



OVERTURNED

2023-003-FB-MR



Cambodian Prime Minister

The Oversight Board has overturned Meta's decision to leave up a video on Facebook in which Cambodian Prime Minister Hun Sen threatens his political opponents with violence.

Policies and topics

-  Elections, Politics, Protests
-  Violence and incitement, Coordinating harm and publicising crime

Region and countries

-  Asia Pacific and Oceania
-  Cambodia

Platform

-  Facebook

Attachments

- [Khmer translation](#)
- [Public comments appendix](#)

To read this decision in Khmer, click [here](#).

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Case summary

The Oversight Board has overturned Meta's decision to leave up a video on Facebook in which Cambodian Prime Minister Hun Sen threatens his political opponents with violence. Given the severity of the violation, Hun Sen's history of committing human rights violations and intimidating political opponents, as well as his strategic use of social media to amplify such threats, the Board calls on Meta to immediately suspend Hun Sen's Facebook Page and Instagram account for six months.

About the case

On 9 January 2023, a live video was streamed from the official Facebook Page of Cambodia's Prime Minister, Hun Sen.

The video shows a one hour 41-minute speech delivered by Hun Sen in Khmer – Cambodia's official language. In the speech, he responds to allegations that his ruling Cambodia People's Party (CPP) stole votes during the country's local elections in 2022. He calls on his political opponents who made the allegations to choose between the "legal system" and "a bat", and says that they can choose the legal system, or he "will gather CPP people to protest and beat you up". He also mentions "sending gangsters to [your] house" and says that he may "arrest a traitor with sufficient evidence at midnight". Later in the speech, however, he says "we don't incite people and encourage people to use force". After the live broadcast, the video was automatically uploaded onto Hun Sen's Facebook Page, where it has been viewed around 600,000 times.

Three users reported the video five times between 9 January and 26 January 2023, for violating Meta's Violence and Incitement Community Standard. This prohibits "threats that could lead to death" (high-severity violence) and "threats that lead to serious injury (mid-severity violence)", including "[s]tatements of intent to commit violence". After the users who reported the content appealed, it was reviewed by two human reviewers who found that it did not violate Meta's policies. At the same time, the content was escalated to policy and subject matter experts within Meta. They determined that it violated the Violence and Incitement Community Standard, but applied a newsworthiness allowance. This permits otherwise violating content where the public interest value outweighs the risk of it causing harm.

One of the users who reported the content appealed Meta's decision to the Board. Separately, Meta referred the case to the Board. In its referral, Meta stated that the case involves a challenging balance between its values of "Safety" and "Voice" in determining when to allow speech that violates its Violence and Incitement policy by a political leader to remain on its platforms.

Key findings

The Board finds that the video in this case included unequivocal statements of intent to commit violence against Hun Sen's political opponents, which clearly violate the Violence and Incitement policy. The use of terms such as "bat" and "sending gangsters to [your] house" or "legal action", including midnight arrests, amounts to incitement of violence and legal intimidation.

The Board finds that Meta was wrong to apply a newsworthiness allowance in this case, as the harm caused by allowing the content on the platform outweighs the post's public interest value. Given Hun Sen's reach on social media, allowing this kind of expression on Facebook enables his threats to spread more broadly. It also results in Meta's platforms contributing to these harms by amplifying the threats and resulting intimidation.

The Board is also concerned that a political leader's sustained campaign of harassment and intimidation against independent media and the political opposition can become a factor in a newsworthiness assessment that leads to violating content not being removed and the account avoiding penalties. Such behaviour should not be rewarded. Meta should more heavily weigh press freedom when considering newsworthiness so that the allowance is not applied to government speech in situations where that government has made its own content more newsworthy by limiting free press.

The Board urges Meta to clarify that its policy on restricting the accounts of public figures is not limited solely to single incidents of violence and

civil unrest, but also applies to contexts in which citizens are under continuing threat of retaliatory violence from their governments.

In this case, given the severity of the violation, Hun Sen's history of committing human rights violations and intimidating political opponents, and his strategic use of social media to amplify such threats, the Board calls on Meta to immediately suspend Hun Sen's Facebook Page and Instagram account for six months.

The Oversight Board's decision

The Oversight Board overturns Meta's decision to leave up the content, requiring the post to be removed.

