

**KRAM DATED SEPTEMBER 1, 1995**

**ON THE REGIME OF THE PRESS**

We,

Norodom Sihanouk,

King of Cambodia,

- having seen the 1993 Constitution of the Kingdom of Cambodia;
- having seen Kret dated November 1, 1993 on the appointment of the Royal Government of Cambodia;
- having seen Kret NS-RKT-1094-83 dated October 24, 1994 on the modification of the composition of the Royal Government of Cambodia;
- having seen Kret NS-RKT-1094-090 dated October 31, 1994 on the modification of the composition of the Royal Government of Cambodia;

upon the proposal of the two Prime Ministers and the Minister of Information;

promulgate;

the law on the Regime of the Press adopted by the National Assembly on July 18 , 1995, the text of which is as follows:

**CHAPTER 1**

**RIGHTS AND FREEDOMS OF PRESS**

Article 1:

This law shall determine a regime for the Press and assure the freedom of 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 rights to maintain the confidentiality of its sources.

Article 3:

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

Article 4:

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 committee and commissions, except if the National Assembly has a secret meeting 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 the Ministers and other officials.
3. all aspects of the legal process, including judicial proceedings, except those proceedings:
  - closed to the public by court order;
  - regulated by [Article 16 of this law](#), relating to privacy in legal proceedings;
  - dossier of cases still under investigation of the court;

Article 5:

A. Generally

The Press has rights of access to information in government held records, except for any information that causes:

- harm to national security;
- harm to relations with other countries;
- invasion of the privacy rights of individuals, including personal files of officials, medical files, and confidential official files and materials;
- expose trade secrets, confidential financial information obtained from any individual or legal entity, and information related to the regulation and supervision of financial institutions;
- affect the rights of any person to a fair trial;
- danger to public officials carrying out the law or their duties.

#### B. Request for Information

Requests for information shall be made in writing and specify clearly of the information which is requested to the institutions.

Competent official who governs such institution shall respond in writing to the request within 30 days. If the request is denied in whole or in part, reasons for such denial shall be indicated clearly in writing.

## CHAPTER 2

### PRESS RESPONSIBILITY

#### Article 6:

Journalists have rights to establish Press Association(s). Such Press Association(s) shall be independent. Each Press Association shall respectively adopt its Statute (bylaws) by agreement from the members through vote, which does not contradict with the laws in vigor. Leaders of the Press Association shall be elected through democratic process to be members of the Board of Directors.

#### Article 7:

Each Press Association shall establish a code of ethics for internal application in its association. The Press has obligation to comply with the code of ethics, which should primarily include necessary principles as follows:

1. Respect for truth and for the rights of the public to the truth.
2. Journalists shall fairly publish information and commentary and make fair criticisms consistent with justice.
3. Journalists shall report only in accordance with facts that 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. Do the utmost to rectify any published information which is found imprecise and which may lead to misunderstanding.
6. Shall avoid publishing any information which incites and causes to have discrimination as on the basis of race, color, sex, language, belief, religion, opinion or political tendency, national or social origin, resources, or other status.
7. Shall respect the rights to privacy of the individual.
8. shall respect very strictly the grammar rule of the Khmer language, when writing articles.
9. Publication of obscene texts and posters and graphically violent materials is prohibited.
10. Violation of the rights of individual to a fair trial as provided for in the Constitution of the Kingdom of Cambodia, shall be prohibited.
11. Journalist shall regard as grave professional abuses, the following:
  - plagiarism;
  - misrepresentation, such as writing to imply a meaning which creates unjust suspicion among readers, individuals or any group or party;
  - calumny, defamation, unfounded humiliation;
  - 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, the press, employer or editor shall file an application with the Ministry of Information in order to identify itself. A receipt shall be issued to the press by this Ministry after receiving the whole file.

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

Employer or editor who publishes without respecting this procedure before hand, shall be penalized to pay fine from 500,000 to 1,500,000 Riels. In case if not giving up the offense, shall be penalized to pay in double the above original amount of fine.

Article 9:

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

- identity of the Press,
- names and addresses of the employer and editor;
- name and address of the printing house;
- certification of individual past criminal record of the employer and editor;

Any change of above information shall notify the Ministry of Information 5 days in advance, except for the case of force majeure.

Article 10:

If any person who 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/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 rights to sue on charge of defamation, libel, or humiliation which harmed to his/her honor or dignity. A retraction or response shall be published within seven (7) days or in the next issue after receiving a demand of retraction or reply.

In the case of a public figure, all purports or false allegations which the journalist takes to publish itself or reproduces out of the truth, with malicious intent against such public figure, is such a libel which is prohibited by the law.

