

Cambodia

	2015	2016		
Internet Freedom Status	Partly Free	Partly Free	Population:	15.6 million
Obstacles to Access (0-25)	14	15	Internet Penetration 2015 (ITU):	19 percent
Limits on Content (0-35)	15	15	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	19	22	Political/Social Content Blocked:	Yes
TOTAL* (0-100)	48	52	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2016 Status:	Not Free

* 0=most free, 100=least free

Key Developments: June 2015 – May 2016

- The telecommunications law passed in November 2015 increased the government’s authority over the industry and granted officials overbroad surveillance powers (see **Legal Environment**).
- In March 2016, a court sentenced 25-year-old student Kong Raya to 18 months in prison for posting a comment against Hun Sen’s “cheap regime” on Facebook (see **Prosecutions and Detentions for Online Activities**).
- Opposition leader Sam Rainsy, Senator Hong Sok Hour, and at least two supporters face criminal charges for posting allegedly inaccurate historical documents on Facebook in 2015 (see **Prosecutions and Detentions for Online Activities**).
- Prime Minister Hun Sen publicly embraced social media, launched his own app, and amended a traffic law after Facebook users complained of new safety requirements (see **Digital Activism**).

Introduction

Internet freedom declined following a number of arrests for online speech and the passage of a problematic telecommunications law with inadequate protections for user privacy.

Even so, the internet continues to be the nation's freest medium for sharing information. The number of internet and smartphone users continued to rise during the coverage period of this report.

The telecommunications law strengthens official powers over telecommunications networks through the infrastructure and the regulator, and granted officials access to telecommunications company data without oversight, posing a threat to the privacy of individual users.¹ A cybercrime law first announced in 2012 underwent some revision, but a second draft leaked in 2015 retained vague language that could be abused to suppress free expression.

Hun Sen urged government officials to use Facebook and social media to engage with citizens,² and even launched his own application to keep users up to date with his news.³ At the same time, he threatened Facebook critics and reminded internet users that the government is monitoring their activity. Several arrests and criminal charges were documented in relation to legitimate online speech, marking a disturbing new trend that threatens to increase self-censorship.

Obstacles to Access

Increasing smartphone penetration in both urban and rural areas has allowed greater access to the internet across Cambodia. As in past years, access remained lower in rural areas than in urban areas, while data indicated individuals with education are more likely to have smartphones and to use the internet.

Availability and Ease of Access

Mobile phone penetration was almost 100 percent in 2015;⁴ the International Telecommunication Union estimated internet penetration at 20 percent.⁵ Advancements in internet technology have made the web more accessible in Cambodia. The average download speed was 9.04 Mbps in 2015,⁶ up from 5.8 Mbps in 2014 but well below the global average of 18.2 Mbps.⁷ Average monthly subscription rates were between US\$ 10 and US\$ 20, depending on the connection speed, compared to

1 Mech Dara and Kuch Naren, 'Draft Telecoms Law Gives Gov't Broad Spying Powers,' *The Cambodia Daily*, November 27, 2015, <http://bit.ly/1NRKBrC>.

2 Phorn Bopha, 'Hun Sen Urges Party Members To Connect With Cambodians Online,' *Voice of America*, January 12, 2016, <http://bit.ly/1QEFIZ>.

3 Khuon Narim, 'Keeping Up With Hun Sen? There a New App for that,' *The Cambodia Daily*, January 6, 2016, <http://bit.ly/20s8QTA>.

4 Kimchhoy Phong and Javier Sola, 'Mobile Phones and Internet in Cambodia 2015,' The Asia Foundation, November 30, 2015, <http://bit.ly/1NIsZ9T>.

5 Telecommunications Regulator of Cambodia, 'Internet Subscribers,' <http://bit.ly/1mfBlqg>; International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2015," <http://bit.ly/1cblxxY>.

6 'Philippines ranks 21st of 22 Asian countries in Internet download speeds,' May 19, 2015, <http://bit.ly/1N8bOvn>.

