



**KINGDOM OF CAMBODIA**  
Nation Religion King

Permanent Mission of the Kingdom of Cambodia  
to the United Nations Office and other International  
Organizations at Geneva

Ref. 2017/11/444

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights at Geneva and, with reference to the Joint Urgent Appeal from Special Procedures letter UA KHM 4/2017 dated 6 September 2017, has the honour to enclose herewith a clarification of questions from the Ministry of Information concerning administration and legal measures against media outlets in Cambodia as in the attached files.

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations avails itself of this opportunities to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 20 November 2017



Office of the United Nations High  
Commissioner for Human Rights  
Geneva



ក្រសួងព័ត៌មាន

MINISTRY OF INFORMATION

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ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

រាជធានីភ្នំពេញ, ថ្ងៃទី ១៣ ខែ លិច ឆ្នាំ ២០១៧

Unofficial Translation

**Clarifications of the Ministry of Information to Human Rights Council of the United Nations over the “ Administrative and Legal Measures Against Media Outlets in Cambodia”**

**Question 1**

Please provide any additional information and any comment you may have on the mentioned allegations.

**Answer:**

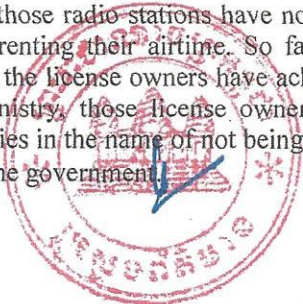
The allegations to government actions on the uses of legal and administrative framework on media, as the restrictions to independent media in Cambodia, and says the Ministry of Information issued decision to revoke license of FM radio stations without warning or prior notification, were a wrong perception without finding the fact/truth and received only the single part of information and have iniquity intent to accuse and blame on the government.

The Ministry of Information confirms that based on implementation of the laws on the press, which determines the regime of press and assures freedom of press and freedom of publication in conformity with Articles 31 and 41 of the Constitution of the Kingdom of Cambodia, the Ministry of Information provided the opportunity to Cambodian citizens the rights to run business and very widely on information and broadcasting field, without political tendencies, without discrimination, and to maintain the independence of the press pre-publication censorship shall be prohibited as stated in Article 3 of the law on press. Not only that, Article 18 states that foreigners can own or posses Khmer language media up to 20 percent of the total existing numbers of Khmer language media in the Kingdom of Cambodia.

In fact, freedom of press and freedom of publication is really widely open up and has been assured by the Constitution and relevant laws, as we can see through growing up number of media and the progress of the information and broadcasting sector in Cambodia.

Today, both national and international media that operating their media activities in Cambodia, which has political tendencies to support the opposition party or the government, in the total number are 530 newspapers (43 newspapers published in foreign language); 221 radio stations and both TV main stations and Repeat TV station are 134 stations. Others, such as Radio and TV Online, Radio and TV facebook, which are performing their rights to freedom of press, both registered at the Ministry of Information and non-registered, are over 100 organizations.

On 21<sup>st</sup> August, 2017, the Ministry of Information revoked some radio’s licenses because those license owners have violated their license, contract with the Ministry and the terms on which they had been permitted to operate, and those radio stations have not requested in their agreement with the Ministry the authorization for renting their airtime. So far, despite the terms had been stipulated in the license and contract that the license owners have acknowledged, and despite many time reminder letters issued by the Ministry, those license owners never taken directions into account then operating their media activities in the name of not being conformed to the law or break the law and also pretext of the blame on the government.



The Ministry of Information confirms that, in principle of law, no one can violate the law and pretending that he did not know the enacted legal provisions in order to escape from their responsibilities.

The Ministry has issued a directive to direct local radios to stop hiring their airtimes to Radio Free Asia (RFA) and Voice of America (VOA) because these media outlets did not register their news organizations with the Ministry of Information. Whereas the government's action on *The Cambodia Daily Newspaper* is the implementation on the Law of Taxation, which is the obligation of media not only for *The Cambodia Daily Newspaper* but also for all individual media organizations to respect and conform.

**Question 2**

Please provide information about the legal basis for the revocation of the radio license. Please explain how this measure, and the lack of prior notification, complies with Cambodia's obligations under international law, in particular with article 19 of the ICCPR and with the guarantees of due process.

**Answer:**

The role of the Ministry of Information is to manage and control the information and broadcasting sector in the Kingdom of Cambodia, based on the legal basis such as the Constitution, Law on Press, Law on the Establishment of the Ministry of Information and sub-degree on organizing and functioning of the Ministry of Information.

Beside that, there are also numbers legal document relevant to the management of information and broadcasting sector in the Kingdom of Cambodia, in accordance with laws and international treaties, in particular, article 19 of the ICCPR which guarantees civil rights and rights to freedom of opinion and expression.

Legal basis on revocation of radio station's licenses and directive to prohibit 21 FM radio stations from hiring their airtimes on 21 August, 2017, was the legal actions as stipulated in Article 3 of the sub-degree on organizing and functioning of the Ministry of Information, which stated that the Ministry of Information has duty to license, to revoke and to temporarily suspend of the printing media and broadcasters.

To ensure the management on information and broadcasting to be sustainable and to guarantee to have media professionalism with responsibility, national security and civil rights under the legal framework, the Ministry of Information has prepared and issued regulations such as proclamations, circulars, directives, contracts and other regulatory norms in accordance with the Constitution and legal framework of the Kingdom of Cambodia.

Very often, the Ministry of Information has issued notifications to all media especially to radio owners to comply to all terms as stipulated in the Ministry's licenses, in which they stated that " All radio broadcast stations shall comply with the Constitution, legal provisions, proclamations, contracts, regulations, directives and shall request for authorization from the Ministry in hiring airtime, importing, assembling and changing of broadcast equipments, and before launching their broadcast for the first time. The radio owners shall notify to the Ministry in order to check technical aspects as well as to ensure the safety of frequency usage."

The contract, which the FM radio owners have with the Ministry, is the technical and legal framework that required all broadcasters to conform with Radio owners shall request for authorization from the Ministry in hiring their airtime in advance to ensure the protection of national security, relations with other countries, to prevent the use of media in the Kingdom of Cambodia for activities of terrorism or for foreigner to perform political activities against other countries, which affect the national security as well as the relations with other countries.



The technical aspects in the contract over the production, importing and assembling of broadcast equipments, are just to ensure the harmonization of the use of radio frequencies in the Kingdom of Cambodia.

For the allegations to the Ministry's action taken in revocation of licenses and closing of radio stations, and saying that the Ministry has made this decision without issuing reminder letter or prior notification, was explained in the answer to question 1 above.

**Question 3**

- Please provide information on the conditions upon which media licenses from the Ministry of Information can be reinstated, renewed or issued, and any legal restrictions to the operations of licensed organizations.

**Answer:**

Licensing for media such as newspaper, magazine, radio, television and website / online radio and TV are opening up, as already indicated in the answers to Question 1 and 2.

For the strict restriction to media that violated the media license, specifically violated to the contract in place with the Ministry, and to avoid having the same violations occurred repeatedly and being the bad samples for other media; as a warning to all media, the Ministry of Information has decided to revoke the licenses of those violated media and there is no condition that the revoked licenses can be renewed or reissued.

**Question 4**

Please provide information on the legal and administrative framework governing media in Cambodia, in particular with regard to the protection of freedom of the media, and any restriction thereof provided for by law.

**Answer**

The legal and administrative frameworks concerning the governing of media in Kingdom of Cambodia were clearly indicated as in the aforementioned answers to Question 2 and 3.

