months after he broadcast an interview with an activist who criticized the border treaty.

Another recent ban involved a report by environmental watchdog Global Witness into links between illegal logging and senior government officials. On June 3, 2007, the Minister of Information instructed the Ministry of Interior to ban and confiscate the report. When opposition newspaper *Sralang Khmer* published daily excerpts of the report, it was warned to stop immediately or face legal action.

"The media has had a week to put out news [about the report] and that is more than enough," said Minister of Information Khieu Kanharith on 8 June. "Newspapers can refer to it, but not reproduce it. If this ban is not respected, we will take the necessary legal steps."<sup>132</sup>

There is no legal basis for the government to limit the time that media are allowed to cover an issue, or ban them from publishing extracts of a report.

Similarly, the Ministry of Information has several times banned radio and television stations from broadcasting on-air commentaries about newspaper articles. The practice of reading out newspaper articles - sometimes with additional analysis or commentary - has been a feature of radio and television current affairs shows. Considering that newspapers cover stories that the much tamer TV news broadcasts will not touch, the loosely-enforced ban effectively curtailed robust political discussion and closed yet another channel for critical information.

### **SELF-CENSORSHIP**

Self-censorship is perhaps the single biggest restriction to press freedom in Cambodia. It is intrinsically linked to media ownership and institutionalized political bias. Cambodian journalists don't need to be told daily what to write and how to write it, they already know what's expected of them by their publication, whether it's writing pro-government editorials or virulent critiques.

Many journalists and editors interviewed for this report spoke of a boundary to their press freedom, with controversial or sensitive issues considered off limits, or at least risky territory. "You can write freely for 90% of stories," said one senior editor. "The main difficulty, where newspapers self-censor is [stories about] corruption."<sup>133</sup>

"Self censorship in media coverage does exist in Cambodia," said Puy Kea, correspondent for the Japanese news agency Kyodo and author of a booklet on Cambodian radio. "That normally occurs in all the units of the media that are pro the ruling Cambodian People's Party (CPP), that is, TV, radio and newspapers."<sup>134</sup>

<sup>132</sup> 'Radio Free Asia Journalist receives death threat after reporting on deforestation', Reporters Without Borders statement, 19 June 2007 - <http://www.ifex.org/en/content/view/full/84236>

<sup>133</sup> Interview with editor on 12 September 2007.

<sup>134</sup> Puy Kea, *Radio Profile in Cambodia*, 2007.

Kea said self-censorship began with warnings to the owners of radio stations and editors-in-chief to be careful about broadcasting political issues, especially those related to the CPP.

Kong Sothanarith, a journalist with Radio France International, had a similar view. "For any radio station which is affiliated to the government or the ruling party, it must abide by the party's line with their self-censorship," he said.<sup>135</sup>

### **SUSPENSION**

Under the Press Law, the Ministry of Information has the power to suspend publications which publish information harmful to "national security and political stability" (undefined in the law). Suspensions can be for up to 30 days.<sup>136</sup> This provision has often been misused to silence dissent or punish libelous reporting; in most cases, there hasn't been the slightest suggestion of any threat to "national security" and the vagueness of the term "political stability" could be said to cover anything remotely political published by a newspaper.

There have been many suspensions and threats of suspension over the years. The most recent was in October 2007, when the Ministry suspended *Khmer Amatak*, a newspaper affiliated to the Norodom Ranariddh Party. The suspension was one of several actions prompted by FUNCINPEC Secretary-General, and Deputy Prime Minister, Nhek Bun Chhay, who played a key role in Prince Norodom Ranariddh's ouster as the party's president. The offending story claimed Bun Chhay and another FUNCINPEC leader had replaced Ranariddh's name on a school with Bun Chhay's name. The deputy PM demanded a correction but the editor insisted he had evidence to support the story and offered to go to court. Instead, the Ministry of Information suspended the newspaper's license for one month on 8 October.<sup>137</sup>

### **CONFISCATION**

The confiscation of publications - also permitted under the same "national security and political stability" article of the Press Law - is another effective if crude way to silence dissenting media.

The illegal logging watchdog Global Witness has twice had reports confiscated by the government, in 2005 and 2007. While not officially registered as media in Cambodia, Global Witness' reports have sparked extensive coverage in the local and international

### **CASE STUDY: BURYING THE STORY**

Newspaper Samleng Youvachoun Kmer has a reputation as a feisty opposition paper and is now affiliated to Norodom Ranariddh. In July 2006, the paper began a series of stories accusing Deputy Prime Minister and co-Minister of Interior, Sar Kheng, of illegal land deals.

After the first three stories in the series were published, Editor Keo Sothear began receiving threatening phone calls. But he decided to go ahead with the next story in the series.

As soon as the proofs were sent to the printing house, the editor received more calls saying "if you issue the same story, be careful, you will be in trouble".

The following morning, an anonymous buyer purchased the entire print run of Samleng Youvachoun Khmer from the distributor. A small number of copies made it to the newsstands, but were quickly seized by waiting police.

"After that I decided to stop writing this series of stories because I thought something bad would happen to me and no one would help me in time," said Keo Sothear.

<sup>135</sup> Quoted in Puy Kea's *Radio Profile in Cambodia*.

<sup>136</sup> Article 12, Press Law.

<sup>137</sup> 'Newspaper suspended for refusing to publish ministry's version of event', Southeast Asia Press Alliance (SEAPA) alert, 9 October 2007.

media. There was no official legal reason given for the 2007 ban and confiscation, but the Minister of Information claimed that “the suppression and confiscation of the report does not concern the freedom to publish and disseminated information, which the government strongly supports”.<sup>138</sup> The confiscations were widely condemned by international press freedom and human rights groups.

Another case of confiscation in 2007 involved a provocative publication called *Free Press Magazine* published by Lem Piseth, a Radio Free Asia reporter who had fled death threats earlier in the year. The magazine contained various articles and cartoons on sensitive issues such as illegal logging, the murders of trade union leader Chea Vichea and singer Piseth Pilika, and the Khmer Rouge Tribunal. All 2,000 copies of the magazine were seized by police and the Lem Piseth and a distributor went into hiding, fearing arrest.<sup>139</sup>

Generally, such confiscations are carried out by the Ministry of Interior (i.e. the police) at the request of the Ministry of Information.

“It’s not fair,” said an editor. “But the law allows them to [confiscate publications].”<sup>140</sup>

## ACCESS TO INFORMATION

One of the most common complaints from journalists is the lack of access to information in Cambodia. This is mostly in regards to getting information from senior political leaders, the military and court officials. Access to police sources seems equally split between ‘easy’ and ‘hard’, probably depending on personal contacts and the political-orientation of the media organization.

It should be remembered that the right to access information has not been a part of Cambodia’s recent history. During the Khmer Rouge years, questioning authority often led to death and during the Vietnamese occupation of 1979-1989, a communist-style regime kept information tightly controlled, allowing only State-run media to operate.

While the flow of information has increased since those dark days, remnants remain. In most government ministries, only the most senior officials are authorized to speak to the press and sometimes they choose not to. Journalists become accustomed to having senior officials hang up on them or deny they are the owner of the phone. They are also often referred from one department to another, “passing the buck” until the information trail goes cold.

A typical example goes like this:

*Environment Minister Mok Mareth could not be contacted Sunday. Environment Secretary of State Khieu Muth referred questions to Secretary of State Yin Kim Sean, who said the sanctuary was outside his portfolio.”<sup>141</sup>*

<sup>138</sup> ‘Government bans report by environmental watchdog linking top officials to illegal logging’, SEAPA alert, 6 June 2007.

<sup>139</sup> ‘Government confiscates new magazine over critical articles; fearing arrest, editor and distribution director go into hiding’, SEAPA alert, 20 November 2007.

<sup>140</sup> Interview with editor on 12 September 2007.

<sup>141</sup> ‘NGO: Ministry To Probe RCAF Role in Sanctuary’, *The Cambodia Daily*, 27 August 2007.

Amongst senior officials, there is very little sense of a responsibility to inform the media and the wider public, as might be expected in a democracy. Government ministers and other senior officials rarely hold press conferences. More often, a speech at a ceremony or inauguration is used to deliver a message. There is rarely a chance for questions.

“We have freedom of press,” said one editor. “But the government still hides information.”<sup>142</sup>

The court system, usually fertile ground for journalists, is difficult to penetrate. When journalists were asked about getting information from various sources, the courts proved to be the toughest, with 75% of respondents saying they found it “difficult” or “very difficult” to access information from court officials.<sup>143</sup> Cambodia's courts are notoriously corrupt and open to political bias, so court staff are wary about having illegal or unethical activities exposed.

In a move which further distanced the court from journalists, in 2005 the Phnom Penh Municipal Court banned cameras, video cameras and sound recording equipment from the entire premises of the court. Typically, a court room is closed to such devices, but this ban pushed broadcast journalists outside the fence of the court, seriously hampering their ability to collect footage and sound.

Access to information or certain locations often very much depends on who's asking for it; authorities may cooperate with “trusted” journalists (safe in the knowledge that any information given will not be used to reflect badly on the government) but not “unfriendly” ones.

One consequence of lack of access to official information is the widespread use of anonymous sources. Journalists, especially political reporters, cultivate networks of middle- and lower-ranking officials, who they quote without attribution. When surveyed, 55% of journalists said they use anonymous sources, with 13% using anonymous sources “in every story”.<sup>144</sup>

Anonymous sources are an accepted part of journalism worldwide but responsible journalists use them sparingly, such as to protect whistle-blowers who expose government abuses or corruption. In the Cambodian media context, in which propaganda and unsubstantiated allegations are widespread, the common use of anonymous sources does little to improve the objectivity or professionalism of publications.

Cambodia's Press Law states that written Requests for Information can be made to government officials, who must respond within 30 days or else explain why the information cannot be given. Twenty-eight percent of journalists surveyed say they have used this mechanism, but it's unclear how often it resulted in information being given out.<sup>145</sup> Anecdotally, journalists say they avoid writing letters of request to information or interviews because it's rarely successful and often involves bribing a lower official to deliver the request or for the “printing costs” of documents.<sup>146</sup>

<sup>142</sup> Interview with editor on 13 September 2007.

<sup>143</sup> See media survey, Q. 23. The next hardest group to get information from was government ministries.

<sup>144</sup> See media survey, Q. 22.

<sup>145</sup> See media survey, Q. 24.

<sup>146</sup> Quote from interview with a senior journalist on 12 September 2007. Anecdotal information from several journalists.

A Freedom of Information law is currently being drafted, with the assistance of an international donor, but there are mixed opinions about whether this new law would actually improve access to information. More likely, many journalists and NGO workers fear, is that it will be used to legally restrict access to government information.

### III. Attacks, Threats & Fear

#### PHYSICAL ATTACKS

Many observers have noted, with relief, that murders and serious physical assaults against journalists have reduced in recent years.

However, minor assaults still occur and there remains a fear amongst journalists that they might face harm for covering sensitive issues, especially corruption.

Since UNTAC tried to introduce the notion of free press to Cambodia in the early 1990s, there have reportedly been at least nine journalists killed because of their work. Tellingly, despite several arrests, no convictions have ever been made.

Many other media workers have been injured in attacks, including beating, shootings, grenade attacks, and some in suspicious traffic accidents.

At least one journalist disappeared in suspicious circumstances. Chuon Pindara, a reporter for *Angkor Borei* newspaper, went missing in July 1997 after police visited his home several times, and his disappearance remains unsolved.<sup>147</sup>

Impunity for attacks against the media sends a clear message - journalists are vulnerable and their murderers are untouchable.

#### KILLINGS<sup>148</sup>

**Thou Char Mongkol;** *Died 11 June 1994.*

Thou Char Mongkol, editor-in-chief of the biweekly *Antarakum*, died a day after being found unconscious with a head injury on a road in Phnom Penh. Police initially claimed he was the victim of a traffic accident but his body bore no other injuries and his motorcycle was unscathed. Prior to Mongkol's death, *Antarakum* published a number of articles charging government and military officials with corruption, and its offices had been the target of a grenade attack in March.