7 Joshua Wilwohl, "Internet Speeds in Cambodia Faster Than Others in Region" *The Cambodia Daily*, May 6, 2014, <http://bit.ly/1Q1emrW>.

a GDP per capita of US\$ 86 per month.⁸

At the end of 2015, the Open Institute reported that 52 percent of the population in urban areas own smartphones, a significant increase from the previous year's 39 percent, while 34 percent of the rural population own a smartphone, an increase from 21 percent.⁹ Overall, smartphone penetration is now at 39.5 percent, and phones represent the only means of internet access for many users. Indeed, 29 percent of mobile subscribers report accessing the internet on their phones.¹⁰ The Open Institute also found that the likelihood of smartphone ownership increased with an individual's level of education. Just 15 percent of individuals with no formal education owned a smartphone, compared to 82 percent among those with university education.¹¹

Support for Khmer language applications on mobile phones has made it easier for Cambodians to connect. Among Cambodians aged 15 to 65, 63 percent had at least one phone with support for Khmer script, and 33 percent of users reported having read Khmer script on their own phones. Overall, there has been a 23 percent increase in the number of users with phones that support Khmer script, allowing individuals more access to the news as well as a great ability to communicate throughout Cambodia.¹² Men were slightly more likely to own such a device though, as 59 percent of women reported that their devices could support Khmer script, versus 68 percent of men.¹³

Restrictions on Connectivity

Internet usage has been constrained by poor infrastructure. The absence of an extensive landline network inhibits greater internet penetration, since the fixed landlines which broadband internet services depend on are often unavailable in rural areas. ISPs develop their own infrastructure, and three have announced plans to construct submarine fiber-optic internet cables to connect to high-speed international connections (with one of those projects commissioned by the government). To date, however, none of the three have been completed.¹⁴

Insufficient electricity, often resulting in nationwide blackouts, imposes additional constraints on computer and internet use. Connections can also be extremely slow, especially in remote areas.

Three operators provide a backbone network in Cambodia totaling 26,411 km: Telecom Cambodia, Viettel (Cambodia) Pte. Ltd., and Cambodia Fiber Optica Cable Network.¹⁵ These operators interconnect with smaller networks, allowing exchanges of information through Wi-Fi, LAN lines, or other means. Telecom Cambodia operates under the MPTC and the Ministry of Finance.¹⁶

With the exception of one short-lived attempt by the NEC to ban SMS nationwide in advance of a 2007

8 United Nations Development Programme, "About Cambodia", <http://www.undp.org/content/cambodia/en/home/countryinfo/>.

9 Kimchhoy Phong and Javier Sola, "Mobile Phones and Internet in Cambodia 2015," The Asia Foundation, November 30, 2015, <http://bit.ly/1NIsZ9T>.

10 Phong and Sola, "Mobile Phones and Internet in Cambodia 2015."

11 Phong and Sola, "Mobile Phones and Internet in Cambodia 2015."

12 Phong and Sola, "Mobile Phones and Internet in Cambodia 2015."

13 Phong and Sola, "Mobile Phones and Internet in Cambodia 2015."

14 Simon Henderson, "Internet Firm Inks Fiber Optic Deal," *The Cambodia Daily*, June 13, 2014, <http://bit.ly/1QoqOD9>.

15 Ministry of Posts and Telecommunications, "September 2015 Fact Sheet."

16 World Bank, "Cambodia Services Trade: Performance and Regulatory Framework Assessment," July 2014, http://www-wds.worldbank.org/external/default/WDSContentServer/WDS/IB/2014/10/08/000470435_20141008074339/Rendered/PDF/912430WP0P12570mbodia0Service0Trade.pdf 28-29

election under a law prohibiting campaigning immediately before a vote,¹⁷ no government shutdowns of internet or mobile access have been documented in Cambodia.

However, the telecommunications law passed during the coverage period of this report extended government control of the industry in ways which could facilitate service interruptions in the future. Under Article 7, the MPTC or other relevant ministries will have the authority to order telecommunications providers to “take necessary measures” in undefined circumstances of “force majeure.” The law separately established an enforcement body of “telecommunications inspection officials” to police offenses under the law, with the authority to call in support from the armed forces.¹⁸ These officials “hold power to temporarily suspend telecoms firms’ services and suspend or fire their staff,” according to local NGO LICADHO.¹⁹

ICT Market

The telecommunications market remains competitive since it opened to private investment in 2006.²⁰ In 2016, the Telecommunications Regulator of Cambodia reported 31 ISPs operating in Cambodia, and 7 mobile service providers, a decrease since 2014 following some consolidation.²¹

The telecommunications law passed during the coverage period of this report was intended to clarify and improve development and regulation of the sector, but critics said it introduced troubling penalties for constructing or operating telecommunications without a license, including fines and prison sentences of up to three years. Article 110 requires all telecommunications operators to reapply for licenses within a year of the law coming into effect.²²

Regulatory Bodies

The Telecommunications Regulator of Cambodia (TRC) is the main regulatory body in Cambodia. Established by royal decree on September 20, 2012, the TRC is required to foster “regulations, policies, standards, instructions, and circulars to provide solutions to existing and future problems,” as well as to set goals to develop the ICT market “out from the centrally and directly [sic] control of government” to “rely on the existence of multi-operators, multi-services and the opening of free and fair competition market.”²³

On November 30, 2015, the National Assembly passed a telecommunications law, the first of its kind in Cambodia, which significantly undermined the body’s stated goal of reducing centralized state control. The law, which the TRC worked with the MPTC to draft, established the ministry’s ultimate

17 Norbert Klein, “Civil Society Organizations Said That The National Election Committee Caused Fear To The Citizen Who Are The Electorate,” *Cambodia Mirror*, April 1, 2007, <http://www.cambodiamirror.org/2007/04/01/saturday-3132007-civil-society-organizations-said-that-the-national-election-committee-caused-fear-to-the-citizen-who-are-the-electorate/>.