The Board recommends that Meta:

- Immediately suspend the official Facebook Page and Instagram account of Cambodian Prime Minister Hun Sen for a period of six months under Meta's policy on restricting accounts of public figures during civil unrest. The Board will consider this recommendation implemented when Meta suspends the accounts and publicly announces that it has done so.
- Clarify that its policy for restricting accounts of public figures applies to contexts in which citizens are under continuing threat of retaliatory violence from their governments. The policy should make it clear that it is not restricted solely to single incidents of civil unrest or violence and that it applies where political expression is pre-emptively suppressed or responded to with violence or threats of violence from the state.
- Update its newsworthiness allowance policy to state that content that directly incites violence is not eligible for a newsworthiness allowance, subject to existing policy exceptions.
- Update its review prioritisation systems to ensure that content from heads of state and senior members of government that potentially violated the Violence and Incitement policy is consistently prioritised for immediate human review.
- Implement product and/or operational guideline changes that allow more accurate review of long-form video (e.g. use of algorithms for predicting the timestamp of violation, ensuring proportional review time with length of the video, allowing videos to run 1.5 times or 2 times faster).
- Publicly reveal the extent of the action and the reasoning behind its decision for the case of Prime Minister Hun Sen, and in all account-level actions against heads of state and senior members of government.

* Case summaries provide an overview of the case and do not have precedential value.

Full case decision

1. Decision summary

The Oversight Board overturns Meta's decision to leave a video on Facebook by granting a newsworthiness allowance to content in which Cambodian Prime Minister Hun Sen threatened his political opponents with violence. Meta referred this case to the Board because it raises difficult questions about balancing the need to allow people to hear from their political leaders with the need to prevent those leaders from using the platform to threaten their opponents with violence or intimidate others from becoming politically engaged.

The Board finds that Hun Sen's remarks violated the Violence and Incitement Community Standard. It also finds that Meta's decision that the content was sufficiently newsworthy to leave it on the platform despite that violation was incorrect. The Board concludes that the content should be removed from the platform. Further, given the severity of the violation, the political context in Cambodia, the government's history of human rights violations, Hun Sen's history of inciting violence against his opponents and his strategic use of social media to amplify such threats, the Board holds that Meta should immediately suspend Hun Sen's official Facebook Page and Instagram account for six months.

2. Case description and background

On 9 January 2023, a live video was streamed on the official Facebook Page of Cambodia's Prime Minister, Hun Sen. The video shows a one hour 41-minute speech delivered by Hun Sen in Khmer – Cambodia's official language – during a ceremony marking the opening of a national road expansion project in Kampong Cham. In the speech, he responds to allegations that his ruling Cambodia People's Party (CPP) stole votes during the country's local elections in 2022. He calls on his political opponents who made the allegations to choose between the "legal system" and "a

the country's local elections in 2022. He calls on his political opponents who made the allegations to choose between the "legal system" and a "bat", and says that they can choose the legal system or he "will gather CPP people to protest and beat you up". He adds, "if you say that's freedom of expression, I will also express my freedom by sending people to your place and home" and mentions sending "gangsters to [your] house". He names individuals, warning that they "need to behave" and says that he may "arrest a traitor with sufficient evidence at midnight". However, approximately 22 minutes later in the speech, he says that "we don't incite people and encourage people to use force". After the live broadcast, the video was automatically uploaded onto Hun Sen's Facebook Page, which has approximately 14 million followers, where it has been viewed approximately 600,000 times. The video was shared by almost 3,000 other people almost 4,000 times.

Three users reported the video five times between 9 January and 26 January 2023, for violating Meta's Violence and Incitement Community Standard. This policy prohibits "[t]hreats that could lead to death" (high-severity violence) and "threats that lead to serious injury (mid-severity violence)", including "[s]tatements of intent to commit violence". Meta generally prioritises content for human review based on its severity, virality and likelihood of violating content policies. In this case, Meta's automated systems did not prioritise the content and closed the user reports without human review. After the users who reported the content appealed, two human reviewers found that it did not violate Meta's policies. At the same time, the content was escalated to policy and subject matter experts within Meta. On 18 January 2023, those policy and subject matter experts determined that the video contravened the Violence and Incitement Community Standard, but applied a newsworthiness allowance for it to remain on the platform. A newsworthiness allowance permits otherwise violating content to remain on Meta's platforms where its public interest value outweighs the risk of it causing harm. One user who reported the content appealed Meta's decision to the Board. Separately, Meta referred the case to the Board.