**Non Chan;** *Shot dead on 7 Sept 1994.*

Non Chan, the editor of *Samleng Youvachoun Khmer* (Voice of Khmer Youth), was shot dead in a Phnom Penh. He and other newspaper staff had reported receiving death threats prior to the killing. His paper had been critical of the



<sup>147</sup> 'Cambodia: Emerging Civil Society Faces Uncertain Future', Sara Colm, 1997

<sup>148</sup> Information is taken from a range of sources, including: the Committee to Protect Journalists; Lor Chandara's 'Media in Cambodia's Emerging Democracy'; United Nations, *Report of the Special Representative of the Secretary-General on the situation of human rights in Cambodia*, 1998; Britt-Louise Edman's *Trapped in the Past, Seeking out a Future*, 2000; Amnesty International; the Phnom Penh Post; and LICADHO

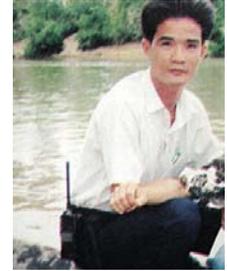
CPP and FUNCINPEC, and had received written warnings from the Ministry of Information.

Khieu Kanharith, then Secretary of State of the Ministry of Information, said the day after Chan's murder: "If he hadn't been killed, we would have sued him."

Two suspects were arrested for the killing and reportedly confessed, but the charges were dropped against them. No information about who may have ordered the killing was revealed.

**Chan Dara;** *Shot dead on 8 December, 1994.*

Chan was a correspondent with the newspaper *Koh Santepheap* (Island of Peace) and also contributed to other publications. He had published exposés of corrupt timber and rubber deals by government and military figures, among them a notorious army colonel named Sat Soeun, in the paper *Preap Noam Sar* (The Carrier Pigeon). Chan was shot just after he was seen leaving a restaurant in Kampong Cham province with Sath Soeun. Ministry of Interior police arrested Sat Soeun, who still continued to send threats to the two papers and to Chan Dara's wife. The colonel, however, was acquitted at trial and released.



Over the years, Sat Soeun has been linked to numerous crimes, including several murders and involvement in illegal logging. He is currently in prison after finally being convicted in 2005 for an attempted murder.

**Thun Bunly;** *Shot dead on 18 May 1996.*

Thun Bunly was a writer and publisher of the opposition newspaper *Odom K'tek Khmer* and a steering committee member of the Khmer Nation Party (predecessor to the Sam Rainsy Party). He was fatally shot while riding a motorcycle in central Phnom Penh. The journalist was appealing two convictions charges of defamation and disinformation for criticizing the government in articles and cartoons. Bunly, as well as two other newspaper editors, had received warnings that his life was in danger. On the morning of his death, he published an article saying that an unidentified major in the security forces was out to "get him". The article may have provoked his assassination because it mocked the major as being drunk and incompetent.



**Chet Duong Daravuth;** *Killed in grenade attack, March 30, 1997.*

Daravuth was a reporter for the newspaper *Neak Prayuth* (The Fighter) who had recently obtained permission to publish a new paper. He was also a member of the steering committee member of the KNP (predecessor to SRP). He was killed in a grenade attack outside the National Assembly in Phnom Penh while covering a KNP rally where opposition leader Sam Rainsy was speaking. At least 16 people were killed in the attack and at least 22



journalists were injured, some seriously. Reportedly, the FBI later found links between the attack and bodyguards of Prime Minister Hun Sen.

**Pich Em;** *Shot on 4 May 1997, died 5 May 1997.*

Pich Em was a technician (and also an announcer according to some reports) at State-owned TVK's provincial affiliate station in Sihanoukville. Days earlier, the station had been asked by a senior provincial policeman to broadcast a political speech by a FUNCINPEC leader. The station refused. On 4 May, seven men attacked the station with AK47s and at least two B-40 rockets. Pich Em was shot twice in the stomach and died the following day in hospital. Two other people were injured in the attack and most of the station's equipment was destroyed.

**Michael Sokhon (also known as Michael Senior);** *Shot dead on July 7, 1997.*

Sokhon was a Canadian-Cambodian citizen who returned to Cambodia and worked as a television newsreader and English teacher. He was shot dead while photographing looting by soldiers in a public market during the 1997 coup d'état. He was accosted by the soldiers, allegedly CPP loyalists, who shot him first in the knee. As he reportedly lay in the street pleading for mercy, he was shot again, in front of his wife and brother-in-law.

**Ou Saroeun;** *Shot dead on 14 October, 1997.*

Ou Saroeun was a reporter for *Samleng Reas Khmer* (Voice of the Khmer People), and son of the newspaper's publisher. He was dragged into the street by security guards at a Phnom Penh marketplace and shot dead. His father said his son had been investigating extortion of market vendors by market security guards. The official report of Ou's death said he was drunk and had been killed in a dispute over a card game, but the Khmer Journalists Association maintained that he was killed because of the newspaper's reporting. Police arrested the guard who shot Saroeun, but he was later released, and no charges were filed against him.

**Chour Chetharith;** *Shot dead on 18 October 2003.*

Chetharith was deputy editor of the FUNCINPEC-aligned Ta Prohm radio station. He was shot dead by two men on a motorcycle in front of his office in broad daylight. Four days earlier, PM Hun Sen had accused Ta Prohm of insulting his leadership and warned the station that it should "control its programs" better.



Chetharith's murder came ahead of scheduled three-way talks between CPP, FUNCINPEC and the opposition SRP to end a political stalemate after the CPP failed to achieve a two-thirds majority of votes in the 2003 national election. The talks were canceled after the journalist's killing. Months later, FUNCINPEC agreed to re-enter into a coalition government with CPP.

After the murder, then Phnom Penh police chief Heng Pov said police had identified possible suspects but there was not enough evidence to arrest anyone.

## **PHYSICAL ASSAULTS**

In addition to killings, there have been countless physical assaults and attempted murders of journalists over the past 15 years. Recent attacks include:

On 21 March 2006, a soldier employed to guard a monkey farm breeding animals for export assaulted a *Koh Santepheap* journalist when he tried to photograph the facility in Kampong Chhnang province.<sup>149</sup>

Magazine reporter San Bunthoeun alleged that, on 7 April, 2007, he had fish sauce thrown over him by senior policeman MOUNG Khim, the husband of pop star Meng Keo Pich Chenda, because of an article published about the singer. Such use of fish sauce is considered humiliating in Khmer culture and also imitated an acid attack.<sup>150</sup>

On 21 June 2007, two reporters in Kampong Speu province were assaulted by military police and had their cameras, film and sound recording devices confiscated and destroyed.<sup>151</sup>

Physical attacks against journalists usually occur in provincial areas and are often perpetrated by soldiers, military police, police or local government officials. There are rarely charges or convictions against the perpetrators. This contributes to a culture of impunity for offenders and fear for journalists.

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## **LEGAL ATTACKS**

The welcome decrease in physical attacks against media workers has been undermined by continuing legal attacks against them. Cambodia's notoriously corrupt and biased court system leaves journalists with little real protection, especially when charges are brought by senior government officials.

The right to publish and broadcast comes with the responsibility to do so legally and ethically. When this responsibility is breached, there must be legal mechanisms to protect people's reputations and public decency. Cambodia's newspapers are sometimes described as "scandal sheets", with insulting language and degrading pictures. Standards are slowly improving but some defamation allegations would probably be upheld in countries with progressive press laws and respected court systems.

However, in Cambodia, laws covering defamation, disinformation and incitement are also used maliciously to silence voices of dissent. These criminal code laws are used rather than the civil code Press Law, a practice condemned by legal experts and international press freedom organizations.

Throughout the 1990s, journalists and newspapers came under regular legal attack and numerous publications were suspended or closed down by the government. Many journalists interviewed for this report noted that this trend has continued, and possibly even increased in recent years.

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<sup>149</sup> LICADHO media monitor.

<sup>150</sup> LICADHO media monitor.

<sup>151</sup> LICADHO media monitor.

In October 2005, a controversial border treaty between Cambodia and Vietnam led to Beehive radio owner Mam Sonando being charged with defamation (and later with disinformation and incitement). The charges, based on complaints made by the government and National Assembly, followed the broadcasting of a telephone interview conducted by Sonando of a activist in France who criticized the treaty. At no point during the interview did Sonando criticize the treaty and he even challenged some points raised by the activist.

Sonando - along with four civil society leaders who were prosecuted on similar charges related to the border issue - was eventually released. But the detentions showed how Cambodia's laws could be misused against those who dared to criticize the government.

"There is a tendency for political players and powerful businessmen in Cambodia to initiate defamation actions against those who are critical of them," said Agnes Callamard, executive director of the international press freedom organization Article 19. "This creates a chilling effect on freedom of expression and a growing climate of fear."<sup>152</sup>

Since this high-profile case in 2005 there has been a steady stream of legal cases against the media, including the following examples from 2007:

In February 2007, the publisher of *Samleng Youvachun Khmer* newspaper, Keo Sothear, was charged with defamation for criticizing the governor of Sihanoukville municipality, Say Hak.

In February 2007, a director of *Sralang Khmer* newspaper, Thach Keth, was charged with libel over an article about an alleged conflict between a senior police officer and a judge.

In June 2007, the director of *Sralang Khmer* newspaper, You Saravuth, was charged with defamation for an article about land grabbing allegations involving the Prime Minister's nephew, Hun Tho. Saravuth fled the country after allegedly receiving death threats and did not face court.

In July 2007, Keo Sothear, publisher of *Samleng Youvachun Khmer* newspaper, was sued for libel by the Phnom Penh governor, Kep Chuktema, over an article accusing the governor of selling a municipal building.

In August 2007, a police raid of a drug lab in Kampong Speu province sparked heated accusations and, subsequently, legal reprisals. The chief litigant was Deputy Prime Minister Nhek Bun Chhay. He filed complaints in the Phnom Penh court against Keo Sothear, publisher

"There is a tendency for political players and powerful businessmen in Cambodia to initiate defamation actions against those who are critical of them"

AGNES CALLAMARD,  
IPF EXECUTIVE DIRECTOR

<sup>152</sup> 'Detentions of Cambodian Journalist and Activist is Against the Cambodian Constitution', Press Statement, Article 19, 20 October 2005

of *Samleng Youvachoun Khmer*, Bun Tha, publisher of *Khmer Amatak* newspaper and the director of Voice of Royalists radio program (of the Norodom Ranariddh Party) broadcast on Beehive radio.

For journalists who well know that the courts will follow the government's wishes in any prosecution, the mere threat of legal action is often enough to keep them silent.

"I don't want to go to court, so sometimes I don't touch the names [of people accused in sensitive cases]," said an editor.<sup>153</sup>

The government's explicit threats of legal action around the time of the 2005 Vietnam-Cambodian border treaty, and again in June 2007 with regard to the Global Witness report alleging high-level government corruption, undoubtedly helped to reduce media coverage and public debate on those issues.

Legal action or the threat of legal action remains one of the key weapons used to silence and intimidate the press in Cambodia. As noted earlier this report (see section on Cambodian Media and the Law), the partial decriminalization of defamation has done little to ensure that journalists cannot and will not continue to face criminal charges - and potentially go to jail - for reporting critical news and views about the government.

## INTIMIDATION & FEAR

Concern about physical and legal attacks means Cambodian journalists operate in an environment of fear and intimidation, which in turn leads to self-censorship.

When a 2002 survey asked newspaper editors and publishers what were the main problems they faced, two of the top three answers were "personal security" (36%) and "intimidation" (27%).<sup>154</sup> A survey in 2007 conducted for this report yielded similar responses, with many respondents citing "security" and "threats" as key problems.<sup>155</sup>

In the 2007 survey, 65% of respondents said they were afraid of being physically attacked, while 62% feared legal action.<sup>156</sup> Perhaps more tellingly, 54% said they *had been* threatened because of their work.<sup>157</sup> The types of threats included "death threats" (17%), "threat to cause an injury" (15%) and "threat to take legal

### CASE STUDY: DEATH THREAT

The release of a report by illegal logging watchdog Global Witness created a storm of controversy in mid-2007. The report alleged links between illegal logging syndicates and relatives of the Prime Minister, as well as other senior government figures. The Ministry of Information ordered the confiscation of copies of the report, and warned media not to print extracts from it.