18 LICADHO, “Cambodia’s Law on Telecommunications: A Legal Analysis,” briefing, March 2016, <https://www.licadho-cambodia.org/reports.php?perm=214>.

19 LICADHO, “Cambodia’s Law on Telecommunications: A Legal Analysis,” briefing, March 2016, <https://www.licadho-cambodia.org/reports.php?perm=214>.

20 World Bank, “Cambodia Services Trade: Performance and Regulatory Framework Assessment,” July 2014, http://www.wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2014/10/08/000470435_20141008074339/Rendered/PDF/912430WPOP12570mbodia0Service0Trade.pdf 30

21 Telecommunication Regulator of Cambodia, “Licenses,” <http://bit.ly/1TmPxM9>.

22 LICADHO, “Cambodia’s Law on Telecommunications: A Legal Analysis,” briefing, March 2016, <https://www.licadho-cambodia.org/reports.php?perm=214>.

23 Telecommunication Regulator of Cambodia, “Background,” <http://bit.ly/1XukaPb>.

authority over the regulator, and failed to introduce transparency or appeal procedures to ensure that decisions about licensing and other issues under its remit are fair.²⁴

Limits on Content

With the passage of the telecommunications law and ongoing discussions about a pending cybercrime law, the Cambodian government is slowly instating legal limits on what users are allowed to post on the internet. In lieu of these laws, however, the government has made public threats and arrests against those who post negative online comments about government officials, leading to increased self-censorship. However, users continue to actively engage on social media and the internet has become the second most important source for citizens seeking news, after television.

Blocking and Filtering

Websites showing pornography or sexually explicit images are subject to blocking in Cambodia on moral grounds. Politically motivated blocking has not yet been systematically applied, although it has been observed on a case by case basis. Blogs blocked for supporting the political opposition, such as *KI Media* and *Khmerization*, were available through at least some ISPs during the coverage period, indicating that censorship orders are unevenly executed.

Implementation of censorship is nontransparent, apparently based on informal communications between government officials and service providers, which provide no avenue for appeal. In 2011, for example, then-Minister of Posts and Telecommunication So Khun asked mobile phone operators to “cooperate” in blocking websites “that affect Khmer morality and tradition and the government,” according to *The Phnom Penh Post*, citing internal MPTC minutes.²⁵

Social media platforms such as YouTube, Facebook, and Twitter, were freely available in 2015 and 2016, and provided a platform for significant government engagement (see Media, Diversity, and Content Manipulation).

Content Removal

The extent of content removal remains difficult to assess, as the process is unofficial and nontransparent. In January 2016, a Facebook account was deactivated after posting doctored versions of Prime Minister Hun Sen’s holiday photos.²⁶ Officials implied the owner of the account, based outside Cambodia, was affiliated with the political opposition.²⁷

Media, Diversity, and Content Manipulation

The internet has quickly become one of the main sources of news and information for Cambodian

²⁴ ‘Law on Telecommunications,’ *Sithi Portal*, February 17, 2017, <http://bit.ly/1XwQ2CC>.

²⁵ Thomas Miller, “Ministry Denies Blocking Website,” *Phnom Penh Post*, February 16, 2011, <http://www.phnompenhpost.com/national/ministry-denies-blocking-website>.

²⁶ Vong Sokheng, ‘Fake family photos upset PM,’ *The Phnom Penh Post*, January 1, 2016, <http://bit.ly/1nF6uEf>.

²⁷ Bun, Sengkong, ‘Facebook Photoshopper dual national: ministry,’ *The Phnom Penh Post*, January 18, 2016, <http://bit.ly/24hvcccl>.

citizens. Both independent and government-controlled media organizations have a strong online presence in Cambodia, providing access to news, photographs, and videos that are easily shareable on social media platforms. Content on non government-controlled news outlets are not regulated and are able to provide unbiased information to citizens and foreigners. In an Open Institute study, 25 percent of respondents listed either Facebook or the internet as their most important source of news, second only to television at 32 percent.²⁸ In addition, 29 percent of individuals cited obtaining information about events in Cambodia as a factor in their decision to join Facebook.

