Cambodia

	2014	2015
Internet Freedom Status	Partly Free	Partly Free
Obstacles to Access (0-25)	14	14
Limits on Content (0-35)	15	15
Violations of User Rights (0-40)	18	19
TOTAL* (0-100)	47	48

* 0=most free, 100=least free

Population:	14.8 million
Internet Penetration 2014:	9 percent
Social Media/ICT Apps Blocked:	No
Political/Social Content Blocked:	Yes
Bloggers/ICT Users Arrested:	No
Press Freedom 2015 Status:	Not Free

Key Developments: June 2014 – May 2015

- A draft telecommunications law leaked in June 2014 could threaten privacy and anonymity through increased surveillance; a separate problematic cybercrime bill remains pending (see **Legal Environment**).

- A government working group was established in September 2014 to research mechanisms to restrict access to "immoral" online content (see **Blocking and Filtering**).

- In July 2014, a journalist was found guilty of defamation online in a verdict observers considered harsh (see **Prosecutions and Detentions for Online Activities**).

- In a positive development, sharing and discussion online helped prompt a police investigation into the murder of a businessman in December 2014 (see **Digital Activism**).

Introduction

Freedom on the Net rates the internet only partly free in Cambodia, though it remains the country's freest medium for sharing information. Stringent regulation of traditional media makes the internet an especially valuable platform, providing access to diverse sources of information and allowing users to document human rights abuses, mobilize for protests, and engage in online activism. Although not yet widely accessible—particularly for women, rural populations and poorer people—the internet's range is nonetheless increasing. Smartphones are proliferating, as is Wi-Fi.[1] Advancements in Khmer script technology have further improved accessibility,[2] while mobile phone applications have been utilized as a tool for activism, education, health, and agricultural purposes.[3]

Some concerning developments for internet freedom occurred during the coverage period. A potentially repressive cybercrime law, leaked in draft form in early 2014, remains pending. A separate draft telecommunications law that threatens the privacy and anonymity of internet users through increased surveillance was leaked to the public in June 2014.[4] This was followed in September by the establishment of a governmental working group, which was tasked with researching mechanisms to restrict access to immoral content online, a mandate that could be abused to censor political expression.[5] In December 2014, news reports said that the government intends to install surveillance equipment on the networks of internet service providers (ISPs) and mobile phone operators.[6] Nonetheless, it seems that the widespread implementation of these restrictions and surveillance mechanisms is limited by governmental resources, capacity, and expertise. When the government employed two hackers from the Anonymous Cambodia group, following their conviction for cyberattacks on government websites,[7] many saw it as an attempt to increase their information technology know-how.

Even without the systematic application of these measures, existing laws threatened internet freedom in 2014. In one example, journalist Rupert Winchester was found guilty in July 2014 of defamation for an article about a businessman published on his personal blog.[8] More positively, online interest and criticism of a murder investigation put pressure on the government to arrest the suspects in a murder inquiry involving the business community in December 2014.[9]

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1   Silas Everett, "Cambodia's Smartphone Revolution: Think Promise Not Peril", *In Asia,* December 3, 2014, http://bit.ly/1y9Ptqw; Suy Heimkhemra, "Cheap Data, Better Tech Putting More Cambodians Online," Voice of America, March 25, 2013, http://bit.ly/1VNzdTw.

2   Louisa Wright, "App Makes Typing in Khmer Easier, Faster", *The Phnom Penh Post,* January 1, 2015, http://bit.ly/1FxVIlW. Germaine Tan, "Khmer OCR: Convert Hard-Copy Khmer Text to Digital", *Geeks in Cambodia*, November 18, 2014, http://bit.ly/1LXwuSW.

3   VoterVoice, 'Home page', https://info.votervoice.net/. Innovative Support to Emergencies Diseases and Disasters (InSTEDD), "Marie Stopes International + Verboice: Will Mobile Phones Improve Contraceptive Use in Cambodia?" July 2, 2013, http://bit.ly/1JVnGfC. Tharum Bun, "How ICT can help in Agriculture," InSTEDD, (presentation, InSTEDD iLab, Southeast Asia, October 3, 2014), http://bit.ly/1EVh1TE.   Ul Run, "Exploring Example of ICT in Education and Development", World Education, February 18, 2014, http://bit.ly/1Q1dAv0.