Radio Free Asia (RFA) covered the report and related stories. RFA reporter Lim Piseth filed four stories about the deforestation in Kampong Thom province, which was featured in the report. According to Reporters Without Borders, a police official visited RFA's office and warned the journalists to stop reporting on the issue.

Piseth, 38, was on his way to Kampong Speu in southern Cambodia on 16 June 2007 when he received a call on his mobile phone from a number he did not recognize. When he replied, a man's voice said:



<sup>153</sup> Interview with editor 13 September 2007.

<sup>154</sup> *Publishing in Cambodia* (updated and revised), 2006

<sup>155</sup> See media survey, Q. 26. The question asked: "What are the three biggest problems you face in relation to your work?"

<sup>156</sup> See media survey, Q. 38 and 41. Only 22% of those surveyed said they were not afraid of physical attack, and only 28% were not afraid of legal action.

**CASE STUDY:  
DEATH THREAT (CONT)**

**Caller:** Is that you Lem Piseth?

**Piseth:** Yes. Who are you?

**Caller:** You are insolent. Do you want to die?

**Piseth:** Why are you insulting me like this?

**Caller:** Because of the story about the forest and, know this, there will not be enough land to bury you in.

The call came from a roadside telephone rental stall, and the caller remains unidentified.

Piseth fled to Thailand after the threatening call.

When he returned the following month, he published a controversial magazine, which was banned and confiscated. He again went into hiding.

action" (30%).<sup>158</sup> The threats were most commonly communicated by a phone call or face-to-face.<sup>159</sup>

While some threats remain secret, others make the headlines.

In June 2007, three freelance reporters were photographing a car belonging to a court prosecutor which had stopped next to ox carts illegally transporting timber in Pursat province. The prosecutor and several bodyguards confiscated their cameras and mobile phones, and the bodyguards reportedly pointed their guns at the journalists. The prosecutor, Tob Chanserey Vuth, later admitted confiscating the cameras and phones, but denied threatening to shoot the reporters.<sup>160</sup>

Such confiscations are not uncommon, with more than a third of reporters and editors surveyed in 2007 saying that they had had equipment confiscated, usually by police or soldiers.<sup>161</sup>

In Battambang province, a one-star army general allegedly pointed his gun at the head of *Kampuchea Thmei Daily* reporter, Chim Chenda, because the journalist reportedly didn't address him with the correct title.<sup>162</sup>

"Journalists in Phnom Penh tend to be freer than journalists in the provinces because those in the provinces are more exposed to physical and legal threats," said one senior journalist.<sup>163</sup>

In one well-publicized case in Phnom Penh, however, in May 2007 Prime Minister Hun Sen responded angrily to a question from Radio Free Asia reporter Um Sarin (who's also the head of the Cambodian Association for the Protection of Journalists). The Prime Minister called Sarin "insolent" for asking about the political rift between Hun Sen's CPP and former coalition government partner FUNCINPEC. Sarin briefly left the country soon afterwards.

Reporters Without Borders reported at least five serious threats made to journalists in 2006.

These threats have a direct and damaging effect on media freedom.

The 2007 survey asked journalists who had been threatened about what effect it had on their work. More than a third reported feeling afraid, while 18% of respondents said they changed a story because of the threat, 13% decided not to publish a story, 13% said they stopped

<sup>157</sup> See media survey, Q. 36.

<sup>158</sup> See media survey, Q. 36a.

<sup>159</sup> See media survey, Q.36b.

<sup>160</sup> LICADHO media monitor.

<sup>161</sup> See media survey, Q. 42 and 42a.

<sup>162</sup> LICADHO media monitors.

<sup>163</sup> Interview with journalist on 12 September 2007.

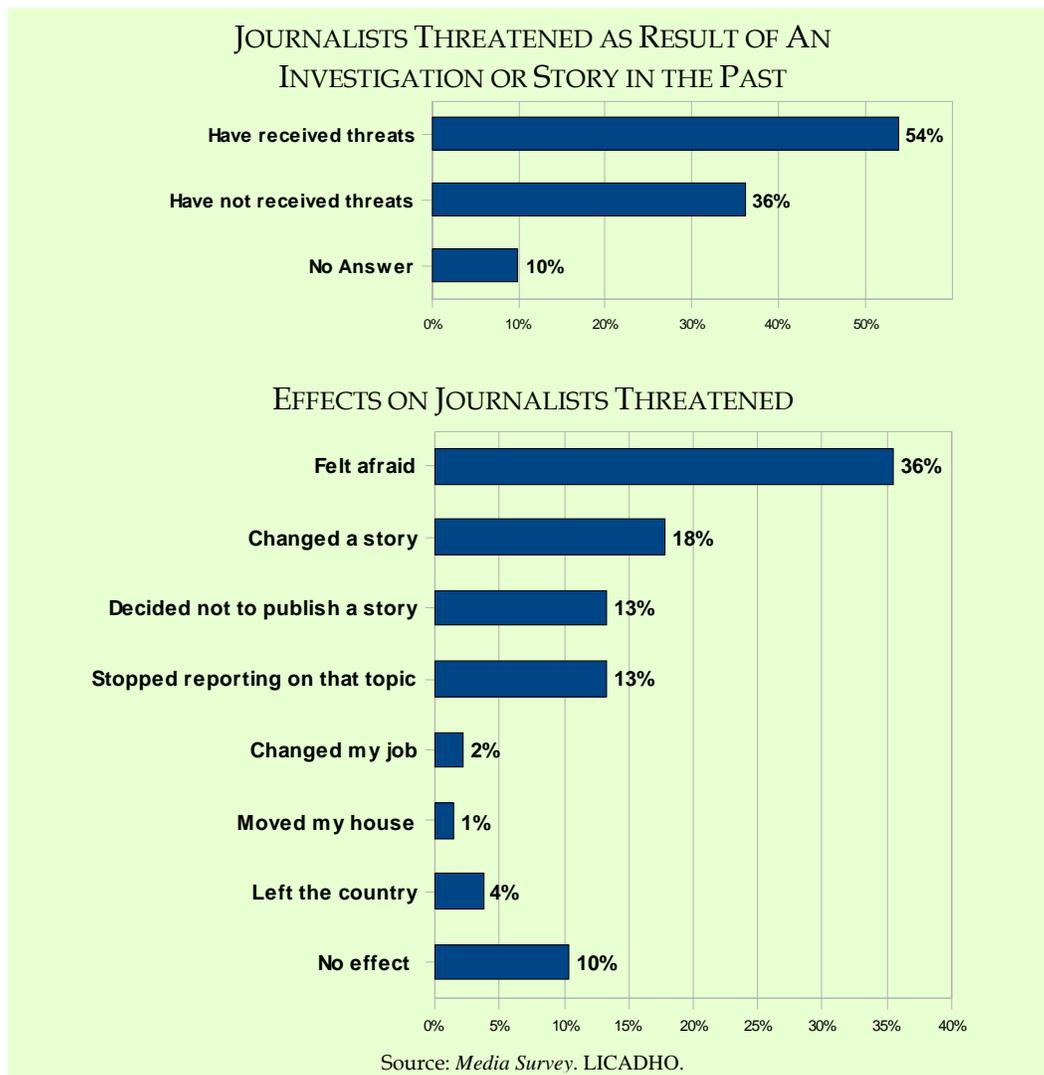
reporting completely on that topic and almost 4% said they had fled the country as a result of a threat.<sup>164</sup>

“Some journalists never dare ask the sensitive questions,” said a senior journalist, adding that the case involving the Prime Minister had made reporters wary.

“Journalists or media companies are not only afraid of state repression, but also fear the ruling party...the CPP,” said Puy Kea in his booklet on Cambodian radio. “The political party through its members uses threat and intimidation on journalists.”<sup>165</sup>

Not all journalists are covered by threats and intimidation. Some consider it an occupational hazard and simply resolve to do the best they can.

“It [fear] has an effect,” said one editor. “We just retreat a step back, try to find some documents [to support controversial stories] but we still try to go forward.”



<sup>164</sup> See media survey, Q. 36e.

<sup>165</sup> Puy Kea, *Radio Profile in Cambodia*, 2007.

## Recommendations

*Recommendations to the Royal Cambodian Government & National Assembly, and to the international and national communities (to advocate that such measures be taken):*

### Legal Reforms

- Abolish the crimes of defamation/libel and disinformation in Cambodian criminal law, in favor of using the provisions of the civil Press Law to provide redress for defamatory or false publication of information.
- Clarify the discrepancy between the criminal law and the Press Law (particularly in the latter's Article 20); explicitly state that only the Press Law shall be used to seek redress for alleged defamation, publication of false information, and related acts.
- Abolish Art. 12 of the Press Law (relating to national security and political stability), which has been consistently misused. If the government and National Assembly is not prepared to do this, at the very least the Article should be substantially amended to ensure that:
  - The term "political stability" is removed, as it seriously limits Cambodians' right to freedom of expression of opinions about the government and political parties.
  - "National security" is strictly defined, explicitly excluding matters pertaining to politics and debate over government policies or actions.
  - The Ministry of Information's power to suspend newspapers and confiscate copies is abolished, as they constitute censorship.
- Ensure that the draft new Penal Code fully complies with international standards for the protection of freedom of expression, and in particular does not contain criminal defamation or disinformation or similar offenses.
- Ensure that any new Freedom of Information law meets international standards and does not legalize or worsen current restrictions on access to information in Cambodia.

### Ownership & Licensing of Electronic Media

- Establish an equitable and liberal framework for the licensing of radio and television, in accordance with international standards for freedom of expression and the media.
- In order to do the above, commission a comprehensive independent study to examine best practices internationally in the licensing of electronic media, as well as the relevant technical issues (such as frequency availability) in Cambodia, and make recommendations for a Cambodian licensing system.
- Separate National Radio & Television (TVK, AM 918 & FM 96) from the Ministry of Information to become autonomous public service broadcasting entities, including with:
  - Autonomous funding of them approved by the National Assembly
  - The appointment by the National Assembly of directors for them who are independent (not currently government employees) and have the requisite skills.
  - Explicit prohibitions on any direct control of them by the Ministry of Information or other government institution.

### Impunity, misuse of the law, and censorship

- Renewed police and judicial investigations into all murders of journalists in Cambodia which have occurred since 1993.
- Effective measures to promptly investigate and punish all reported cases of harassment, threats, violence or other interference with journalists.
- In particular, proper investigations and criminal prosecutions in all cases of violence against journalists.
- Officials and other public figures should demonstrate tolerance of criticism and respect the right to freedom of expression by journalists, and refrain from filing criminal complaints against them.
- (Until such time as the Press Law is amended,) Ministry of Interior should refrain from suspending newspaper licenses or ordering the confiscations of printed materials.
- An immediate end to censorship of TVK news broadcasts.