In September 2015, the cabinet of Prime Minister Hun Sen confirmed that he was an avid Facebook user, after years of denying that the “*Samdech Hun Sen, Cambodian Prime Minister*” page was his official Facebook account. It is unclear why the prime minister did not previously acknowledge the page, although confirmation came shortly after the account reached over one million ‘likes’. After his page’s fans passed three million in March 2016, a post on his page read: “I would like to thank my national compatriots and youths in the country and overseas who support my Facebook page... Facebook has brought me closer with people and allowed me to listen and receive more requests from them.”²⁹ The same month, *The Phnom Penh Post* alleged that only 20 percent of the page’s ‘likes’ in February and March 2016 came from within the country, with the rest reportedly coming from paid ‘click farms’ abroad.³⁰

The prime minister’s belief that the internet has brought him closer to the Cambodian people has even driven him to create his own mobile application and encourage social media use amongst civil servants.³¹ While government engagement on social media can be positive, it has also raised questions about government regulation and manipulation of content. While citizens’ feedback on such platforms can lead to positive change, the Royal Government of Cambodia has also begun to be very vocal, cautioning users about what they post.³²

In December 2015, after holiday photos of Prime Minister Hun Sen and his wife doctored to cause offense appeared on Facebook, Hun Sen threatened social media users with possible prosecution, announcing that “all actions that ruin my honor and my family’s honor, as a prime minister of a country, those must be responsible before the law.”³³ On December 28, during a graduation speech given at the Royal University of Law and Economics in Phnom Penh, Hun Sen warned that Facebook users who criticize government policy on sensitive issues, or resort to personal insults, could be traced in a matter of hours. He also referenced the conviction of university student Kong Raya (see Prosecutions and Detentions for Online Activities), saying, “the color revolutionaries were arrested immediately.”³⁴ On February 10, 2016, in response to a factsheet on digital rights released by local

28 Kimchhoy Phong and Javier Sola, “Mobile Phones and Internet in Cambodia 2015,” The Asia Foundation, November 30, 2015, <http://bit.ly/1NIsZ9T>.

29 Daniel Nass and Shaun Turton, ‘Only 20 per cent of PM’s recent Facebook ‘likes’ from Cambodia,’ *The Phnom Penh Post*, March 9, 2016, <http://bit.ly/1MSDMIT>.

30 Nass and Turton, ‘Only 20 per cent of PM’s recent Facebook ‘likes’ from Cambodia.’

31 Joshua Wilwohl, ‘Follow The Leader: Cambodians...Making Big Waves on Social Media,’ *Forbes*, February 4, 2016, <http://onforb.es/1QvMUSd>.

32 Pech Sotheary, ‘Hun Sen Warns Facebook users that he’s watching,’ *The Phnom Penh Post*, December 29, 2015, <http://bit.ly/1PuX6OC>.

33 Kuch Naren, “Doctored Image of First Lady Draws OM’s Ire,” January 1, 2016, <http://bit.ly/1olfyzz>.

34 Pech Sotheary, ‘Hun Sen warns Facebook users that he’s watching,’ *The Phnom Penh Post*, 15 December 2015. Available at: <http://bit.ly/1PuX6OC>.

NGO the Cambodian Center for Human Rights (CCHR), government spokesperson Phay Siphon reiterated that the government has a duty to arrest citizens if they “disrespect” Hun Sen.³⁵

Other warnings targeted the main opposition Cambodia National Rescue Party (CNRP), leading CNRP Deputy President Kem Sokha to urge youth members of the party to exercise caution with their social media use. “We should not play the game they’re drawing for us... especially on Facebook,” he told supporters.³⁶

These warnings, particularly when uttered by the prime minister, have already led to an increase in self-censorship and threaten to infringe further upon online freedoms in years to come. In an online survey conducted by CCHR, internet users were asked to rate the freedom of expression they exercise on social media, from 0 or none at all, to 10, meaning full freedom. The average score from 403 responses was 4.83, demonstrating a troubling culture of self-censorship among Cambodia’s nascent online community.

Digital Activism

The government’s increased engagement on Facebook and social media has entailed both positive and negative outcomes. Internet users were responsible for a quick change to a Land Traffic Law put in place on January 1, 2016. The law tightened road safety guidelines, and many individuals were pulled over and cited on the first day.³⁷ After many expressed anger on social media, the prime minister amended the law a week after it was put into effect, in what observers described as a regressive, though populist, move.³⁸ The amendments removed requirements for motorbike drivers with smaller engines to get a license. Though a remarkable instance of the government changing the law in direct response to social media activism, critics were concerned by the prime minister’s willingness to change laws on his own initiative, rather than via an official legislative process.