The political and social context of Cambodia is particularly relevant to assessing the content in this case. Hun Sen, now 70 years old, was formerly a Khmer Rouge commander and has been in power since 1985. He is currently running for re-election, with Cambodia's general election scheduled for 23 July 2023, although there are reports that he may then hand power to his son. Critics of his government have long faced targeted political violence, with over 30 opposition activists attacked between 2017 and 2022. Opposition members and political activists have been killed under deeply suspicious circumstances, such as the killing of prominent political commentator Kem Lay in 2016.

In 2015, Hun Sen warned of attacks against his opposition, the Cambodian National Rescue Party (CNRP), if anyone protested his diplomatic visit to France. Shortly after protests broke out, two opposition members of parliament were beaten by a mob and hospitalised with serious injuries. In November 2021, the UN Office of the High Commissioner of Human Rights expressed concern over the killing of a CNRP affiliate who had received threats several months prior. The attack came weeks after Hun Sen threatened to "do what it takes to crack down [on] protests during Cambodia's ASEAN chairmanship". One independent media outlet in Cambodia reported that, between 2017 and 2022, more than 30 opposition activists were "violently attacked", usually by "unknown assailants on public streets". In a public comment (PC-11044), the Dangerous Speech Project warned that Hun Sen's inflammatory language increases his audience's willingness to commit and condone violence against his opponents. That prediction has been borne out recently with Human Rights Watch, linking multiple acts of violence against opposition members directly to the 9 January speech at issue in this case. The Board is grateful to stakeholders and public commenters for highlighting the range and severity of human rights violations perpetrated or tolerated by the Cambodian government.

Independent experts consulted by the Board report that, over the last 12 months, Hun Sen has used Facebook and Instagram to convey multiple implied threats to his political opponents. He recently posted what appears to be a threat to Cambodians living outside of the country, warning them not to "oppose the election". In May 2017, shortly before the local elections, Hun Sen stated in a speech streamed on Facebook that he was "willing to eliminate 100 or 200 people" if necessary to ensure peace in the country, and threatened civil war should he lose power – a threat he has made numerous times over his tenure as Prime Minister. Shortly afterwards in another speech, which the Board was not able to confirm whether he posted to Meta's platforms, he warned that critics and political opponents should "prepare their coffins" if they continued to accuse him of threatening civil war if he lost the election. Hun Sen has also claimed that he regretted not killing opposition leaders who organised protests calling for him to resign after the 2013 national elections. After the Board selected this case, in a speech live-streamed on Facebook, Hun Sen threatened to shoot opposition leader Sam Rainsy with a rocket launcher.

Hun Sen's most recent electoral victory came in 2018, when the CPP won all 125 seats in the National Assembly. In advance of those elections, the Cambodian Supreme Court ruled to dissolve the opposition Cambodian National Rescue Party (CNRP) and 118 of that party's senior officials were banned from politics for five years. Bans and associated legal actions have quickly followed threats and public directives from Hun Sen himself. In a 2017 report, the UN Special Rapporteur on the situation of human rights in Cambodia noted that multiple opposition leaders had been charged with crimes, including two senators convicted based on Facebook posts.

In the lead-up to the 2023 election, Hun Sen's government has intensified pressure on opposition party members, independent press outlets and

In the lead up to the 2023 election Hun Sen's government has intensified pressure on opposition party members, independent press outlets and civil society groups, employing politically motivated prosecutions and other forms of intimidation. In a public comment, the International Commission of Jurists (ICJ) (PC-11038) noted that Hun Sen and the Cambodian authorities have "systematically restricted human rights and fundamental freedoms" through actions such as [mass convictions](#) of opposition party leaders on spurious charges and often *in absentia*. The ICJ also raised serious concerns over the "'weaponisation' of laws that are not compliant with human rights law and standards". The UN Special Rapporteur's [2022 report](#) noted that the independence and transparency of the judiciary is a "long-standing issue", but there is a "more recent turn... in that some judicial and related personnel have close links with the political party in power". Beyond the judiciary, the same report also found an undue level of influence over the media and electoral system. With respect to local elections held in June 2022, the Special Rapporteur questioned whether members of the Cambodian National Election Committee (NEC) had "too close ties with the ruling party" and documented the pre-election delisting of a "large number of candidates, especially of the Candlelight Party" – the main opposition party – under questionable circumstances. In late 2022, Hun Sen [threatened](#) to use national courts once again to dissolve his primary opposition in advance of the 2023 elections. Shortly afterwards, in May 2023, the NEC [refused to register](#) the Candlelight Party, disqualifying it from the July elections and removing Hun Sen's only credible challenge. Following this decision, through a Facebook post, Hun Sen [threatened](#) anyone protesting against the disqualification with "arrest and legal action". When discussing his threats to crack down on the protests, he [later stated](#) that "when Hun Sen speaks, he acts".