4   Ministry of Posts and Telecommunications, "Draft Law on Telecommunications", June 19 2014.

5   Sean Teehan, "Making a play on words", *The Phnom Penh Post*, September 3, 2014, http://bit.ly/1nV0rFn.

6   Aun Pheap and Joshua Wilwohl, "Gov't Plans to Install Surveillance Equipment", *The Cambodia Daily,* December 10, 2014, https://www.cambodiadaily.com/news/govt-plans-to-install-surveillance-equipment-73911/.

7   Buth Kongkea, "Hackers Cut Deal to Work for Gov't", *The Phnom Penh Post,* October 1, 2014, http://bit.ly/1NpYQZd.

8   Reporters Without Borders, "Heavy Damages Award Against Blogger Threatens All Netizens," press release, July 29, 2014, http://en.rsf.org/cambodia-heavy-damages-award-against-29-07-2014,46714.html. Committee to Protect Journalists, "Harsh defamation ruling in Cambodia has broader implications," press release, July 24, 2014, http://cpj.org/x/5c28. Overseas Press Club of Cambodia, "OPCC Concerned Over Defamation Case," press release, July 23, 2014, https://www.cpj.org/JUL%2023%20OPCC%20concerned%20over%20defamation%20case.pdf.

9   Saing Soenthrith and Van Roeun, "Murder 'Mastermind' on Run; Parents Arrested," *The Cambodia Daily,* December 4, 2014,

Obstacles to Access

The proliferation of smartphones has enabled an increasing proportion of the population to access the internet regularly, although its impact has been less felt among women, rural populations, and poorer communities. Advancements in Khmer script applications have further increased access. Popular opposition has thus far proved an effective mechanism against access restrictions periodically proposed by officials for economic or security reasons.

Availability and Ease of Access

Internet penetration was at nine percent in 2014, up from seven percent in 2013, according to an International Telecommunication Union estimate, continuing a small but steady increase from previous years.[10] Local estimates were higher.[11] Average monthly subscription rates are between US$10 and US$20, depending on connection speed, compared to a GDP per capita of US$1036 (US$86 per month).[12] The average download speed is 5.8 Mbps, well below the global average of 18.2 Mbps.[13]

Mobile phone penetration is higher than internet penetration, with a 2014 penetration rate of 155 percent.[14] In a 2014 study conducted by the Open Institute and the Asia Foundation, 94 percent of more than 2,000 randomly selected respondents nationwide said they owned their own phone. Twelve percent said they used more than one phone, and 25 percent used more than one operator.[15] The use of smartphones is becoming increasingly common, and 19 percent of Cambodians report having used their smartphones to access the internet.[16]

Not all citizens have equal access to the internet. Rural areas have less access, although the difference is decreasing due to the increasing availability of wireless broadband. In urban areas, 39 percent of the population own smartphones, compared to 21 percent of the rural population.[17] Wealth also plays a significant role, with poorer citizens having less access. In addition, internet use is less common in older age groups: 44 percent of Cambodians aged between 15 and 25 accessed the internet in 2014 compared to 8 percent of 50-65 year olds.[18] There is also a gender disparity, with 19 percent of women reporting internet use compared to 34 percent of men.[19]

https://www.cambodiadaily.com/news/murder-mastermind-on-run-parents-arrested-73606/.

10   International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2014," http://bit.ly/1cblxxY.

11   According to the Telecommunication Regulator of Cambodia, there were over 5 million Internet users as of January 2015. Aria Paula Brito and Ouch Sony, "One-Third of Cambodians Now Online Thanks to Mobile Phones," The Cambodia Daily, March 12, 2015, https://www.cambodiadaily.com/news/one-third-of-cambodians-now-online-thanks-to-mobile-phones-79547/ ; Ben Sokhean, "Mobile Users Top 20 Million, Internet Usage Still Rising," *The Cambodia Daily,* March 27, 2014 http://www.cambodiadaily.com/business/mobile-users-top-20-million-internet-usage-still-rising-55024/.

12   UN Development Programme, "About Cambodia", http://www.undp.org/content/cambodia/en/home/countryinfo/.

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

14   BuddeComm, "Cambodia – Telecoms, Mobile, Internet and Forecasts", http://bit.ly/1Od5a5x. Telecommunication Regulator of Cambodia "Mobile Phone Subscribers," http://www.trc.gov.kh/mobile-phone-subcribers/.