If following a complaint of the Plaintiff of the civil action the court found out that any publication is false, it then may order the press:

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

A retraction that the press has obligation to publish it, shall be on the same page and with the same size of typescripts with which of the text which is believed to have affected the honor or dignity of the person (who demands).

Additionally, the court may penalize to pay fine from 1,000,000 Riels to 5,000,000 Riels.

Moreover, in case when a judgment is made on any act as stated in above paragraph, the court may order to post its decision at specific locations which will be indicated by the court at the expense which shall be born by the accused person; and the court may publish this judgement in article of one or more newspapers also at the costs of the accused person, which its maximum should not be exceeded 1,000,000 Riels.

In all cases, the owner, the editor and journalist shall be jointly liable for payment of damages to the victims.

Article 11:

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

Any act of abuse to what stated above shall be penalized to pay fine from 1,000,000 to 5,000,000 Riels.

The person victimized of the act stated above, shall have rights to consider himself/herself as plaintiff of the civil action and file a civil suit in court.

For every case, the court shall examine on the direct relationship between the inciting article and such act. Any article of more than three (3) months old may not be used by the court as ground for accusation.

Article 12:

The press shall not publish or reproduce any information that may cause harm to the National Security and Political Stability.

Employer, editor and journalists shall be penalized to pay fine from 5,000,000 Riels to 15,000,000 Riels, without yet taking into account of due punishment according to Criminal Law.

The Ministries of Information and of Interior shall have rights to confiscate immediately the offending issue of the press.

Moreover, the Ministry of Interior may also have rights to suspend the publication for a period which shall not exceed thirty (30) days and to forward all dossiers to the court.

Article 13:

The press shall not publish or reproduce false information that may lead to humiliation that effects the national organs. Such kind of publication shall be penalized to pay fine 2,000,000 Riels to 5,000,000 Riels.

Article 14:

The press shall not publish anything that may effect to the good custom of society, primarily:

- curse words that are indecent such as Ah, Meung, etc..
- words describing explicitly of sexual acts,
- drawing or photographs depicting human genitalia or naked pictures. Except for those publications for educational purposes.
- pictures of degrading which compare particular human being to animals,

Violation of this above article shall be penalized to pay fine from 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 that may make it possible for the readers to identify and know the name of:

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

If concerned person or custodian has agreed in writing, the press may publish this information, except only when such publication may effect the investigation of the court.

Any individual whose rights under this Article are violated by the press, may file a civil action in court for damages.

Article 16:

A commercial advertisement may be considered as false if it exaggerates the quality or value of a product or service and leads to confusion by consumers.

Such kind of advertisement shall be prohibited, but the press organ which published such advertisement is not the one to be responsible before the law, except only when the press organ still continues to publish the advertisement after having received written warning from the court or competent Ministry to cease such advertisement.

In the contrary, the advertiser shall be the person to be responsible in front of the law and court after there is a complaint from any person or consumer's association whose interests have been harmed by such advertisement.

False advertisement shall be penalized to pay fine from 1,000,000 Riels and 5,000,000 Riels.

### **CHAPTER 3**

#### **COMPETITION**

Article 17:

Any person, even though real or legal person, may not be owner or possessor of more than two (2) Khmer language newspapers in the Kingdom of Cambodia.

Article 18:

The total number of all Khmer language newspapers owned/possessed by foreigners shall not exceed 20 percent of the total of all Khmer language newspapers that are actually being published in the Kingdom of Cambodia.

Once the newspapers owned/possessed by foreigners have been authorized to publish, may not be closed because of the decreasing of total number of Khmer language newspapers.

### **CHAPTER 4**

#### **DEPOSIT**

Article 19:

Employers or editors shall deposit every issue of their newspapers, three (3) copies with the National Library and six (6) other copies with the Ministry of Information. This above deposit shall be proceeded within 15 days if printed in Phnom Penh and within 45 days if printed elsewhere, from the date of their publication.

If failed to deposit on time, the National Library and Ministry of Information shall claim to employer or editor, for the copies that have not yet been received.

Violation of this provision, the ministry of information may impose to pay transactional fine from 30,000 Riels to 500,000 Riels.

### **CHAPTER 5**

#### **FINAL PROVISIONS**

Article 20:

Any act committed by employers, editors of journalists that violated the Criminal Law, shall be subjected to punishment according to Criminal Law. But nevertheless, no person shall be arrested or subject to criminal charges as result of expression of opinion.

Article 21:

All previous provisions related to the press shall be abrogated.

This law is passed by the National Assembly of the Kingdom of Cambodia on July 18, 1995 during the 4th session of the First Legislature.

The President of the National Assembly