Digital activism is not always so effective. In May 2016, members of the indigenous Pu Nong communities in eastern Monduliri province posted photos of themselves on Facebook holding placards demanding the release of jailed human rights activists.³⁹ Local police questioned villagers about whether the act had been coordinated by civil society groups.

Violations of User Rights

Freedom of expression is guaranteed under Cambodia’s constitution. Yet the 2010 penal code has been used to threaten and arrest bloggers, social media users, and journalists. The new telecommunications law paves the way for increasing government intrusion into digital privacy. Despite objections from civil society, the law retains certain alarming provisions contained in a draft leaked in 2014, including one allowing government surveillance of communications without a warrant. Additionally, MPTC will have

35 Pech Sotheary, “NGO notes uptick in gov’t ‘threats’ against online posters,” *The Phnom Penh Post*, February 10, 2016, <http://www.phnompenhpost.com/national/ngo-notes-uptick-govt-threats-against-online-posters>.

36 Mech Dara and Alex Willemyns, ‘Sokha warns youth against provocative use of Facebook’ *The Cambodia Daily*, 4 December 2015. Available at: <http://bit.ly/20mhB1m>.

37 Kuch Naren and Taylor O’Connell, ‘Consulting Facebook, PM Changes Traffic Laws,’ *The Cambodia Daily*, January 8, 2016, <http://bit.ly/1o92GMz>.

38 Naren and O’Connell, ‘Consulting Facebook, PM Changes Traffic Laws.’

39 Brooks Boliek, ‘Cambodian Government Attempts to Silence Dissent as Legal War Rages’, *Radio Free Asia*, 17 May 2016, Available at: <http://bit.ly/1Uw536N>.

the power to direct private providers to hand over data, systems and equipment. A pending cybercrime law could potentially further stifle user rights.

Legal Environment

Article 41 of the Constitution of the Kingdom of Cambodia guarantees freedom of expression and the press.⁴⁰ These rights are further protected under Article 31, where the Universal Declaration on Human Rights (UDHR)⁴¹ and the International Covenant on Civil and Political Rights (ICCPR) are recognized as forming part of national law.⁴² Article 19 of both the UDHR and ICCPR guarantee a universal right to freedom of expression. However, this right is threatened under the Criminal Code of the Kingdom of Cambodia due to the vagueness of certain provisions.⁴³ Individuals can be arrested for disturbing public order or affecting the dignity of individuals and public officials, which is overly subjective.⁴⁴

On November 30, 2015, the National Assembly formally adopted a new draft of the Telecommunications Law, “formulated with the purpose of defending the rightful benefits of all parties concerned,” including telecom operators, users, and the government.⁴⁵ The law came into effect on December 17, 2015, having been promulgated by King Norodom Sihamoni following a rushed legislative process that lacked transparency and consultation. The law increases government control over the sector and threatens the rights to privacy and freedom of expression (see, Surveillance, Privacy, and Anonymity). Using telecommunications to plan criminal activity or damage property carries a possible prison sentence of up to six months and fines of up to KHR 40 million (US\$ 8,800) under Articles 93–96. Article 80 punishes the “establishment, installation and utilization of equipment in the telecommunications sector” with 7 to 15 years in prison “if these acts lead to national insecurity.” Critics feared the heavy penalties attached to this vaguely defined clause could be abused to prosecute legitimate activity.

In 2012, the government announced its intention to adopt Cambodia’s first cybercrime law to regulate online content and to prevent the “ill-willed” from spreading false information.⁴⁶ Attempts by civil society to acquire a copy of the draft law from the government were met with vague, noncommittal answers. The draft was then leaked in April 2014, though the government refused to release an official version. Some of the most problematic provisions under Article 28 sought to prohibit content deemed to “generate insecurity,” damage “moral and cultural values,” including defamation and slander, or undermine “the integrity of any governmental agencies.” Article 35 threatened to dissolve legal entities, like civil society organizations, found to commit offenses under the law. Though some local news reports said the law might be scrapped, in May 2015, the Minister of Posts and Telecom-

40 Article 41.

41 UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), <http://www.un.org/en/documents/udhr/>.

42 Constitutional Council of the Kingdom of Cambodia, Decision No. 092/003/2007 (10 July 2007).

43 Human Rights Watch, ‘Cambodia: New Penal Code Undercuts Free Speech,’ December 23, 2010, <http://bit.ly/1VjfUty>.

44 Human Rights Watch, ‘Cambodia: New Penal Code Undercuts Free Speech.’

45 Announcement by the Ministry of Posts and Telecommunications: National Assembly Adopted the Draft of Telecommunication Law <http://bit.ly/1PTxahA>