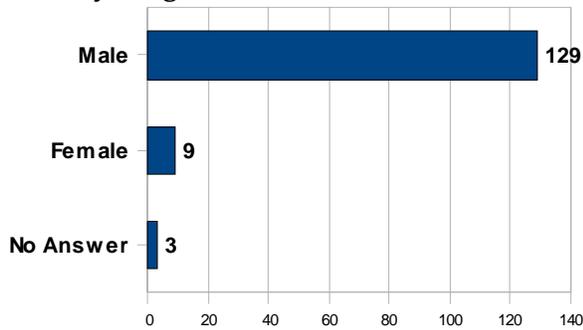
*Recommendations to news media workers and owners, freedom of expression advocates, and NGOs:*

- All media (including electronic media) should develop and abide by professional codes of ethics.
- Each media owner, manager or publisher should take measures to promote good journalistic standards, such as: pay a livable salary to their reporters and editors; ensure that staff (permanent or freelance) do not have to pay editors to have stories published; require and encourage staff to adhere to a code of ethics; guarantee the editorial independence of the media outlet from political other influences; establish complaint mechanisms for staff and for readers/viewers/listeners to report ethical violations.
- Journalists should take a leading role in advocating for media freedoms and protections, including through legal changes, reform of the electronic media licensing system, and by exposing and condemning individual cases of threats and abuses against media workers.
- Continue efforts to monitor the content of media (particularly State-owned TV and radio) and to highlight inequities and lack of balance in news coverage.
- Strengthen the reporting and documentation of cases of attacks and threats against journalists, and publicly highlight such cases where appropriate, in order to raise greater awareness of the extent of threats to media freedom.
- Strengthen links by Cambodian media associations and individual journalists to regional and international freedom of expression groups, to ensure greater response to specific cases of attacks and threats to journalists.
- Expand journalism training programs to include, for senior management, business skills including marketing, subscription and advertising sales skills.
- NGOs and other civil society groups (regardless of whether they work on freedom of expression issues) should actively promote a free, fair and responsible news media, including by: adopting a policy of not paying journalists in any way for news coverage (including not paying them to attend press conferences); avoid giving any other financial support (such as paid advertisements) to news media outlets which perpetuate propaganda; make it clear to news media outlets that decisions about NGO advertising, etc, will be made according to how responsible and ethical outlets are in their news and other content.

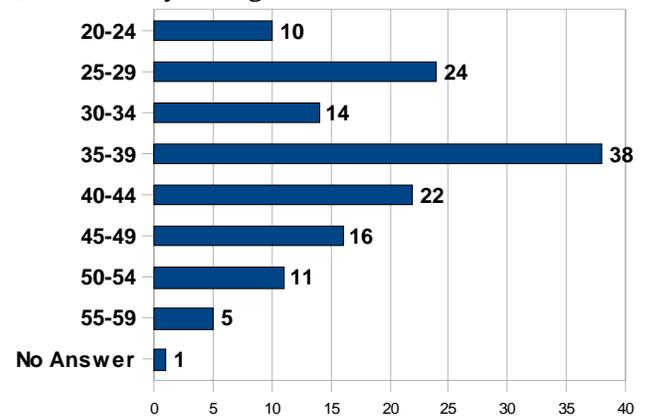
## APPENDIX A: SURVEY RESULTS

The following are results of the survey done in September 2007 of media workers. A total of 141 reporters, editors, photographers and cameramen/women completed the survey. For more on the methodology of the survey, see Appendix B.

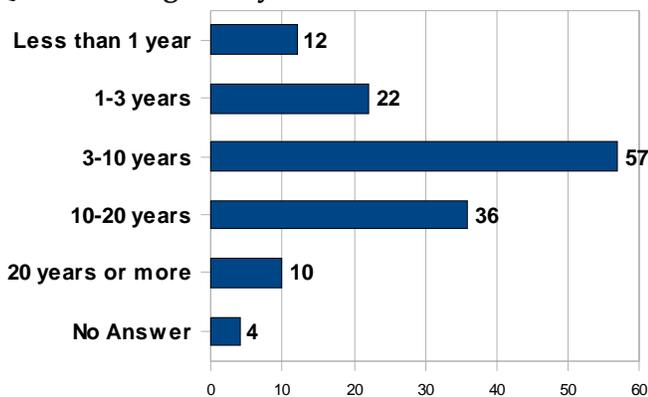
### Q1. What is your gender?



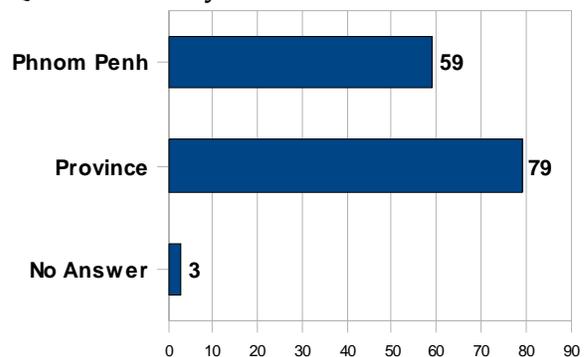
### Q2. What is your age?



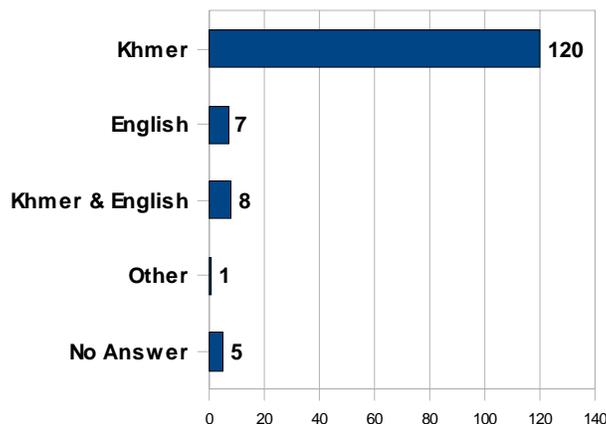
### Q3. How long have you worked in the media?



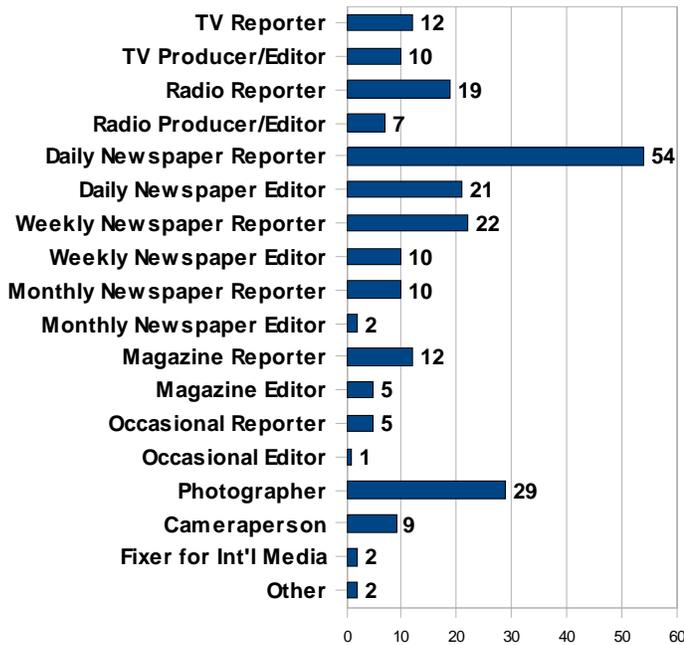
### Q4. Where are you based?



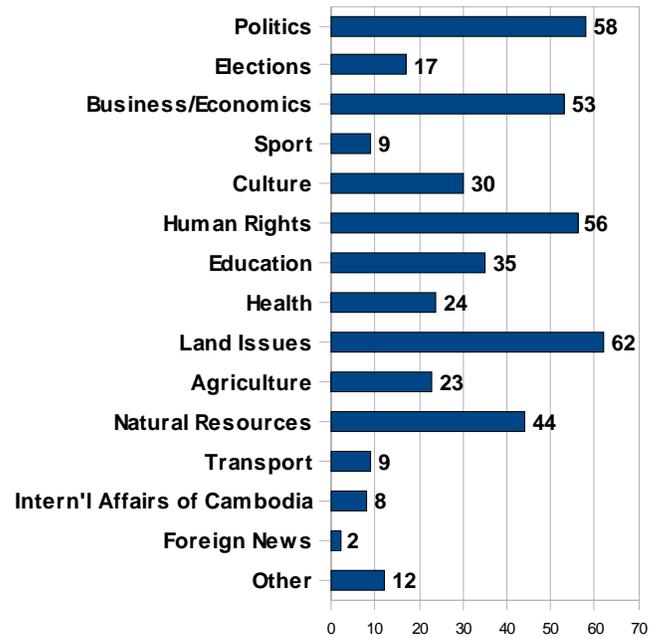
### Q5. What language do you publish or broadcast?



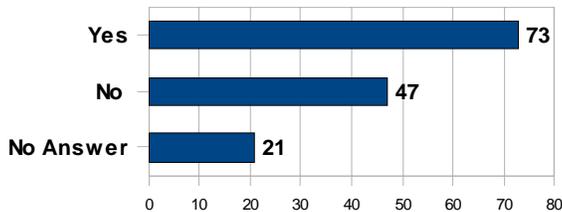
**Q6. Which job title best describes you?**



**Q7. What are the top three topics you cover in your reporting?**



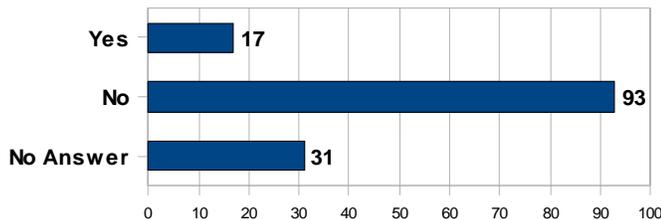
**Q8. Are you a member of a media club or association?**



**Q8 (a). If yes, which association**

Of a total of 40 answers given, 12 were Club of Cambodian Journalists (CCJ), 8 were Cambodian Association for the Protection of Journalists (CAPJ), and 4 were the Cambodian Reporters Council (presumably meaning the National Press Council). The remaining answers were for various other organizations; sometimes it was not entirely clear which association the respondents were referring to. One respondent wrote "Ministry of Information".

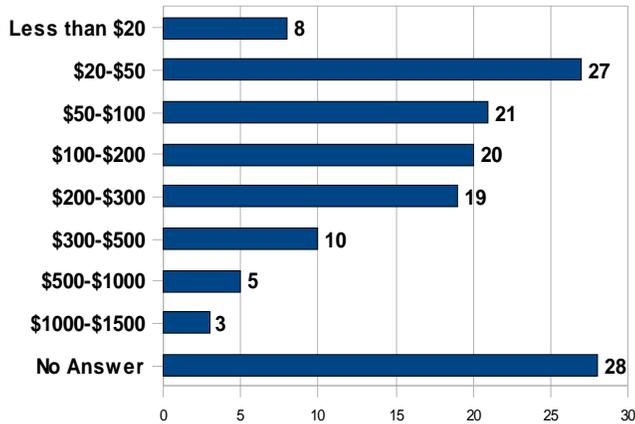
**Q9. Are you a member of a political party?**



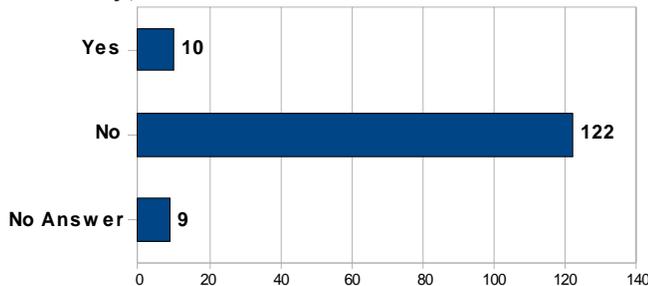
**Q9 (a). If yes, which one? (optional)**

12 people answered the question, with 10 saying CPP and 2 FUNCINPEC.