15   Kimchhoy Phong and Javier Sola, *Research Study: Mobile Phones in Cambodia 2014*, 14, http://bit.ly/1hXGfWP.

16   Kimchhoy Phong and Javier Sola, *Research Study: Mobile Phones in Cambodia 2014.* 14, http://bit.ly/1hXGfWP.

17   Silas Everett, "Cambodia's Smartphone Revolution: Think Promise Not Peril", *In Asia,* December 3, 2014, http://bit.ly/1y9Ptqw.

18   Silas Everett, "Cambodia's Smartphone Revolution: Think Promise Not Peril", *In Asia,* December 3, 2014, http://bit.ly/1y9Ptqw.

19   Silas Everett, "Cambodia's Smartphone Revolution: Think Promise Not Peril", *In Asia,* December 3, 2014, http://bit.ly/1y9Ptqw.

Significant advancements have been made in developing Khmer language applications, spurred on by the government's recognition of Khmer Unicode font as a standard in 2010. Just over half (51 percent) of phones used in Cambodia support Khmer script, though they were more likely to be owned by men (56 percent, compared to 47 percent of women) and in urban areas (57 percent compared to 49 percent).[20] Online translation tools have allowed Khmer speakers to access greater amounts of information in English, and vice versa.[21] The free Khmer Smart Keyboard iPhone app,[22] released at the end of 2014, makes typing in Khmer easier and faster, allowing users to type up to 40 words per minute.[23] In addition, software developed by Alien Dev, a group of young programmers, [24] is capable of converting hard-copy Khmer text to digital documents.[25]

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. Approximately 98 percent of internet users have wireless access via satellite or Wi-Fi.[26] ISPs develop their own infrastructure, and two have announced plans to construct fiber-optic internet cables. To date, however, neither project has been completed.[27]

Insufficient electricity, often resulting in nationwide blackouts, imposes additional constraints on computer and internet use. Connections can also be extremely slow, especially in rural areas. In recent years, however, mobile broadband has helped boost online activity at such times.

The proposed telecommunications law raises concerns that Cambodia's Ministry of Posts and Telecommunications (MPTC) could potentially manage communications by establishing a centrally controlled Internet Exchange Point, but details in a draft leaked in 2014 could be subject to change (see Legal Environment).[28]

ICT Market

There were 29 ISPs operating in Cambodia, and 8 mobile service providers as of 2014, compared to 27 ISP providers and 7 mobile service providers in 2013, according to official government figures.[29] In 2013, the MPTC twice tried to set the price of mobile calls,[30] a move observers suspected was de-

20   Kimchhoy Phong and Javier Sola, *Research Study: Mobile Phones in Cambodia 2014*, 3, http://bit.ly/1hXGfWP.

21   Arne Mauser, "Google Translate now Supports Khmer," *Google Translate Blog*, April 18, 2013, http://bit.ly/1OzkMhw.
Suos Samark and Kim Sokphyrum, "English-Khmer Automatic Machine Translation," Bar Camp Cambodia, http://bit.ly/1O1kiDR.

22   "Khmer Smart Keyboard: A New Innovative Keyboard for Khmer and English," Khmer Smart Keyboard Crowd Funding, http://bit.ly/1ixcBZ4. Alien-Dev, Khmer Smart Keyboard, iTunes application, 2014, http://apple.co/1OzlZ8O.

23   Louisa Wright, "App makes typing in Khmer easier, faster," *The Phnom Penh Post,* January 1, 2015, http://bit.ly/1FxVIlW.

24   Alien-Dev, Khmer Smart Keyboard, iTunes application, 2014, http://apple.co/1OzlZ8O.

25   Germaine Tan, "Khmer OCR: Convert Hard-Copy Khmer Text to Digital", *Geeks in Cambodia*, November 18, 2014, http://bit.ly/1LXwuSW.

26   Suy Heimkhemra, "Cheap Data, Better Tech Putting More Cambodians Online," *Voice of America*, March 25, 2013, http://bit.ly/1VNzdTw.

