



THE CAMBODIA

NO. 18 OF 2004.

Assented to by The President,
this 28th day of December, 2004.

YAHYA A.J.J. JAMMEH

President.

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AN ACT to amend the Criminal Code and for
matters connected therewith.

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ENACTED by the President and the National
Assembly.

- Short title
1. This Act may be cited as the Criminal Code
(Amendment) Act, 2004.
- Amendment of
Cap. 10
2. The Criminal Code (in this Act referred to as
"the principal Act") is hereby amended as set out in
the following provisions of this Act.

Amendment of
section 52

3. Section 52 of the principal Act is amended-

(a) in subsection (1), by substituting for the paragraph immediately after paragraph (d), the following new paragraph -

"shall be guilty of an offence and liable for a first offence to imprisonment for a term of not less than six months, without the option of a fine, and for a subsequent offence to imprisonment for a term of not less than three years, without the option of a fine; and any seditious publication shall be forfeited to the State."; and

(b) in subsection (2), by substituting for all the words after "seditious publication", the following new words -

"shall be guilty of an offence and liable for a first offence to imprisonment for a term of not less than six months, without the option of a fine, and for a subsequent offence to imprisonment for a term of not less than three years, without the option of a fine, and any seditious publication shall be forfeited to the State."

Amendment of
section 178

4. Section 178 of the principal Act is amended, by substituting for section 178, the following new section -

"Definition
of libel

178. Any person who by print, writing, printing, effigy, caricature, cartoon or depiction or by any means, otherwise than solely by gestures, spoken words, or other sounds, unlawfully publishes any defamatory matter concerning another person with the intent to defame that person, is guilty of the offence termed "libel" and liable to imprisonment for a term of not less than six months, without the option of a fine."

Amendment of
section 179

5. Section 179 of the principal Act is amended by inserting, immediately after the words "his reputation, the words "or which is derogatory, contemptuous or insulting to any person".

Amendment of
section 180

6. Section 180 of the principal Act is amended by inserting immediately after the word "effigy", the words "caricature, cartoon or depiction".

Insertion of
section 181A

7. There is hereby inserted, immediately after section 181 of the principal Act, the following new section -

"False publi-
cation and
broadcasting

181A. (1) Any person who wilfully, negligently or recklessly, or having no reason to believe that it is true, publishes or broadcasts any information or news which is false in any material particular is guilty of an offence and liable to imprisonment for a term of not less than six months, without the option of a fine.

(2) It shall be no defence to a charge under subsection (1) that the person did not know that the information or news was false, unless it is proved that adequate measures were taken to verify the accuracy of the information or news."

Amendment of section 182
8. Section 182 of the principal Act is amended in subsection (1) by -

- (a) inserting immediately after the semi-colon at the end of paragraph (c), the word "or";
- (b) substituting for the semi-colon and the word "or" at the end of paragraph (f), a full stop; and
- (c) deleting paragraph (g).

Amendment of section 183
9. Section 183 of the principal Act is amended by deleting paragraphs (a), (d), (e), (h) and (j).

Amendment of section 184
10. For section 184 of the principal Act there is hereby substituted the, following new section -

"Explanation 184. (1) A publication or broadcast of as to good faith

184. (1) A publication or broadcast of defamatory matter shall not be deemed to have been made in good faith by a person, within the meaning of section 183 of this Code, if it is made to appear that the matter was untrue.

(2) It shall be a defence to a charge under subsection (1) that the person took reasonable care to ascertain that the defamatory matter was true or untrue."

Deletion of section 185
11. Section 185 of the principal Act is hereby deleted.

PASSED in the National Assembly this 14th day of December, the year of Our Lord Two Thousand and Four

M. S. JALLOW
Clerk of the National Assembly.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which was passed in the National Assembly, and found by me to be a true and correct copy of the said Bill.

M. S. JALLOW
Clerk of the National Assembly.