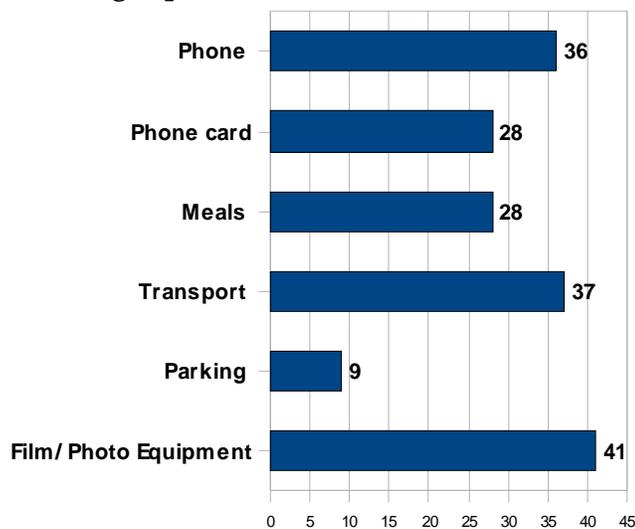
**Q10. What is your total monthly income?**



**Q11. Is your salary sufficient to support you (and your family)?**



**Q13. Does your employer pay for any of the following expenses?**



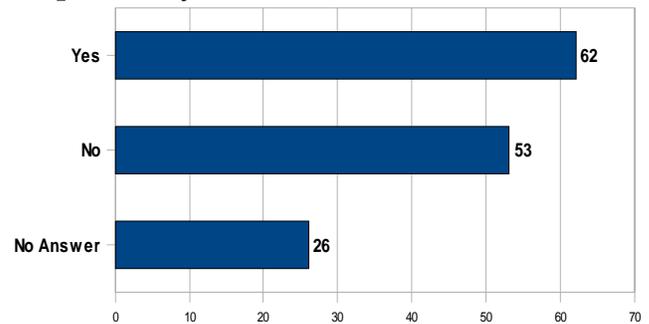
**Freelance Income**

Respondents were also given the option to tick 'Freelance' and asked how much they were paid per story. 13 people ticked this option, and all but two of them cited an amount of less than US\$6 per story. The remaining two said \$50-100 and \$150-200 per story.

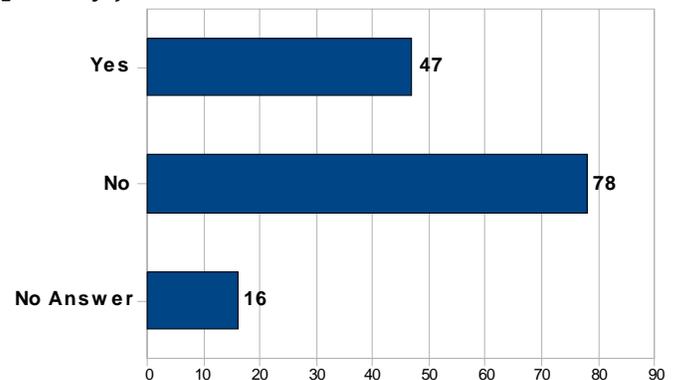
**Other Incomes**

Respondents were also given the option to tick 'Other', with a blank space to explain. Most people who ticked this option (7 people) said they were paid per article and cited amounts of less than \$6. 1 person received \$15 per story. 5 people said they received no payment for writing stories.

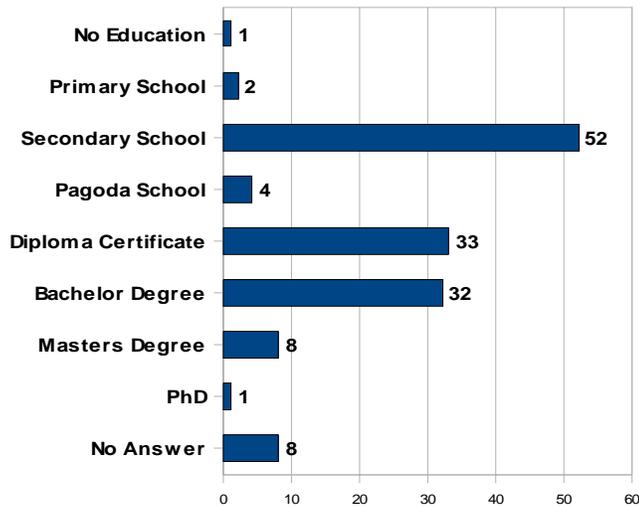
**Q12. Does your employer provide access to a computer for your work?**



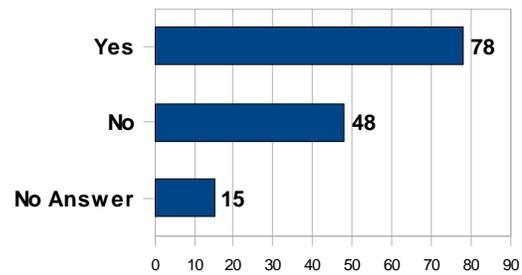
**Q14. Do you engage in work outside your primary job?**



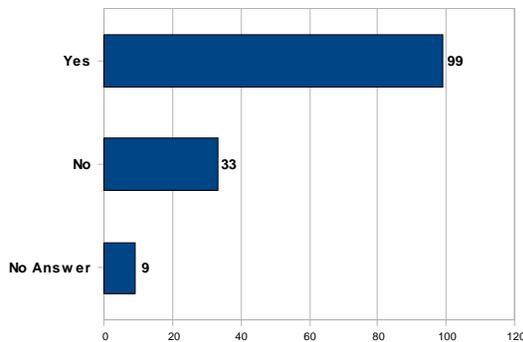
**Q15. What is the highest level of education you have received?**



**Q16. Was this education related to journalism?**



**Q17. Have you ever participated in a short journalism training course?**



**Q17 (a). If yes, please describe the training:**

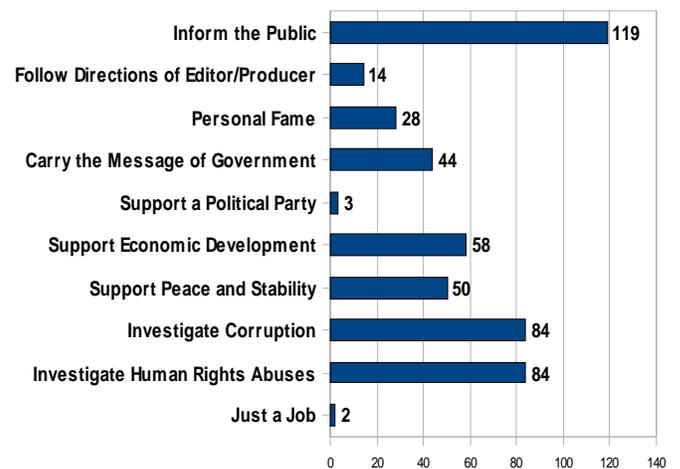
87 responses were given. Many respondents indicated that they had attended numerous training courses, some outside of Cambodia. Subjects commonly cited included: basic or advanced journalism skills, investigative reporting, journalism ethics, and training courses on particular topics (such as elections, HIV-AIDS, human rights, child rights, law, Khmer Rouge Tribunal, court reporting and photography.)

**Q18. If you could suggest further training - free of charge - for journalists, what issues would the training cover?**

99 responses were given. Common subjects cited by respondents included: corruption, human rights violations, land grabbing, natural resources, environment, investigation skills, writing/interviewing skills, education, agriculture, development, journalism ethics.

**Q19. Which of the following best describes how you view the role of a journalist?**

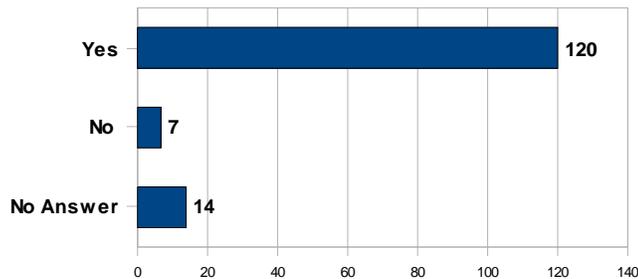
*(More than one answer can be selected.)*



**ACCESS TO INFORMATION**

*(This section applies to journalists and editors. So, all photographers and cameramen/women please go to Question 25)*

**Q20. A 'human rights defender' is a person who defends the rights of other people using non-violence. Do you consider yourself as a 'human rights defender'?**

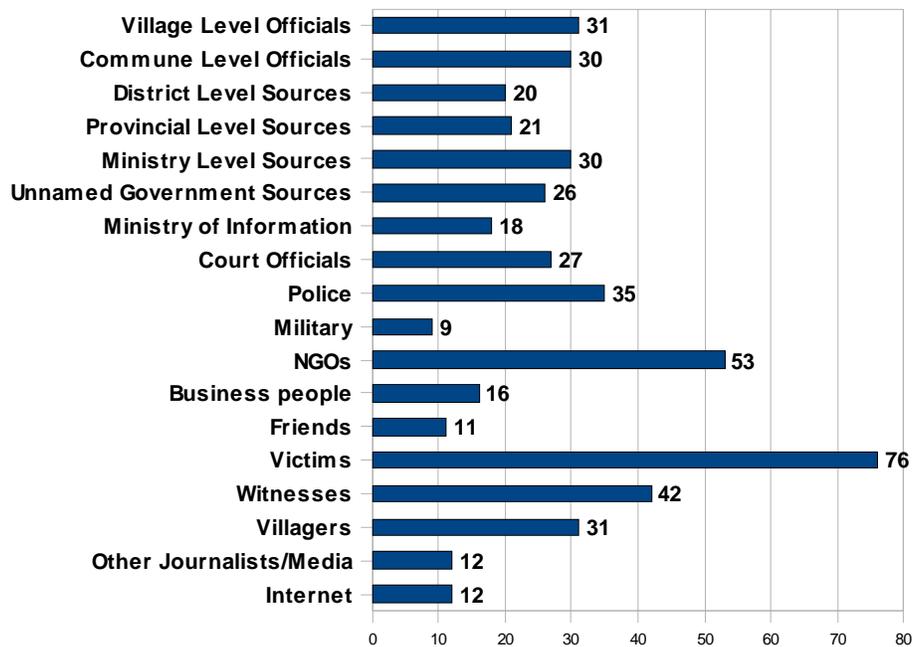


**Q20 (a). Why?**

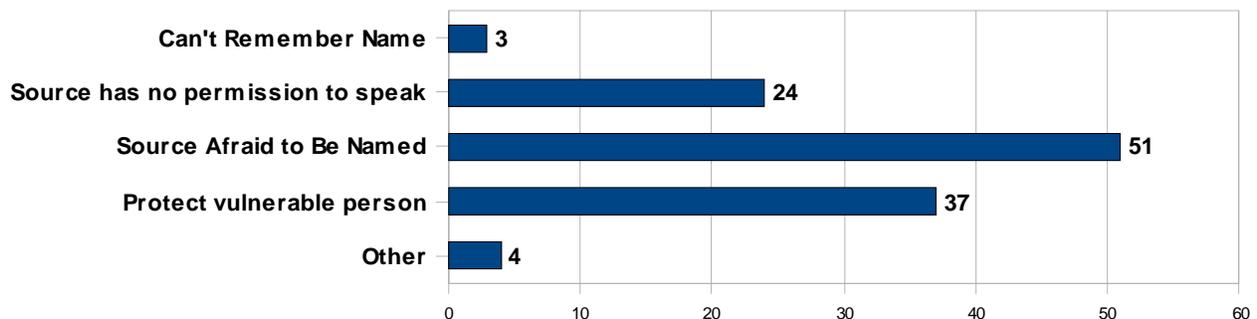
Most respondents referred to reasons such as that they help people, seek justice for victims, highlight injustices, uphold principles of equal rights for all, protect citizens, and try to change attitudes of government.