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

28   Ministry of Posts and Telecommunications, "Draft Law on Telecommunications", June 19 2014.

29   Telecommunication Regulator of Cambodia, "Telecommunication License," August 2015, http://www.trc.gov.kh/licenses/.

30   Freedom House, "Cambodia," *Freedom on the Net*, 2014, https://freedomhouse.org/report/freedom-net/2014/cambodia.

signed to protect companies with links to officials from losing out to their competitors. The actions were withdrawn following public opposition, and the market remains competitive.

Regulatory Bodies

The Telecommunication Regulator of Cambodia (TRC) was established by royal decree in September 2012.[31] It is mandated with formulating fair and transparent policies, promoting access to quality and affordable services, providing a transparent regulatory process and regulatory guidance, encouraging fair competition and ensuring adherence to international standards and practices.[32] Asides from warning companies it said had failed to pay annual registration fees,[33] the TRC has worked with the MPTC to draft a new telecommunications law, which is loosely worded and has potential to restrict freedom of information.[34]

In addition, government officials at both the local and national level have attempted to limit access to the internet through circulars and announcements. [35] In some cases, popular opposition has overcome these efforts. For example, in 2012 a circular proposed to close all internet cafes within 500 meters of a school. As this would have effectively forced all internet cafes to close, a strong public backlash resulted, and it has not been implemented.[36] During the coverage period of this report, no such restrictions were applied either locally or nationally.

Limits on Content

The internet is a valuable platform, not only to access unbiased information, but also to share human rights abuses, mobilize people for protests, and engage in online activism. The Cambodian government has yet to adopt a rigorous, systematic approach to internet censorship, but took a possible step in that direction during the coverage period with the launch of a working group to explore censoring immoral content.

Blocking and Filtering

The government sporadically requests ISPs to block certain websites for political or moral reasons. In September 2014, the government formed a working group to look at possible mechanisms to restrict access to immoral content in Cambodia. Restricted content would include pornography, hate speech, and discriminatory language directed toward a political party or its supporters.[37] These ideas are yet to be implemented, and to date, politically motivated blocking has not been systematically applied.

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31   Telecommunication Regulator of Cambodia, "Background," http://www.trc.gov.kh/about-us/background/.
32   Telecommunication Regulator of Cambodia, "Vision and Mission", http://www.trc.gov.kh/about-us/vision-and-mission/.
33   Hor Kimsay, "Telecom regulator warns fee dodgers", *The Phnom Penh Post,* August 27, 2014, http://bit.ly/1XLMaPN.
34   Eddie Morton, "Telecom law grants 'police powers'," *The Phnom Penh Post,* August 15, 2014, http://bit.ly/1XLMaPN.
35   A circular is a measure endorsed by a minister or the prime minister to explain a point of law or to provide guidance with regards to a point of law. It is advisory in nature, and does not have binding legal force, though it can include penalties for non-compliance.
36   Cambodian League for the Promotion and Defense of Human Rights LICADHO, "New Circular Aims to Shut Down Internet Cafes in Cambodia," press release, December 13, 2012, http://www.licadho-cambodia.org/pressrelease.php?perm=298.
     Urban Voice Cambodia, "Save the Internet Cafes Campaign," March 15, 2013, http://bit.ly/1Qos6Og.
37   Sean Teehan, "Making a play on words", *The Phnom Penh Post*, September 3, 2014, http://bit.ly/1nV0rFn.

Blocking is nontransparent and appears to be based on informal communications between ISPs and government officials, which eliminates the possibility of an appeal and makes verifying internet censorship problematic. In 2011, the Minister of Posts and Telecommunications requested that mobile phone operators cooperate in blocking certain websites that impact Khmer morality, tradition and the government,[38] while the *Phnom Penh Post* leaked the contents of an email sent by an MPTC official to 10 ISPs thanking them for implementing the blocks.[39] In 2011, the popular blog *Khmerization* was unavailable for some periods on some ISPs, [40] as was a report by the UK-based NGO Global Witness in 2009.[41] YouTube, Facebook, Twitter and international blog-hosting services are freely available.

