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Paper No. 16

PRESS LAW
(Unofficial Translation)

CHAPTER 1: RIGHTS AND FREEDOMS OF THE PRESS

Article 1:

This law determines the regime of the press and assures freedom of the press and freedom of publication in conformity with articles 31 and 41 of the Constitution of the Kingdom of Cambodia.

Article 2:

The press has the right to maintain the confidentiality of its sources.

Article 3:

To maintain the independence of the press, pre-publication censorship shall be prohibited.

Article 4:

The publication of official information such as statements, meetings, meeting minutes or reports, etc., may not be penalized if such publication is fully true or an accurate summary of the truth.

Official information covered by this article refers to:

- 1) statements, meetings, meeting minutes or reports of the National Assembly, including its committees and commissions, except if the National Assembly meets in secrecy as stipulated in article 88 of the Constitution of the Kingdom of Cambodia;
- 2) statements, meetings, meeting minutes or reports of the executive branch, including statements of ministers and other officials;
- 3) all aspects of the judicial process, including its procedures, except in the following cases:
 - closed to the public by court order;

- regulated by Article 16 of this law, relating to privacy of individuals in legal proceedings;
- the dossier is still under investigation by the court.

Article 5:

A. Generally

The press has the right of access to information in government-held records, except for any information which causes:

- harm to national security;
- harm to relations with other countries;
- invasion of the rights of individuals, including files of civil servants, medical files and other confidential official documents, etc.;
- exposure of confidential commercial and financial documents obtained from individuals or legal entities and information related to the regulation and supervision of financial institutions;
- effects on the right of any person to a fair trial;
- danger to public officials carrying out the law or their duties.

B. Requests for Information

Requests for information shall be made in writing and shall clearly specify the information requested from the relevant institution.

Officials in charge of such institutions shall respond in writing to requests within thirty (30) days. If the request is denied, in whole or in part, the reasons for the denial shall be specified in writing.

CHAPTER 2: RESPONSIBILITIES OF JOURNALISTS

Article 6:

Journalists have the right to establish journalists associations. Such journalists associations shall be independent. Through a vote of its members, each journalists association shall adopt by-laws which do not contradict the law. The leader of the journalists association, who shall be a member of the Board of Directors, shall be elected following a democratic process.

Article 7:

Each journalists association shall establish a code of ethics to be implemented within the association which includes the following primary principles which journalists are obliged to follow:

- 1) Respect for truth and for the right of the public to the truth;
- 2) Journalists shall disseminate information in good faith and make fair commentaries or criticisms consistent with a sense of justice;
- 3) Report only in accordance with facts of which they know the origin. Journalists shall not suppress essential information or falsify documents;
- 4) Use only fair methods to obtain news, photographs and documents;
- 5) Retract any published information which is imprecise and leads to a misunderstanding;
- 6) Avoid publishing information which incites discrimination on the basis of race, color, sex, language, belief, religion, political opinion or tendency, national or social origin, wealth, or other social status;
- 7) Respect the rights to privacy of individuals;
- 8) Strictly respect Khmer grammar in writing articles;
- 9) Publication of obscene texts or pictures and graphically violent materials is prohibited;
- 10) Violation of the right to a fair trial of any individual as stipulated in the Constitution of the Kingdom of Cambodia is prohibited;
- 11) Regard the following as grave professional abuses by journalists:
 - plagiarism;
 - fraudulent misrepresentation, such as writing to imply a meaning which creates unjust suspicion among readers about any individual or party;
 - calumny, defamation, unfounded humiliation;
 - the acceptance of a bribe in any form or attempt to blackmail in consideration of either publication or suppression of any information.

Article 8:

Before distribution of the press, the employer or editor shall submit an application to the Ministry of Information in order to identify itself. The Ministry shall issue a receipt to the press after receiving the whole file.

In case the director of publication is a member of the National Assembly or of any institution which has immunity, that press organ shall appoint a co-director of publication.

Any employer or editor who publishes without respecting this formality in advance shall be fined from 500,000 to 1,500,000 riel. In case of repeated violations, the fine shall be double the original amount.

Article 9:

The formality which shall be completed by the employer or editor shall primarily consist of:

- identity of the press organ;
- name and address of the employer or editor;
- name and address of the printing house;
- certification of criminal record.

Any change in the above information shall be notified to the Ministry of Information 5 days in advance, except in cases of force majeure.

Article 10:

If any person believes that any article or text, even if the meaning of the article or text is implied, or any picture, drawing or photograph of any press is false and harms his or her honor or dignity, that person has the right to demand a retraction from or the right to reply to the publisher of the statement and the right to sue on the charge of defamation, libel or humiliation which harms his or her honor or dignity. A retraction or reply shall be published within seven days or in the next issue after receiving a demand for a retraction or reply.