Hun Sen's government has also clamped down on independent media, with the UN Special Rapporteur on the situation of human rights in Cambodia [stating that](#) there are "virtually no free media outlets operating in the country" ahead of the July elections. According to experts who asked to remain anonymous, the combination of these media closures, the weaponisation of Cambodia's court system against opponents and targeted political violence has produced an "intentionally cultivated climate of fear". The Cambodian Journalists Alliance Association [recorded](#) 35 cases of harassment against journalists in 2022. According to public comments and experts, this culture of intimidation has significantly chilled accurate reporting, with media outlets reluctant to cover sensitive issues or controversial speeches by Hun Sen for fear of government retribution. These media outlets have also been intimidated into reproducing government propaganda without critical commentary.

Following a narrow victory in the 2013 general election, Hun Sen's government recognised the power of social media and intensified Cambodia's turn to what Freedom House later described as "[digital authoritarianism](#)", where government use and monitoring of social media is leveraged to suppress and threaten political opposition. While social media, and Facebook in particular, can be an important platform for political discussions and news, independent experts consulted by the Board reported that "there is minimal content in the Khmer language Facebook ecosystem that is not supportive of the government". Intimidation and threats of violence and arrest for activity critical of Hun Sen and the government have become a feature of online life. Additionally, the government has proposed taking control of the Internet's technical infrastructure in Cambodia through a "National Internet Gateway". [According to Cambodian civil society groups](#), this system would route Internet traffic through government servers and enable the government to more easily initiate social media and Internet shutdowns, force Internet service providers to block or restrict content, increase the government's ability to conduct surveillance of users' online activity and require operators to collect and store bulk data. In February 2022, the Ministry of Posts and Telecommunications [announced](#) that the implementation of the National Internet Gateway would be postponed due to the COVID-19 pandemic; however, there is no indication that the project has been permanently abandoned.

In 2020, [Meta published its summary of, and response to,](#) a Human Rights Impact Assessment that it commissioned from Business for Social Responsibility (BSR) of the company's activities in Cambodia. BSR found that Facebook was "essential to freedom of information and expression in the country, where FM radio stations have been shut down and almost all print, radio and TV media are now controlled by the government". While considering this case, the Board was given access to the full report by BSR, but Meta continues to classify it as confidential. In response to any questions from the Board, Meta stated that it has not carried out a full assessment of Hun Sen's Pages and accounts, but that the Page in question had a piece of content removed for breaching the Violence and Incitement policy in December 2022.

Meta referred the case to the Board stating that it involves a challenging balance between the company's values of "Safety" and "Voice" in determining when to allow speech that violates the Violence and Incitement policy by a political leader to remain on its platforms. Meta has asked the Board for guidance on how to evaluate such content, particularly in the context of an authoritarian regime where the right to access information is at stake.

3. Oversight Board authority and scope

The Board has authority to review decisions that Meta submits for review (Charter Article 2, Section 1; Bylaws Article 2, Section 2.1.1). The Board

also has authority to review Meta's decision following an appeal from the person who previously reported content that was left up (Charter Article 2, Section 1; Bylaws Article 3, Section 1). The Board may uphold or overturn Meta's decision (Charter Article 3, Section 5), and this decision is binding on the company (Charter Article 4). Meta must also assess the feasibility of applying its decision in respect of identical content with parallel context (Charter Article 4). The Board's decisions may include non-binding recommendations that Meta must respond to (Charter Article 3, Section 4; Article 4). Where Meta commits to act on recommendations, the Board monitors their implementation.