Content Removal

The scale of content removal is difficult to assess, since it is unofficial and nontransparent rather than legal or administrative. There have been instances when internet users have been questioned by police and coerced into removing the content, indicating a tendency for some powerful people to use their influence to force removal of negative comments about them online.[42] In 2013, teacher Phel Phearun was questioned after he posted details about his encounter with Phnom Penh traffic police on Facebook.[43] Separately, marketing manager Cheth Sovichea was detained for a day after accusing local officers on Facebook of confiscating unregistered motorcycles to solicit bribes. He avoided charges by removing the offending post and publically apologizing.[44]

Media, Diversity, and Content Manipulation

The fear of repercussions for sharing political views means that self-censorship remains common among many Cambodian bloggers and social media users.[45] There is no evidence that partisan interests manipulate online information, despite the use of the internet to abuse political opposition during the 2013 elections.[46] There are fears that the CPP will restrict political expression online in the future.[47]

All of the key media organizations in Cambodia have comprehensive websites with access to broadcasts, articles and videos. They also use social media platforms to disseminate information. This is true not only for government-controlled media, but also for independent and English-language media such as *The Cambodia Daily* and *The Phnom Penh Post,* helping users to retrieve unbiased infor-

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38   Thomas Miller, "Ministry denies blocking website," *The Phnom Penh Post,* February 16, 2011, http://bit.ly/1g9NgCQ.

39   "Cambodia Blocks Anti-Government Websites," *Voice of America*, February 16, 2011, http://bit.ly/1K85r3B.

40   Thomas Miller, "Tangled web revealed", *The Phnom Penh Post,* February 16, 2011, http://bit.ly/1g9NtWz.

41   Sebastian Strangio and Vong Sokheng, "NGO site barred by local ISP," *The Phnom Penh Post,* February 9, 2009, http://bit.ly/1EVlxBD. "Provider Denies Blocking Watchdog's Web Site," *Voice of America-Khmer*, February 9, 2009, http://bit.ly/1L1TXnq.

42   Cambodia Human Rights and Development Association (ADHOC), "The Right to Remain Silenced: Expressive Rights in the Kingdom of Cambodia," August 2014 http://www.adhoc-cambodia.org/wp-content/uploads/2014/08/Report_of_FOE_Rev4-Final-02.pdf.

43   Cambodian Center for Human Rights, *Special Edition – Phel Phearun – Case Study*, March 2013, http://bit.ly/1JVwj9T.

44   Lieng Sarith, "Facebook user busted over posts," *The Phnom Penh Post,* November 20, 2013, http://bit.ly/1EVmiKO.

45   The Cambodian Center for Human Rights, *Repression of Expression: The State of Free Speech in Cambodia*, September 2013, http://bit.ly/1EVmiKO.

46   The Electoral Reform Alliance, *Joint-Report on the Conduct of the 2013 Cambodian Elections,* November 2013, 11, http://bit.ly/1K9OyK9.

47   Sopheap Chak, "New Information and Communication Technologies' Influence on Activism in Cambodia", International Journal on *Human Rights,* 11, no. 20 (2013): 437-448, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2553249.

mation. In a positive move, many government institutions, parliamentarians and government officials are using social media, providing easily accessible information to the public.

Digital Activism

The proliferation of internet access has facilitated mobilization among Cambodian youth, who frequently engage in online advocacy activities, including petitions, blogging and hacktivism.[48] Telecommunications played a central role in the 2013 national elections. Not only did it provide access to up-to-date information for an increased audience, but Facebook was also used by the opposition to coordinate rallies and circumvent strict media controls. This trend continued in the aftermath of the election when evidence of alleged voter fraud was spread through social media. Additionally, footage of the violent suppression of antigovernment protests in January 2014 has helped activists to dispute the state media's portrayal of those events.[49] In December 2014, following the murder of a prominent businessman in Phnom Penh,[50] online criticism of the police response helped spur the investigation, which led to the arrest of the suspects.