46 Bridget Di Certo and Kim Yuthana, ‘The ‘ill-willed’ spark cyber law: officials’, *The Phnom Penh Post*, 24 May 2012. Available at: <http://bit.ly/1sW3Mvb>.

munications announced that the law was still under consideration, and would include criminal sanctions for “people with bad intentions” who “criticize the government.”⁴⁷

The Ministry of Interior privately released a revised draft of the law to select NGOs in September and October 2015. The document was clearly a working draft, with some articles copied directly from the Council of Europe’s Convention on Cybercrime, and some uncorrected article numbers that still corresponded to the first draft instead of the second. This raised questions regarding the document’s reliability and highlighted the shortcomings of leaking drafts in place of a more open and consultative legislative process.

Some troubling provisions were reported to have been removed from the second draft, including Article 28.⁴⁸

Other provisions threatening digital rights were added. For example, Article 13(1) criminalizes obtaining confidential data even without malicious intent, meaning it could be an offence to receive it.⁴⁹ The crimes enumerated in the draft remain broadly defined, and would introduce scope for abuse against perceived government opponents, in violation of national and international human rights guarantees. Moreover, most of the crimes are already punishable under the criminal code, rendering a new law unnecessary.

Prosecutions and Detentions for Online Activities

The coverage period of this report saw a dramatic increase in detentions for online activity. Between August 2015 and February 2016, at least seven people were arrested for posts or comments made online, and at least twenty-four were publically threatened with prosecution.⁵⁰ While some of the comments triggering prosecutions had threatened violence, other charges were clearly politically motivated, leading observers to fear that the government views criminal threats and legitimate criticism in the same category.

The conviction of 25-year-old student Kong Raya exemplifies the government’s stance toward negative comments.⁵¹ Raya was charged with incitement based on a post on his personal Facebook account on August 7, 2015 that called for a “color revolution in order to change the cheap regime running Cambodian society.” Observers said he was not politically influential, and Raya apologized, saying he had no intent to lead an uprising but was merely expressing his frustration with the government. On March 15, 2016, he was sentenced to 18 months in prison under Article 495 of the criminal code, “provocation to commit [a] crime.”⁵² Raya said he would appeal.

47 Mech Dara, ‘Cyber Law to Protect Gov’t Honor, Ministry Says’, *The Cambodia Daily*, 27 May 2015. Available at: <http://bit.ly/1PfcTgS>.

48 Shaun Turton, “Cybercrime law 2.0 nixes key provision,” *The Phnom Penh Post*, December 5, 2015, <http://www.phnompenhpost.com/post-weekend/cybercrime-law-20-nixes-key-provision>.

49 Cambodian Center for Human Rights, “Digital Wrongs? An Overview of the Situation of Digital Rights in Cambodia,” briefing note, February 2016, <http://bit.ly/1SBxi3e>.

50 Cambodian Center for Human Rights, “Fact Sheet: Crackdown on Facebook Users Intensifies,” February 2016, <http://bit.ly/1TfVMBq>.

51 Pech Sotheary, ‘Student arrested after posting about revolution,’ *The Phnom Penh Post*, August 24, 2015, <http://www.phnompenhpost.com/national/student-arrested-after-posting-about-revolution>.

52 Ouch Sony and Taylor O’Connell, ‘Student Gets 18 Months for Call for ‘Color Revolution’’, *The Cambodia Daily*, March 16, 2016 <http://bit.ly/1SLu4uq>

Other prosecutions relating to online content targeted the political opposition. On August 15, 2015, Hong Sok Hour, an opposition CNRP party senator, was detained in Prey Sar prison on charges of forgery and incitement.⁵³ Prime Minister Hun Sen had personally called for his arrest during a speech, which accused him of 'treasonously' posting a doctored version of a 1979 border treaty between Cambodia and Vietnam to the public Facebook page of CNRP President Sam Rainsy on August 12. The disputed border is the center of a long-running controversy, with the opposition claiming that the ruling party knowingly ceded territory to Vietnam.

Senators are immune from prosecution under the constitution, which gives them protection from arrest except when approved by the Senate, or when caught during the commission of a criminal act. However, Sok Hour was charged with forgery of public documents, use of forged public documents, and provocation to commit crimes under Articles 629, 630, and 495 of the criminal code, which carry a maximum combined prison sentence of 17 years.⁵⁴ Sok Hour's defense team said he was unaware of any inaccuracies in his post when he made it, and that dissemination of a fake treaty does not amount to a criminal act. The Phnom Penh Municipal Court and the Court of Appeal rejected Sok Hour's requests for bail. Sok Hour appealed those decisions on health grounds, but the Supreme Court upheld the Court of Appeal's decision on March 4, 2016,⁵⁵ and he was still in prison in June 2016.