4. Sources of authority and guidance

The following standards and precedents informed the Board's analysis in this case:

I. Oversight Board decisions:

The most relevant previous decisions of the Oversight Board include:

- ["Tigray Communication Affairs Bureau" \(case decision 2022-006-FB-MR\)](#)
- ["Former President Trump's suspension" \(case decision 2021-001-FB-FBR\)](#)

II. Meta's content policies:

The policy rationale for the Facebook [Violence and Incitement Community Standard](#) explains that it "aim[s] to prevent potential offline harm that may be related to content on Facebook" and that while Meta "understand[s] that people commonly express disdain or disagreement by threatening or calling for violence in non-serious ways, [the company] remove[s] language that incites or facilitates serious violence". It further provides that Meta removes content, disables accounts and works with law enforcement "when [it] believe[s] that there is a genuine risk of physical harm or direct threats to public safety". Meta states that it tries "to consider the language and context in order to distinguish casual statements from content that constitutes a credible threat".

The policy specifically prohibits "threats that could lead to death" (high-severity violence) and "threats that lead to serious injury (mid-severity violence)" towards private individuals, unnamed specified persons or minor public figures and defines threat as including "statements of intent to commit violence", "statements advocating for violence" or "aspirational or conditional statements to commit violence". Internal guidelines on how to apply the policy also explain that "violating content if it is shared in a condemning or raising awareness context" is permitted.

The Board's analysis of the content policies was informed by Meta's [commitment to Voice](#), which the company describes as "paramount":

The goal of our Community Standards is to create a place for expression and give people a voice. Meta wants people to be able to talk openly about the issues that matter to them, even if some may disagree or find them objectionable.

Meta limits "Voice" in the service of four values – "Safety" being the most relevant in this case:

We're committed to making Facebook a safe place. We remove content that could contribute to a risk of harm to the physical security of persons. Content that threatens people has the potential to intimidate, exclude or silence others and isn't allowed on Facebook.

In explaining its commitment to "Voice", Meta states that "in some cases, we allow content – which would otherwise go against our standards – if it's newsworthy and in the public interest". This is known as the [newsworthiness allowance](#). It is a general policy exception applicable to all Community Standards. To employ the allowance, Meta conducts a balancing test, assessing the public interest in the content against the risk of harm. Meta says that it assesses whether content "surfaces an imminent threat to public health or safety, or gives voice to perspectives currently being debated as part of a political process". Both the assessment of public interest and harm take into account country circumstances, such as whether an election or conflict is under way and whether there is a free press. Meta states that there is no presumption that content is inherently in the public interest solely on the basis of the speaker's identity, for example, their identity as a politician. Meta says that it removes content "even if it has some degree of newsworthiness, when leaving it up presents a risk of harm, such as physical, emotional and financial harm, or a direct threat to public safety".

In response to the "Former President Trump's suspension" case, Meta created a policy on [restricting accounts of public figures during civil unrest](#).

This policy acknowledges that the "standard restrictions may not be proportionate to the violation or sufficient to reduce the risk of further harm, in the case of public figures posting content during ongoing violence or civil unrest". The Board notes that neither ongoing violence nor civil unrest are defined in the policy. This policy acknowledges that threats from public figures pose a greater risk of harm when they violate Meta's policies and sets out some of the criteria used by the company to assess whether and how to restrict their accounts.

III. Meta's human rights responsibilities

The UN Guiding Principles on Business and Human Rights (UNGPs), endorsed by the UN Human Rights Council in 2011, establish a voluntary framework for the human rights responsibilities of private businesses. In 2021, Meta [announced](#) its [Corporate Human Rights Policy](#), where it reaffirmed its commitment to respecting human rights in accordance with the UNGPs. The Board's analysis of Meta's human rights responsibilities in this case was informed by the following international standards:

- [The rights to freedom of opinion and expression](#): Article 19, International Covenant on Civil and Political Rights (ICCPR), [General Comment No. 34](#), Human Rights Committee, 2011; Rabat Plan of Action; UN Special Rapporteur on freedom of opinion and expression, reports: [A/HRC/38/35](#) (2018) and [A/74/486](#) (2019).
- [Freedom of peaceful assembly](#): Article 21, ICCPR.
- [Right to physical security](#): Article 9, ICCPR.
- [Right to life](#): Article 6, ICCPR.
- [The right to participation in public affairs and the right to vote](#): Article 25, ICCPR.