In the case of a public figure, any false allegation or imputation which the journalist publishes or reproduces with malicious intent against such public figure is libel and is prohibited.

If following a complaint by a plaintiff in a civil action the court finds that a publication is false the court may order the press to:

- publish a retraction
- pay compensation, or
- publish a retraction and pay compensation.

A retraction that the press is obliged to publish shall be published on the same page with the same size of type as the text believed to have affected the honor or dignity of others.

In addition, the court may impose a fine of 1,000,000 to 5,000,000 riels.

In addition, in cases in which a judgment is made under the above paragraph the court may order the posting of its decision at specified locations and the publication of its judgment in one or more newspapers at the expense of the accused, not to exceed a maximum of 1,000,000 riel.

Article 11:

The press shall not publish anything which may affect public order by directly inciting one or more persons to commit violence.

Commitment of the offense mentioned above shall be penalized by a fine of 1,000,000 to 5,000,000 riels.

Victims of the above acts have the right to file a civil suit in the court as a plaintiff.

In all cases, the court shall directly examine the relationship between the inciting article and the act. Any article more than three months old may not be used by the court as a ground for accusation.

Article 12:

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

The employer, editor or author of the article may be subjected to a fine of 5,000,000 to 15,000,000 riels, without taking into account possible punishment under the criminal law.

The Ministries of Information and Interior have the right to immediately confiscate the offending issue of the press. The Ministry of Information also has the right to suspend the publication for a maximum of 30 days and transfer the case to the court.

Article 13:

The press shall not publish or reproduce false information which humiliates or contempts national institutions. Such publication may be penalized by a fine of 2,000,000 to 10,000,000 riels.

Article 14:

The press shall not publish anything which affects the good customs of society, primarily:

- curse words, such as "you" (in a contemptible context) ["ah"] or "you" (in a belittling sense) ["meung"], etc.;
- words directly describing explicit sexual acts;
- drawings or photographs depicting human genitalia, or naked pictures, unless published for educational purposes;
- degrading pictures which compare particular human beings to animals.

Violation of this article may be penalized by a fine of 1,000,000 to 5,000,000 riels.

Article 15:

Unless there is permission from the court, the press may not publish information, photographs or drawings which may make it possible for readers to identify or know the name of:

- parties in any civil suit involving paternity, marriage, divorce or child custody;
- a youth under the age of 18 in any civil or criminal suit; or
- a woman who is a victim of molestation or rape.

Except in cases in which the publication may affect the investigation of the court, the press may publish the above information if the concerned person or custodian agrees in writing.

Any individual whose rights under this article are violated by the press are entitled to file a civil action in court for compensation.

Article 16:

A commercial advertisement may be considered to be false if the advertisement

exaggerates the quality or value of a product or service and leads to consumer confusion.

Such advertisements shall be prohibited, but a press organ which publishes such advertisements does not have legal responsibility unless the press organ continues to publish such advertisements after having received a written warning from the court or competent ministry to cease such advertisements.

In contrast, the advertiser is responsible before the law and the court if there is a complaint by an individual or consumers association whose interests have been harmed by the advertisement.

False advertisements may be penalized by a fine of 1,000,000 to 5,000,000 riels.

CHAPTER 3: COMPETITION

Article 17:

No natural or fictitious person may own or possess more than two Khmer language newspapers in the Kingdom of Cambodia.

Article 18:

The total number of Khmer language newspaper owned or possessed by foreigners shall not exceed 20 percent of the total of all Khmer language newspapers published in the Kingdom of Cambodia.

Once authorized to publish, newspapers owned or possessed by foreigners may not be subjected to closure because of the reduction of the total number of Khmer language newspapers.

CHAPTER 4: DEPOSIT

Article 19:

Employers or editors shall deposit 2 copies of each published edition with the National Library and 6 copies with the Ministry of Information. Such deposit must be made within 15 days of the date of publication if printed in Phnom Penh and within 45 days if printed elsewhere.

Violations of this article shall be penalized by an administrative fine of 30,000 to 300,000 riels.

CHAPTER 5: FINAL PROVISIONS

Article 20:

Any act committed by an employer, editor or author of a text which violates the criminal law shall be punished according to the criminal law. No person shall be arrested or subject to criminal charges as the result of the expression of opinions.

Article 21:

All previous provisions related to the press shall be nullified.

This law is adopted by the National Assembly of the Kingdom of Cambodia on 18 July 1995 during the fourth session of the first legislature.

[signature and seal of Loy Sim Chheang]

Loy Sim Chheang (for the President of the National Assembly)
Phnom Penh, 18 July 1995