Police also issued arrest warrants for Sathya Sambath and Ung Chong Leang, the administrators of the Sam Rainsy Facebook page, on charges of conspiring to fake public documents, using fake documents, and incitement to cause serious social chaos.⁵⁶ The two men left the country, and Hun Sen has called for the men to return from their self-imposed exile and confess to the alleged conspiracy.⁵⁷

Court officials also alleged that Sam Rainsy was an accomplice to the post, since it was made on his Facebook page, and demanded his appearance in court for questioning.⁵⁸ Rainsy separately went overseas after the Phnom Penh Municipal Court issued a warrant for his arrest on November 13, 2015. That warrant was in relation to charges of defamation and incitement that date back to 2008, but were announced less than 24 hours after Prime Minister Hun Sen threatened Rainsy with legal action via a video posted on Facebook.⁵⁹ On November 26, the European Parliament approved a resolution urging the Cambodian government to revoke the warrant and "drop all charges issued against opposition leader Sam Rainsy and CNRP members of the National Assembly and Senate,"

53 Taing Vida, 'Sok Hour defence balks at evidence demands,' *The Phnom Penh Post*, 27 November 2015. Available at: <http://bit.ly/1JWYucq>.

54 Taing Vida, 'Sok Hour defence balks at evidence demands,' *The Phnom Penh Post*, 27 November 2015. Available at: <http://bit.ly/1JWYucq>.

55 Kuch Naren, 'CNRP Senator Makes Case for Bail at Supreme Court,' *The Cambodia Daily*, 27 February 2016. Available at: <http://bit.ly/1LUfjjs>; Chhay Channyda,, 'Senator's final bail attempt shot down,' *The Phnom Penh Post*, 5 March 2016. Available at: <http://goo.gl/0Jk85T>.

56 May Titthara, 'Arrest Warrants Issued for Opposition Facebook Administrators' *The Khmer Times*, 1 December 2015. Available at: <http://bit.ly/1PeRtpu>.

57 Shaun Turton and Vong Sokheng, 'CNRP trio seek asylum' *The Phnom Penh Post*, 10 September 2015. Available at: <http://bit.ly/1KD2AGw>.

58 Mech Dara, 'Arrest Ordered for Rainsy Facebook,' *The Cambodian Daily*, 2 December 2015. Available at: <http://bit.ly/207D1PD>.

59 Phak Seangly and Shaun Turton, 'Sam Rainsy faces arrest warrant,' *The Phnom Penh Post*, 14 November 2015, Available at: <http://bit.ly/1XaL6GT>

including CNRP activists and organisers.⁶⁰ Sam Rainsy was provisionally charged as an accomplice to forgery and incitement in Sok Hour's case on December 9, after he failed to appear in court.⁶¹

The Cambodia-Vietnam border was the focus of another prosecution during the coverage period. On November 20, 2015, police in Svay Rieng province arrested CNRP activist Sok Sam Ean on charges of incitement to commit a crime for posting on Facebook an image of a public document that suggested Cambodian territory had been lost. The document, the birth certificate of an individual named Nhem Chhoeun dating from November 2004, listed the place of birth as Svay Rieng, Vietnam.⁶² A CNRP city councilor, Norng Sarith, was also arrested and charged with forging the certificate. Local police chief Pin Pirom said Sam Ean used his real name on Facebook, enabling him to be found within half an hour.

Some of the comments subject to prosecution during the coverage period included violent threats. On September 28, 2015, student Tao Savoeun was arrested after threatening on Facebook to bomb his own graduation ceremony.⁶³ He later said he was expressing frustration that the ceremony had been repeatedly postponed, and did not intend to cause harm. He was charged with issuing a death threat under Article 233 of the criminal code and sentenced to 15 months of imprisonment, but released after one month following a written apology. In a contrasting case involving the Cambodia-Vietnam border, police arrested 27-year old construction worker Phorng Seyha on September 5, 2015 for a Facebook post threatening to kill Dr. Sok Touch, a scholar recruited by the government to do Cambodia-Vietnam border research.⁶⁴ Despite issuing a formal apology letter to Sok Touch, Phorng Seyha was held until February 2016, when he was sentenced to 18 months in prison, subsequently reduced to 6 months, and a fine of KHR 1 million (US\$250).⁶⁵