**Q21. What are the top three sources of information for your stories?**

*(Please select only three)*

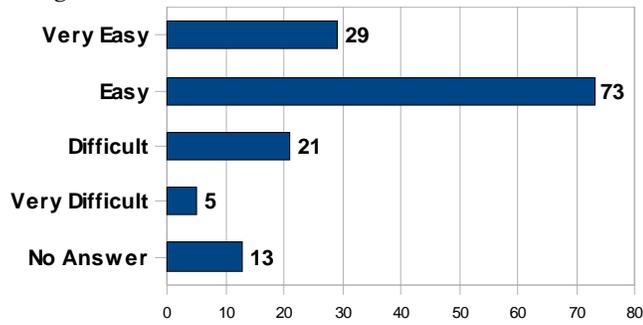


**Q22 (b). If you do use anonymous sources, what is the most common reason for hiding identity?**

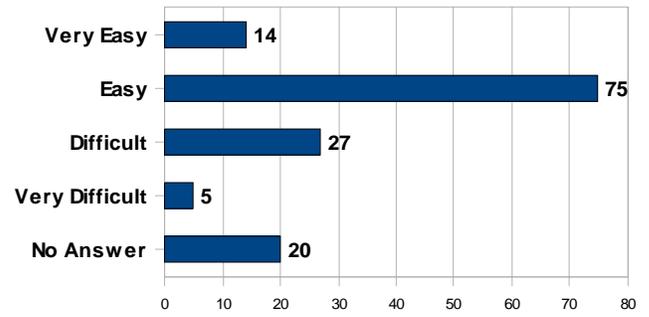


**Q23. Is it easy or difficult to get information from the following sources?**

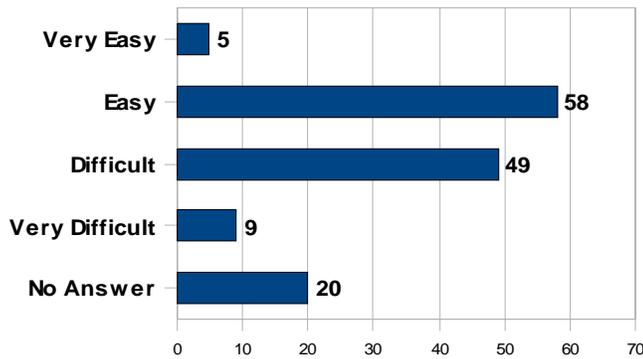
*Village level sources*



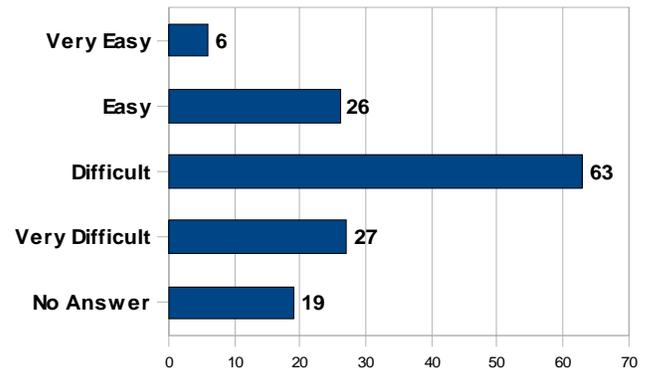
*Commune level sources*



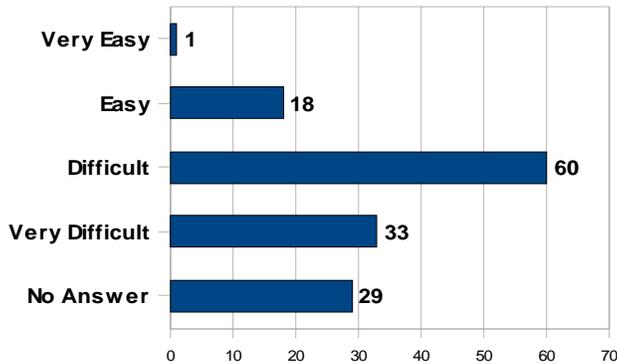
*District level sources*



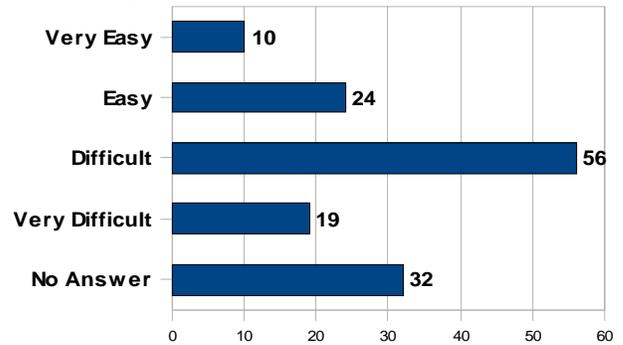
*Provincial level sources*



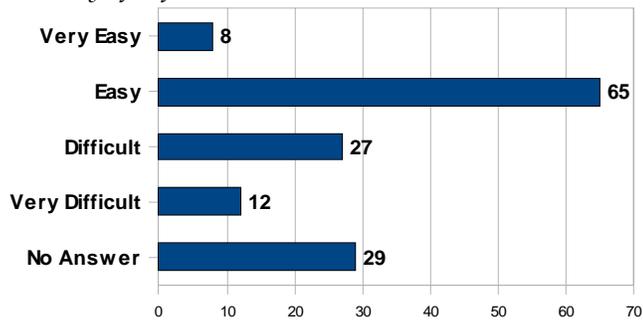
*Ministry level sources*



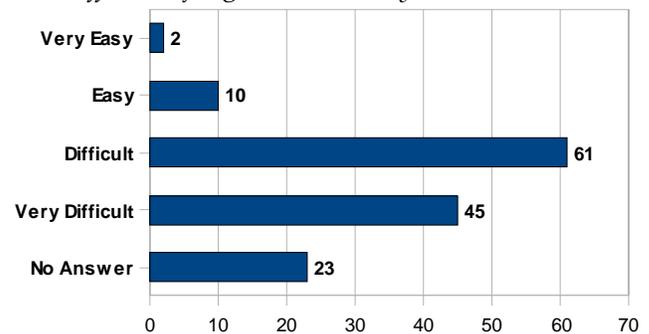
*Unnamed government sources*



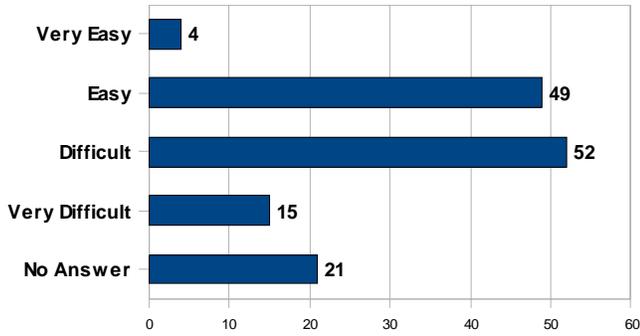
*Ministry of Information*



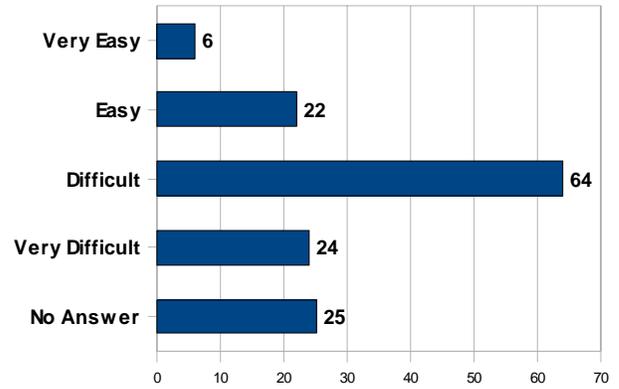
*Court officials (judges, clerks, lawyers)*