Phone applications have also been utilized to assist in activism and mobilization. For example, VoterVoice allows users to quickly organize campaigns,[51] while the application Verboice—a free open-source tool that makes it easy for anyone to create and run projects that interact via voice, allowing users to listen and record messages in their own language and dialect or answer questions with a phone keypad—has been modified in various ways to provide verbal contraceptive reminders,[52] provide farmers with information about rice seeds,[53] and assist in educating children.[54] The Empowering Clogher Project developed the IT and communications skills of female bloggers (cloghers) to enable them to create their own online forums to discuss and share ideas, and advocate for human rights and social change, particularly relating to their own experiences as young women from Cambodian provinces. [55]

Violations of User Rights

A draft cybercrime law leaked in April 2014 remains a central concern for internet freedom activists. Although not yet passed, the law could criminalize a number of ill-defined activities, introduce harsher punishments for online slander than for the offline version of the same crime, and allow prosecutors rather than judges to order the retention of computer data for criminal investigations. A draft telecommunications law leaked in June 2014 also threatens the privacy and anonymity of internet users through increased surveillance. In addition, it was reported in December 2014 that the government in-

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48   Douglas Broderick and Anne Lemaistre, "On Press Freedom Day, Consider Cambodia's Digital Divide," *Cambodia Daily*, republished by UNESCO, May 3, 2011, http://bit.ly/1JVB8ju.

49   Kuch Naren and Colin Meyn, "Social Media Challenges 'Official' Version of Events", *The Cambodia Daily*, November 15, 2013, http://bit.ly/1O1xGba.

50   Saing Soenthrith and Van Roeun, "Murder 'Mastermind' on Run; Parents Arrested", *The Cambodia Daily*, December 4, 2014, http://bit.ly/1EOKS09.

51   VoterVoice, "Home page," https://info.votervoice.net/

52   InSTEDD, "Marie Stopes International + Verboice: Will Mobile Phones Improve Contraceptive Use in Cambodia?" July 2, 2013, http://bit.ly/1JVnGfC.

53   Tharum Bun, "How ICT can help in Agriculture," InSTEDD, (presentation, InSTEDD iLab, Southeast Asia, October 3, 2014), http://bit.ly/1EVh1TE.

54   Ul Run, "Exploring Example of ICT in Education and Development", World Education, February 18, 2014, http://bit.ly/1Q1dAv0.

55   Ramana Sorn, "Clogher Corner Celebrates New Cambodian Voices," *Rising Voices*, February 16, 2015, http://bit.ly/1VNGfYr. Sopheap Chak, "Building Clogher Power!" *Rising Voices*, July 28, 2014, http://bit.ly/1Q1kKiU.

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tends to install surveillance equipment on the networks of ISPs and mobile phone operators in Cambodia, though it appears that the government's technical capacity to implement these plans is still lacking.

Legal Environment

The Constitution of Cambodia not only provides for freedom of expression and freedom of the press under Article 41, but it also supports the provisions outlined in the Universal Declaration of Human Rights[56] and the International Covenant on Civil and Political Rights,[57] which both guarantee those rights. In practice, charges of criminal defamation and incitement as provided by the 2010 penal code are often used to restrict these freedoms.

A pending cybercrime law represents a significant threat to freedom of expression on the internet. The drafting process has been characterized by a lack of transparency and civil society involvement.[58] In April 2014, the freedom of expression advocacy group Article 19 obtained a copy of the Cybercrime Law Draft V.1 and published an unofficial translation.[59] That version prohibited publications "deemed to generate insecurity;" "deemed damaging to the moral and cultural values of the society;" those considered to undermine "the integrity of any governmental agencies;" or those considered "manipulation, defamation and slanders [sic]." The draft carried potential prison sentences of one to three years and fines ranging from KHR 2 to 6 million (US$490 to US$1,480). By contrast, offline slander is punishable by a maximum of one year behind bars.[60]

The lack of adequate definitions in the draft was especially concerning considering the proposed make-up of a National Anti-Cybercrime Committee to enforce it, consisting of high-ranking members of government under the chairmanship of the prime minister. The draft would further grant prosecutors, rather than judges, authority to issue court orders to preserve computer and traffic data for purposes of criminal investigation. The law was reportedly put on hold in late 2014,[61] but in late May 2015, the minister of post and telecommunications announced that it is still under consideration, including criminal sanctions for "people with bad intentions" who "criticize the government."[62]

The draft telecommunications law, which was similarly leaked later in 2014, also provides for governmental control over the management of internet infrastructure and services, giving the state undue influence over telecommunications providers. The draft appeared to authorize the MPTC to install a central Internet Exchange Point to better control communication. Other provisions may be detrimental to individual privacy and criminalize online content perceived as critical of the ruling party.[63]

These developments took place against a broader movement to limit civic participation. In April

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

57   Cambodia ratified the ICCPR in 1993: UN General Assembly, *International Covenant on Civil and Political Rights*, December 16, 1966, United Nations, Treaty Series, V. 999, 171, http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx.