5. User submissions

In addition to Meta referring the case, a user also appealed Meta's decision to keep the content on Facebook to the Board. In that appeal, the user explained that Hun Sen had made such threats on previous occasions. Specifically, the user noted that in the lead up to the July 2023 general election, Hun Sen often used Facebook to threaten others with violence and to suppress opposition activity.

6. Meta's submissions

Meta explained that while human reviewers initially assessed the case content as non-violating, after it was escalated to policy and subject matter experts for additional review, the company determined that it violated the Violence and Incitement policy, but should remain on the platform under the newsworthiness allowance.

On escalation, Meta determined that two extracts from Hun Sen's speech violated the Violence and Incitement policy: namely, the choice offered to his political opponents between the "legal system" and "a bat", and his threat to "gather CPP people to protest and beat you up". Meta stated that, based on the overall context of the speech, including information provided by the company's regional team, the references to "you" in these statements are to Hun Sen's political opponents in the Candlelight Party and potentially the now-dissolved CNRP.

In weighing the risk of harm against the potential benefits of allowing the content on Facebook with a newsworthiness allowance, Meta noted that the majority of the hour and 41-minute speech related to governance or politics, such as Cambodia's relationship with China and the COVID-19 pandemic. Meta said that political speech by a country's leader has high public interest value, particularly in an election year. By contrast, according to the company's assessment, the violating parts of the speech lasted for only a few minutes and fall within the mid-severity tier of the Violence and Incitement policy.

Meta stated that the public has an interest in hearing warnings about potential violence by their government, particularly when those threats are not reported by local media. Meta learnt through the company's regional teams that, although regional media – which is not necessarily accessible to people in Cambodia – reported on the threats, local media did not. In support of this assessment, Meta cited two media reports on the violent elements of Hun Sen's speech: one from the [Bangkok Post](#) and one from [Voice of Democracy](#) – an independent news outlet based in Cambodia, recently shut down by the government. Meta believes that, under these circumstances, Facebook can "play a key role in spreading awareness about potential safety risks". With respect to this context, Meta noted that the content in this case does not involve ongoing violence or armed conflict, such as the content considered in the "Former President Trump's suspension" and "Tigray Communication Affairs Bureau" cases. Nonetheless, Meta acknowledged that there is an upcoming election and that Hun Sen and the CPP have cracked down on opposition political figures and the media.

Meta explained that the company cannot ascertain Hun Sen's intent at the time that he made these remarks. However, Meta noted that "given the CPP's use of court proceedings to undermine political opponents, it appears that he has chosen to use the courts rather than force, although this does not rule out the possibility of future violence". In response to a question from the Board Meta stated that it was aware of the human rights situation in Cambodia "including a pattern of Prime Minister Hun Sen engaging in speech that threatens either violence or use of the judicial system against political opponents".

Meta believes that its decision is consistent with its values, as well as with international human rights principles. Meta said that the key factors in determining that this content did not require removal were the context and lack of imminent harm. The threat in this case was "not connected to an ongoing armed conflict or violent event" and "non-specific". However, Meta recognised the "challenge in handling threats that lack a nexus to imminent violence, but nevertheless, may contribute to a climate of fear when issued by an authoritarian government".

The Board asked Meta 15 questions in writing. Any questions related to: past violations by Hun Sen's Pages and accounts; contextual factors considered when applying a newsworthiness allowance; contextual factors considered when enforcing the Violence and Incitement policy; Meta's communications with the government authorities in Cambodia; the Early Response Secondary Review cross-check list; and Meta's allocation of resources for operational and product work related to Khmer-language content in Cambodia. Meta answered all questions.

7. Public comments

The Oversight Board received 18 public comments relevant to this case. Five of the comments were submitted from Asia Pacific and Oceania, one from Central and South Asia, one from Latin America and the Caribbean and 11 from the United States and Canada.

The submissions covered the following themes: the context of political oppression and disregard for human rights in Cambodia; the impunity with which Cambodian government figures act on Facebook; and the declining state of civil liberties in Cambodia. The Board also heard directly from civil society representatives who stressed that threats and incitement from Hun Sen are part of a systematic effort to create a climate of fear amongst political opponents and to dissuade Cambodians from questioning the government.