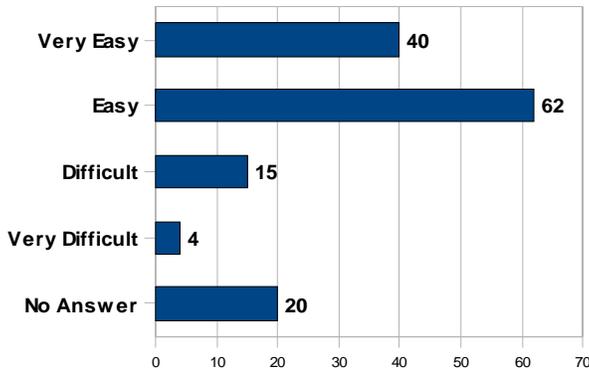
*Police*



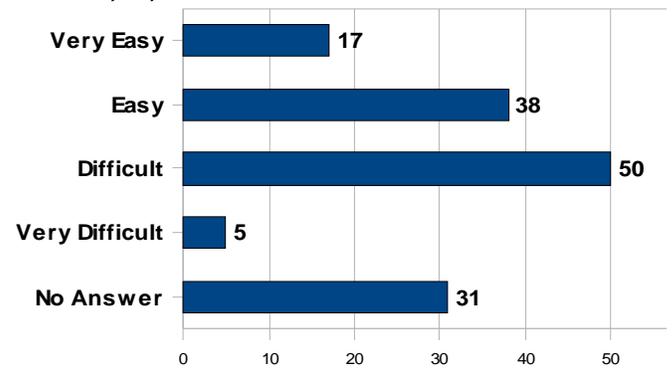
*Military*



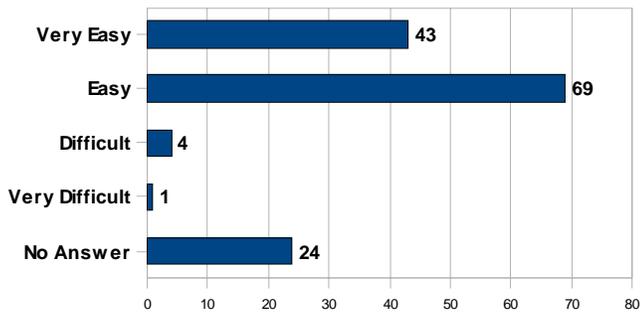
*NGOs*



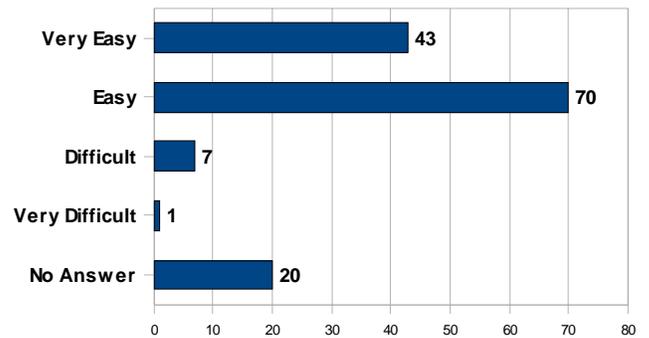
*Business people*



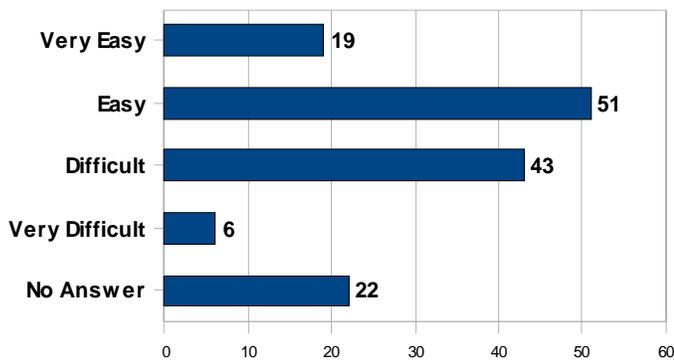
*Friends*



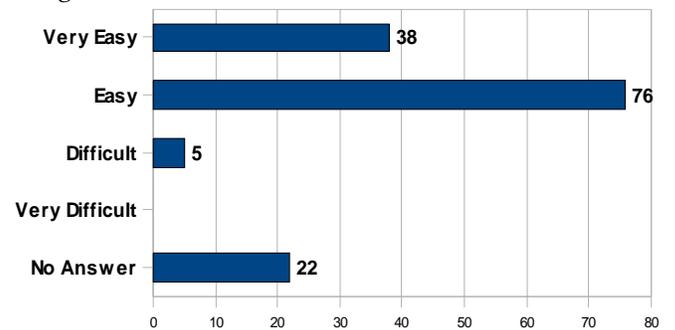
*Victims*



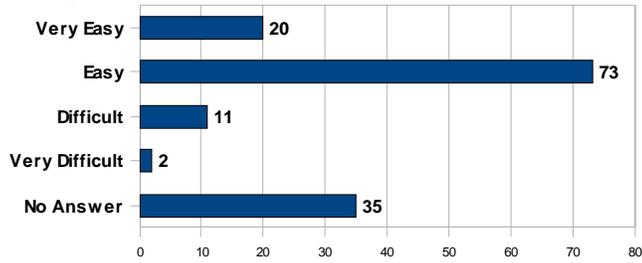
*Witnesses*



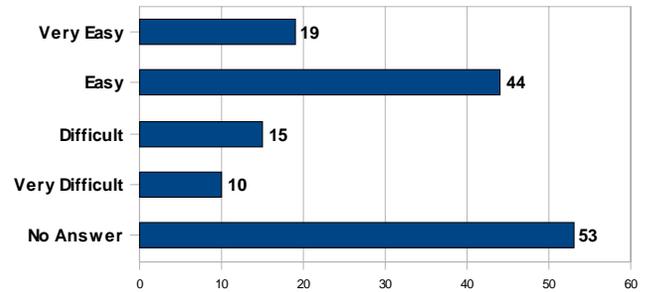
*Villagers*



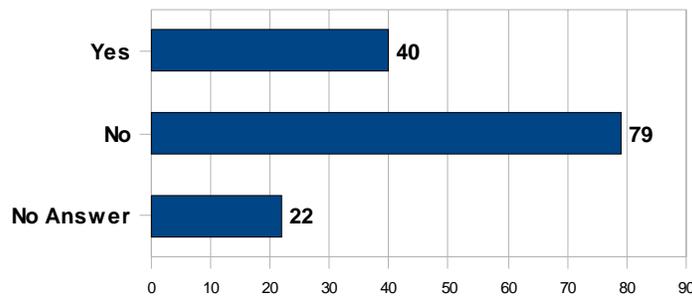
*Other journalists/media*



*Internet*

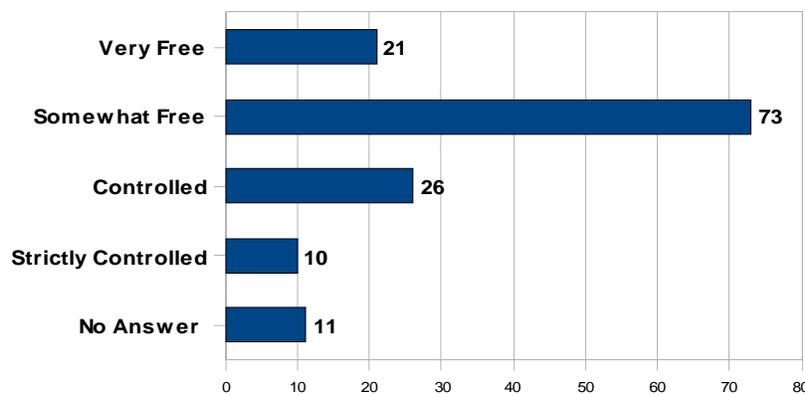


**Q24. Cambodia’s Press Law (Article 5B) states that a Request for Information can be written to government officials, who have 30 days to respond with the information requested or else an explanation about why the information cannot be given out. Have you ever used this Request for Information mechanism?**



**FREEDOM OF EXRESSION**

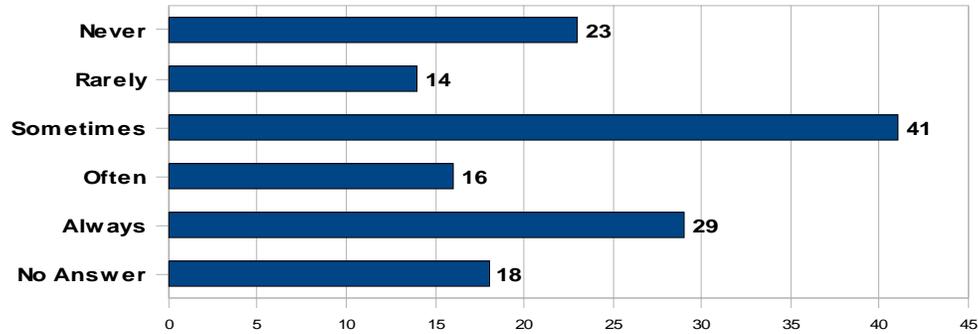
**Q25. How would you describe media freedom in Cambodia?**



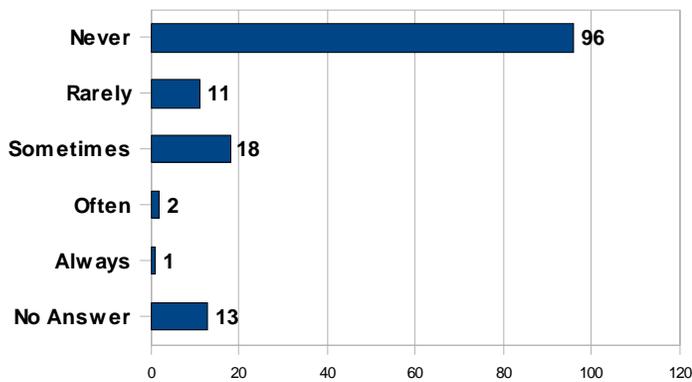
**Q26. What are the three biggest problems you face in relation to your work?**

Most responses related to access to information (difficulty obtaining information and interviews with government officials and others); security issues (threats); and lack of budget or resources.

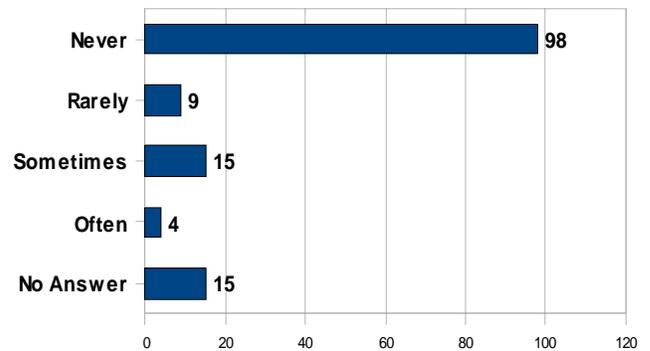
**Q27. Does the owner of your media outlet have an influence on the news?**



**Q28. Has your editor/producer asked you to write a story in favor of a certain political party or politician?**

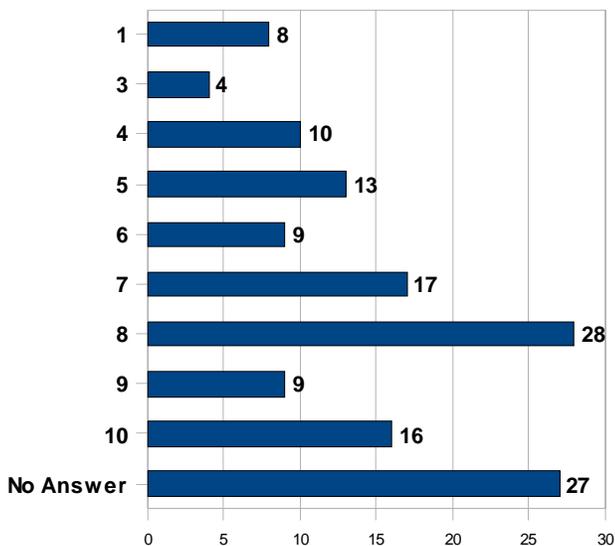


**Q29. Has a financial supporter of your media organization ever asked you to write a story in favor of a certain political party or politician?**

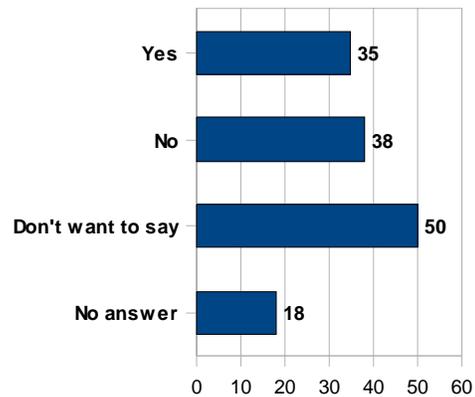


**Q30. Overall, how much freedom do you have to write what you want?**

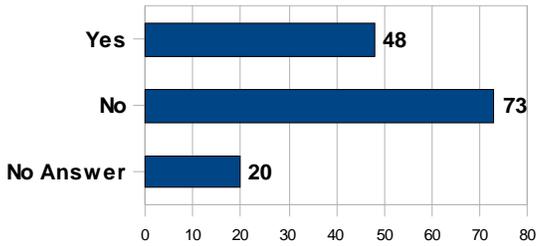
(1=very restricted → 10=very free, please circle the number that best describes your level of freedom.)



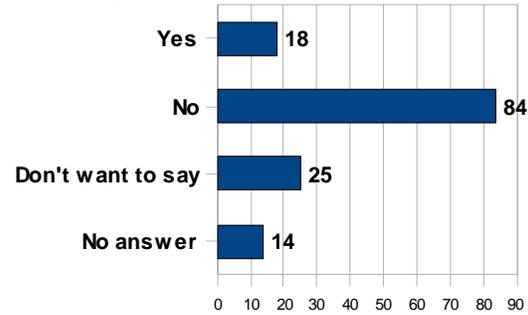
**Q31. Do you know of journalists who receive money or gifts in return for favorable reporting?**



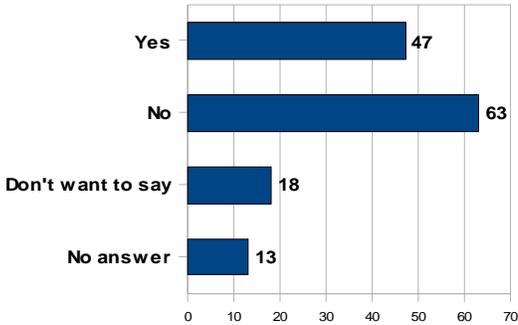
**Q32. Do you know of journalists who have accepted money or gifts in return for NOT reporting a story?**



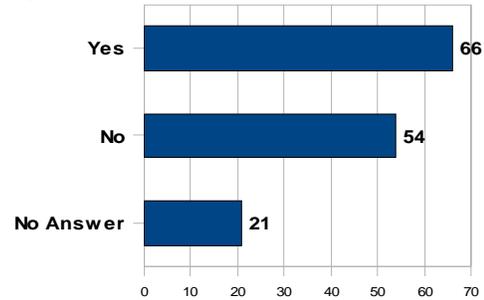
**Q33. Have you ever accepted money or gifts in return for favorable coverage or for not reporting a story?**



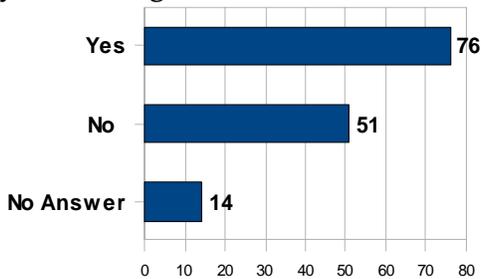
**Q34. Have you ever accepted money or gifts (including free petrol) in return for attending a press conference?**



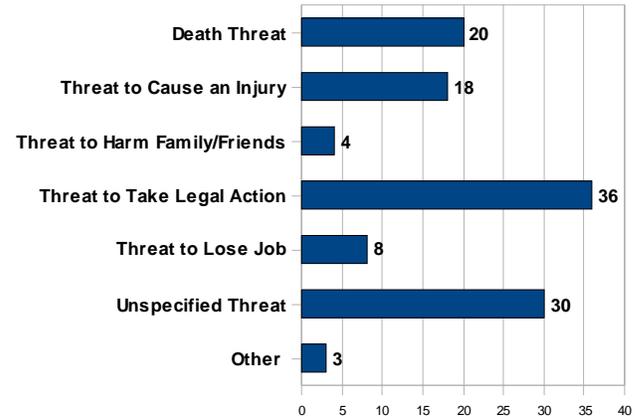
**Q35. Do you personally know a media colleague who has been threatened as a result of a story or investigation?**