58   Cambodian Center for Human Rights, "Human Rights Chronology," December 10, 2012, http://bit.ly/1UBL1Lt.

59   Cybercrime Law Formulation Working Group of Council of Ministers, "Cybercrime Law Draft V:1" http://www.article19.org/data/files/medialibrary/37516/Draft-Law-On-CyberCrime_Englishv1.pdf.

60   Article 19, "Cambodia: Secret Draft Cybercrime Law Seeks to Undermine Free Speech Online," press release, April 9, 2014, http://www.article19.org/resources.php/resource/37516/en/cambodia:-secret-draft-cybercrime-law-seeks-to-undermine-free-speech-online.

61   Chris Mueller and Khoun Narim, "Controversial Cybercrime Law 'Scrapped'," *The Cambodia Daily,* December 12, 2014, http://bit.ly/1sn1xfm.

62   "Cyber Law to Protect Gov't Honor, Ministry Says", The Cambodia Daily, 27 May 2015

63   Ministry of Posts and Telecommunications, "Draft Law on Telecommunications", June 19 2014.

2015, Prime Minister Hun Sen and other senior lawmakers said they planned to adopt a highly controversial Law on Associations and Non-Governmental Organizations (LANGO) without consultation.[64] No draft has been made public since 2011, with the intention of excluding civil society from the law-making process, despite the fact that it would severely affect their ability to carry out their role. In January 2015, the government announced its intention to introduce a state secrets law that could include criminal penalties for those who leak draft laws for public comment.[65]

Prosecutions and Detentions for Online Activities

Provisions on criminal defamation and incitement from the 2010 penal code have been used to harass and discourage bloggers, Facebook users, and journalists.[66] On July 24, 2014, a court in Phnom Penh found journalist Rupert Winchester guilty of defamation for a June 2013 article about a businessman published on his personal blog. In a trial and verdict the freedom of expression community called disproportionately harsh, he was fined KHR 8 million (US$2,000) and ordered to pay KHR 100 million (US$25,000) in damages.[67]

There have been other convictions involving internet use in recent years. In 2010, Seng Kunnaka was sentenced to six months imprisonment and a fine of KHR 1 million (US$250) for "incitement to commit a felony" under Article 495 of the new penal code, after he printed articles from the *KI-Media* website for a handful of colleagues.[68]

Surveillance, Privacy, and Anonymity

Although surveillance of citizens' digital activity is not widespread or technologically advanced in Cambodia, there have nonetheless been a number of attempts to monitor online activity. 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".[69] 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". The draft telecommunications law has potential to further increase surveillance and erode privacy and anonymity, by establishing a government-controlled Internet Exchange Point allowing centralized oversight of online traffic, among other measures.[70]

In December 2014, it was reported that the government plans to install surveillance equipment on ISP and mobile phone networks. A senior Interior Ministry official explained that it is important to

64   Human Rights Watch, "Cambodia: Drop Restrictive Organizations Law," April 26, 2015, http://bit.ly/1EOMTtl.

65   Chak Sopheap, "Cambodia needs to prioritise access to information law", *The Phnom Penh Post,* February 18, 2015, http://bit.ly/1EWulF6.

66   Human Rights Watch, "Cambodia: New Penal Code Undercuts Free Speech," December 23, 2010, http://bit.ly/1QoBuBF.

67   Reporters Without Borders, "Heavy Damages Award Against Blogger Threatens All Netizens," press release, July 29, 2014, http://bit.ly/1Nio7TB; Committee to Protect Journalists, "Harsh defamation ruling in Cambodia has broader implications," press release, July 24, 2014, http://cpj.org/x/5c28; Overseas Press Club of Cambodia, "OPCC Concerned Over Defamation Case," press release, July 23, 2014, http://bit.ly/1JVG5ZO.

68   International Federation for Human Rights, "Cambodia: Assault on Freedom of Expression Continues with Conviction of UN Staff," December 23, 2010, http://www.fidh.org/Cambodia-Assault-on-freedom-of-expression.

69   John Weeks, "Cambodia's Default Internet Law – Draft Translation," *Jinja.Apsara*, July 5, 2012, http://bit.ly/1K8dFsu.