Surveillance, Privacy, and Anonymity

Surveillance of citizens' digital activity has not been technologically advanced in Cambodia, but the telecommunications law approved during the coverage period includes several provisions that undermine security and privacy.⁶⁶ Article 97 criminalizes eavesdropping by private individuals, but permits secret surveillance with approval from an undefined "legitimate authority." The law includes no legal or procedural safeguards, and as such, appears to authorize undeclared monitoring of "any private speech via telecommunications," according to one analysis.⁶⁷

Article 6 requires that, "All telecommunications operators and persons involved with the telecommunications sector shall provide to the Ministry of Post and Telecommunications the telecommu-

60 European Parliament resolution of 26 November 2015 on the political situation in Cambodia (2015/2969(RSP)) <http://bit.ly/1P02K7Z>

61 Khy Sovuthy and Alex Willems, 'Another Arrest Warrant Issued for Sam Rainsy,' *The Cambodia Daily*, 06 January 2016. Available at: <http://bit.ly/1WfM5RM>.

62 Phak Seangly, 'CNRP duo jailed for birth certificate 'lies', *The Phnom Penh Post*, 21 November 2015. Available at: <http://bit.ly/1W4FB8b>.

63 Mech Dara, 'Graduate Convicted for Bomb Threat; Sentence Cut,' *The Cambodia Daily*, 26 October 2015, <http://bit.ly/1Q4n8tS>.

64 Aun Pheap, 'Man Arrested Over Threat to Kill Border Researcher,' *The Cambodia Daily*, September 7, 2015, <http://bit.ly/1Rn0ywp>

65 Lay Samean, "Man jailed 6 months for threats on Sok Touch," *Phnom Penh Post*, February 25, 2016, <http://www.phnompenhpost.com/national/man-jailed-6-months-threats-sok-touch>.

66 'Law on Telecommunications,' *Sithi Portal*, February 17, 2017, <http://bit.ly/1XwQ2CC>.

67 LICADHO, "Cambodia's Law on Telecommunications: A Legal Analysis," briefing, March 2016, <https://www.licadho-cambodia.org/reports.php?perm=214>.

nications information and communication technology service data.” There is no requirement for a judicial warrant or other safeguard, and the law places no limits on how long data can be stored.⁶⁸

The TRC had previously ordered mobile phone operators and ISPs to cooperate with police in 2014,⁶⁹ and it is believed that this law will strengthen the legal grounds for overreaching government surveillance.

In 2012, a circular from the Ministry of Interior and the MPTC ordered internet cafes to install surveillance cameras, and phone shops and telecommunications operators to register subscribers’ identification documents on the basis that these measures would “better promote protection of national security, safety and social order.”⁷⁰ In addition, the circular required used data to be stored by the operators for six days so that designated officials can use the information for investigations of offenses related to “issues of national security, safety, and social order.”

Intimidation and Violence

The internet is often used as a medium for threats and intimidation, such as the death threat issued against Sok Touch on Facebook for his work for the government mapping the Cambodia-Vietnam border (see Prosecutions and Detentions for Online Activity). However, there were no incidents of physical violence in retribution for online activity documented during the coverage period of this report.

Technical Attacks

In mid-January 2016, a group of hackers called Cyber TeamRox hacked into several websites, including those operated by the Cambodian Navy, Aeon Microfinance and the Artisans’ Association of Cambodia. Defense Ministry spokesman Chhum Socheath confirmed that the hackers were able to access data through the Navy’s website, but said the content was not sensitive.⁷¹ The team declared war on the government and the hacking was done in an “effort to secure justice the people [sic].”⁷²

In 2014, two members of Anonymous, the online collective that has claimed responsibility for hacking many government websites, saw their sentences were reduced after they agreed to work for the Ministry of the Interior.⁷³

There have been no publicized problems with government agents hacking or hijacking opposition or civil society websites in Cambodia.

68 LICADHO, “Cambodia’s Law on Telecommunications: A Legal Analysis,” briefing, March 2016, <https://www.licadho-cambodia.org/reports.php?perm=214>.

69 Matt Blomberg, Joshua Wilwohl and Phann Ana, ‘Police Inspected Telecom Firms’ Routers, Records’, *The Cambodia Daily*, December 9, 2014, <http://bit.ly/1G8OlgY>.

70 John Weeks, “Cambodia’s Default Internet Law – Draft Translation,” *Jinja.Apsara*, July 5, 2012, <http://bit.ly/1K8dFsu>.

71 Mech Dara and Daniel de Carteret, ‘Slew of websites hacked’, *The Phnom Penh Post*, January 12, 2016, <http://bit.ly/1R5xbMB>.

72 May Titthara, ‘Gov’t to Hacker: Info Technology is Crucial to Peace’, *The Khmer Times*, January 12, 2016, <http://bit.ly/20Xjdo0>.

73 Titthara, ‘Gov’t to Hacker.’