**Q36. Have you ever received a threat as a result of a story or investigation?**



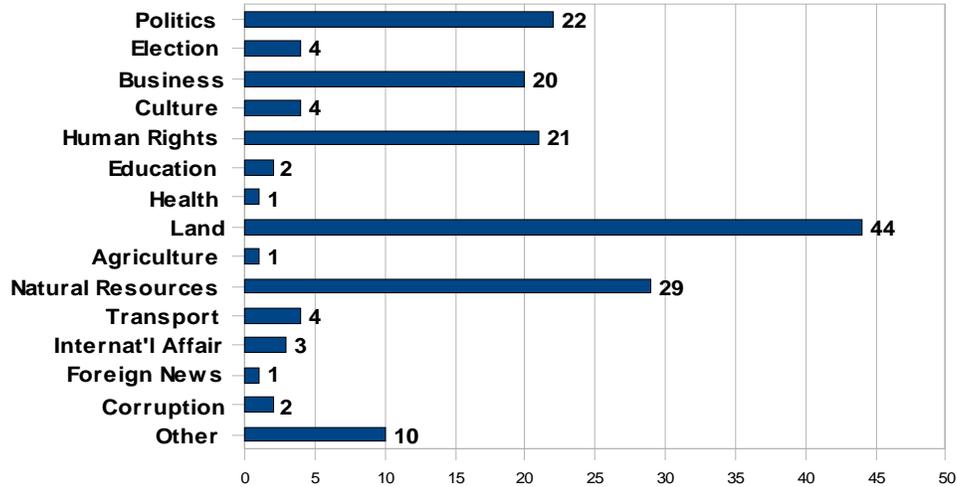
**Q36 (a). If yes, what kind of threat?**



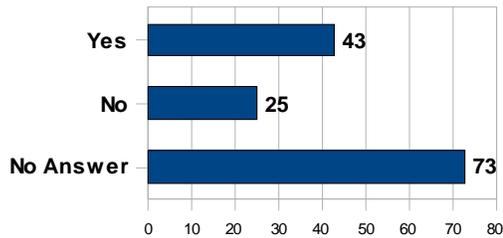
**Q36 (b). How was the threat delivered?**

Multiple answers were given. Most commonly cited was: phone call (37); by a threatening body gesture or other threatening action (25); face-to-face by the person responsible for the threat (22); face-to-face by a known third party person; face-to-face by an unknown person.

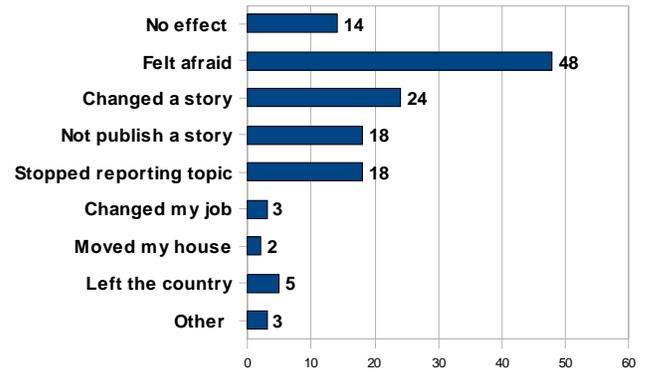
**Q36 (c). What was the issue that caused the threat?**



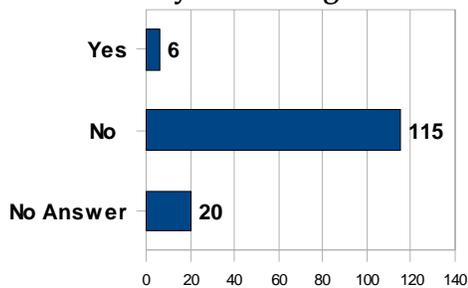
**Q36 (d). Did you know the person responsible for the threat?**



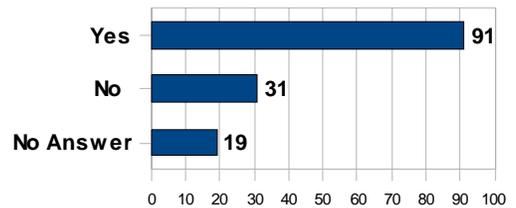
**Q36 (e). What effect did the threat have on your work? (You can tick more than one box if necessary)**



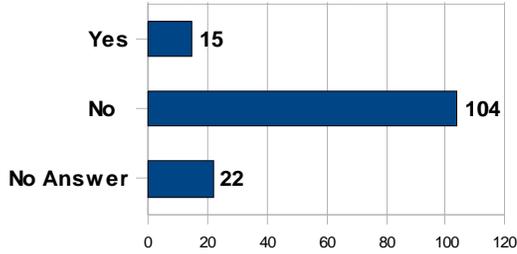
**Q37. Have you ever been physically attacked as a result of a story or investigation?**



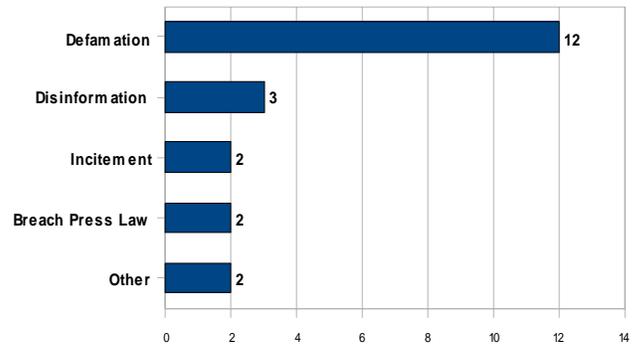
**Q38. Are you afraid you may be physically attacked in the future?**



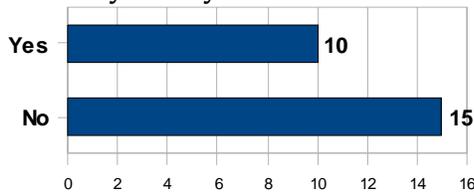
**Q39. Have you ever been charged with a crime as a result of a story or investigation?**



**Q39 (a). If yes, what was the charge?**



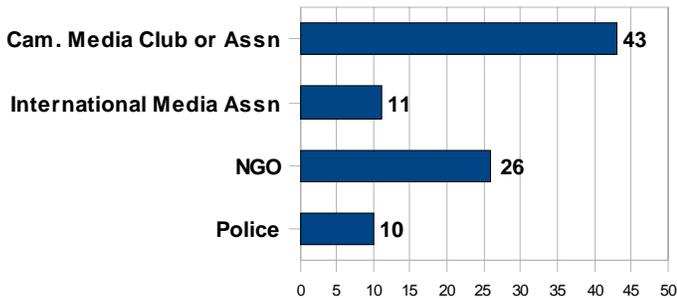
**Q39 (b). If you have faced charges, were you represented by a lawyer?**



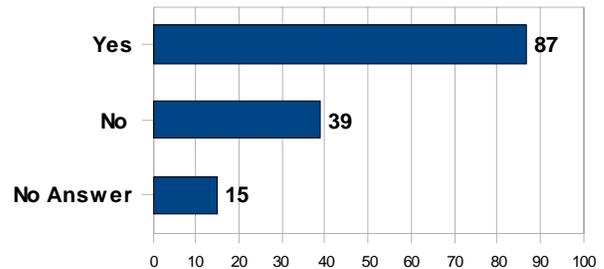
**Q39 (c). If you didn't have a lawyer, why not?**

8 respondents said they couldn't afford a lawyer; 2 said court refused to allow them a lawyer; 2 said they wanted to represent themselves; 1 said lawyer refused to represent him/her; and 1 said "court hearing was held without witnesses".

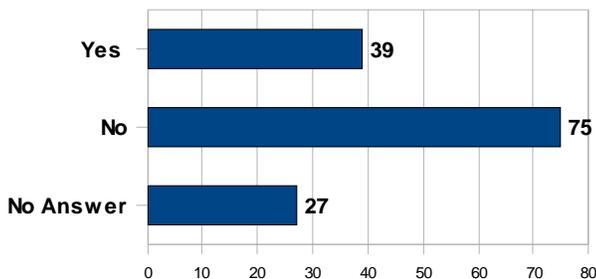
**Q40. Have you sought assistance from the following organizations:**



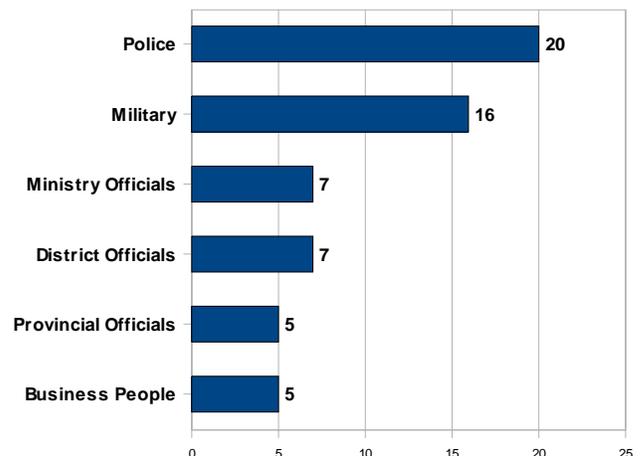
**Q41. Are you afraid you may face defamation, disinformation or incitement charges in the future?**



**Q42. Have you ever had equipment (notebook, pen, camera, microphone, recorder) confiscated during your work?**



**Q42 (a) If yes, who confiscated your equipment?**



## APPENDIX B: SURVEY METHODOLOGY

The survey was conducted by a media consultant, assistant, provincial coordinators and staff of LICADHO, and the Advocacy, Documentation and Research Office (ADRO) of LICADHO.

The survey questionnaire was produced in August 2007. A first draft, written in English and translated into Khmer, was trialed with a focus group of seven Cambodian journalists and editors in late August. Their valuable feedback led to some amendments of the questionnaire and to the methodology of conducting the survey.

Various LICADHO staff checked the translation of the survey to ensure the English and Khmer versions were as closely translated as possible.

The survey was aimed at journalists, editors, photographers and cameramen or camerawomen. The intention was to get as many of them as possible to complete the survey, and there was no specific targeting or screening of respondents.

In September, the survey was given to LICADHO's 12 provincial coordinators, covering Banteay Mean Chey, Battambang, Kampong Cham, Kampong Chhnang, Kampong Speu, Kampong Thom, Kampot, Koh Kong, Pursat, Siem Reap, Sihanoukville and Svay Rieng. They gave the survey to journalists in their respective provincial capitals and collected it a day later.

In Phnom Penh, the challenge of finding journalists and convincing them to complete the survey was more difficult. Many Cambodian journalists don't keep regular office hours, so it was suggested by the focus group to go to where they congregate, namely a strip of outdoor coffee shops opposite the old National Assembly building known as the "Tamarind Tree" and in coffee shops within the Ministry of Information compound. Here, journalists gather in the mornings to read newspapers, meet sources and chat with other journalists over breakfast or coffee.

The informal setting had two main advantages. Firstly, it was a convenient way to access a mixed group of media workers - the Tamarind Tree group in particular including newspaper, radio and television journalists, from pro-government, opposition and independent media outlets. Secondly, by approaching journalists away from their offices, we avoided the influence of editors or owners, and the fear of participating in a survey asking sensitive questions.

There were of course disadvantages. By approaching journalists outside, we excluded reporters and editors who worked regular hours inside a newsroom or studio. We also excluded those who did not regular frequent those two places chosen for the survey.

A total of 141 journalists filled out the survey questionnaire - 79 in the provinces and 59 in Phnom Penh (with three respondents not indicating whether they were in the capital or provinces). This is thought to be the most comprehensive survey of Cambodia's media to date.

The responses from the collected surveys were inputted into SPSS Data Editor software. This raw data was then organized so the results of each question could be easily shown, in tables and graphs.

Only a few English language questionnaires were completed, with most respondents understandably preferring to read and write in Khmer.

Some respondents didn't answer all questions. This was expected, mostly due to the sensitivity of some questions relating to corruption, political affiliation, editorial influence and threats.

It was also expected that respondents would under-report corruption (especially when related to themselves) and other sensitive questions. Comparing the results of the survey with the findings of the in-depth interviews broadly supported this theory. For example, several sources said almost all journalists working for Khmer language media accept small bribes, yet in the survey only 33% admitted accepting money for attending press conferences. Despite these limitations, the fact that a third of respondents admitted accepting bribes is a significant finding and lent weight to claims which have often been made, without much evidence, in discussing Cambodia's media.

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