70   Ministry of Posts and Telecommunications, "Draft Law on Telecommunications", June 19 2014.

"strictly control people using the internet and mobile networks."[71] This development came shortly after the TRC ordered 12 mobile phone operators and ISPs to cooperate with police in an October 2014 letter.[72] Despite these plans, it appears that the government does not yet have the necessarily equipment or sufficient funds to start systematic surveillance.

Also in late 2014, the Council of Ministers' Press and Quick Reaction Unit announced the creation of a "Cyber War Team," with the stated aim of monitoring all online activity to "protect the government's stance and prestige."[73]

Intimidation and Violence

The internet is often used as a medium for threats and intimidation, though there were no incidents of physical violence in retribution for online activity documented during the coverage period of this report. In December 2013, members and leaders of the main opposition Cambodia National Rescue Party (CNRP) were sent threats containing pictures of a gun and ammunition via Facebook.[74] The former leader of the Cambodian Center for Human Rights, Ou Virak, was also targeted online following his criticism of the CNRP's leader's use of discriminatory language about Vietnamese immigrants.[75]

Technical Attacks

Technical attacks often go unreported in Cambodia, although there has not been any systematic targeting of civil society groups or government critics by hackers. During the 2013 election there were numerous technical attacks, including on government websites.[76] In September 2013, following the elections, the hacking group Anonymous Cambodia, part of the global Anonymous collective, posted an declaration of online war against the Cambodian government following the fatal shooting of a bystander, Mao Sok Chan, at a protest.[77] Several governmental websites were subsequently disabled for short periods of time, and five alleged members of the hacking group were arrested.[78] Two people were convicted at Phnom Penh Municipal Court on September 20, 2014, for IT offences in relation to the attacks. They were sentenced to five months and 20 days, time they had already served on remand, then given government jobs with the same Interior Ministry department which worked to arrest them.

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71   Aun Pheap and Joshua Wilwohl, 'Gov't Plans to Install Surveillance Equipment', *The Cambodia Daily,* December 10, 2014, http://bit.ly/1IyjNgi.

72   Matt Blomberg, Joshua Wilwohl and Phann Ana, 'Police Inspected Telecom Firms' Routers, Records', *The Cambodia Daily,* December 9, 2014, http://bit.ly/1G8OIgY.

73   "'Cyber War Team' to Monitor Web", *The Cambodia Daily*, November 20, 2014.

74   Heng Reaksmey, "Policeman Denies Threatening Opposition Official via Facebook," *Voice of America*, December 6, 2013, http://bit.ly/1EVtAOO.

75   Cambodian Center for Human Rights, "Open Letter from CCHR expressing grave concern over discriminatory language reportedly used by the CNRP," December 12, 2013, http://cchrcambodia.org/index_old.php?url=media/media.php&p=press_detail.php&prid=455&id=5. Cambodian Center for Human Rights, "CCHR Issues Clarification on its Open Letter to CNRP Leadership on the Subject of Discrimination," press release, December 18, 2013, http://cchrcambodia.org/index_old.php?url=media/media.php&p=press_detail.php&prid=456&id=5.

76   Alex Willemyns, "Local Hacking Group Sabotages NEC Websites," *The Cambodia Daily,* July 9, 2013, http://bit.ly/1EVtAOO.

77   "Protest Takes Dark Turn," *The Phnom Penh Post,* September 16, 2013, http://www.phnompenhpost.com/national/protest-takes-dark-turn; Lauren Crothers and Mech Dara, "King Sihamoni and Queen Mother Donate to Sunday's Victims," *The Cambodia Daily,* September 18, 2013, http://www.cambodiadaily.com/elections/king-sihamoni-and-queen-mother-donate-to-sundays-victims-42582/. Cambodia is a constitutional monarchy; King Sihamoni succeeded his father as head of state in 2004.

78   Kuch Naren and Joshua Wilwohl, "Two Members of Hacking Group Anonymous Arrested," *The Cambodia Daily,* May 3, 2014, http://bit.ly/1idR5sE. Eang Mengleng and Joshua Wilwohl, 'Teenager Charged for Hacking Government Site', *The Cambodia Daily,* June 5, 2014, http://bit.ly/1EONCe0.