To read public comments submitted for this case, please click [here](#).

8. Oversight Board analysis

The Board selected this case because it gives the Board the opportunity to examine whether political leaders are using Meta's platforms to incite violence and shut down political opposition, and, if so, what the consequences should be. This case falls into the Board's strategic priorities of government use of Meta's platforms, as well as elections and civic space. The Board examined whether this content should be removed by analysing Meta's content policies, values and human rights responsibilities.

8.1 Compliance with Meta's content policies

1. Content rules

a. Violence and incitement

The Board finds that the content in this case violates the Violence and Incitement Community Standard and must be removed from the platform.

The Board finds that the posted video included unequivocal statements of intent to incite not only mid-severity violence (serious injury), but also high-severity violence (risk of death and other forms of high-severity violence) towards Hun Sen's political opponents, which clearly violate the Violence and Incitement policy. The broader political context reinforces that conclusion: Hun Sen and members of his party have repeatedly both threatened and carried out violence against their opposition and its supporters, often using social media to communicate their threats. This history of violence and repression makes those threats more credible, and in this context, such statements amount to a severe violation of this policy. In the Board's view, Hun Sen's perfunctory assurance that "we don't incite people and encourage people to use force" contradicts the clear message of the speech and is not credible. The Board is concerned and perplexed that the initial reviewers concluded otherwise, but notes that Meta's country

experts, on review, recognised that the post violated the Violence and Incitement Standard.

In response to any questions from the Board, Meta stated that "threats to sue or use the legal system against opposition figures, standing alone, would not violate [the Violence and Incitement] policy, as they do not involve a physical threat of violence". Meta justified that position by explaining that "as a social media platform, we are not in a position to independently determine whether a threat by the government to use legal process is undue".

While that approach may be appropriate when threats do indeed "stand alone", that was not the case here. Where regimes with a history of following through on threats of violence against its opposition use Meta's platforms, the company must rely on its regional teams and expertise to assess whether threats to use the legal system against political opponents amount to threatening or intimidating with violence. In the context of Cambodia, where the courts are controlled by the leading party and regularly used to suppress opposition, the Prime Minister threatening to pursue his opposition through the legal system is tantamount to a threat of violence. Threats to arrest the opposition "at midnight" are not consistent with due process. The Board also notes the history of targets of intimidation through the misuse of the courts by Hun Sen subsequently becoming targets of physical violence documented above.

b. Newsworthiness allowance

The Board concludes that Meta was wrong to apply a newsworthiness allowance in this case as the harms inherent in having the content on the platform outweigh the public interest in publicising the speech.

According to Meta's [approach](#) to newsworthy content, there is no presumption that content is inherently newsworthy solely on the basis of the speaker. In the decision rationale, Meta reported that in this case, the company weighed several factors, outside of the content itself, in deciding to apply the newsworthiness exception. Meta considered both "the country-specific circumstances and political structure in Cambodia, including the lack of an independent free press, Hun Sen's reported suppression of political opposition and reports from human rights organisations".

In response to the Board's questions, Meta said that the lack of local press coverage of the threats at issue related directly to the content's public interest value as a warning to the Cambodia people. This was based on the company's assessment that, while regional media reported on the threats, local coverage of the speech did not mention them. The Board notes that one of the media outlets cited by Meta in support of this assessment, the Cambodia-based *Voice of Democracy*, reported on the violent threats in Hun Sen's speech and also represented itself as a "local independent media outlet" prior to its closure in February 2023. One [report](#) provided by experts found that 82.6% of the "eligible" audience (i.e. people aged 13 and above) in Cambodia uses Facebook in 2023. Discussing the reasons for social media usage, [Freedom House reports](#) that following the 2018 general election, the Internet has "become one of the main sources of news and information for Cambodians and social media has allowed the proliferation of more diverse content that is free from government influence". Meta also noted that the "somewhat equivocal nature of the threats" in the speech factored into the determination "that the high public interest value in allowing people to hear political speech... outweighed the risk of harm" and warranted a newsworthiness allowance.

The Board recognises that a delicate balance must be struck when assessing violating speech made by political leaders. In addition to the high level of reliance on social media in Cambodia, the government has shut down almost all independent traditional media in the country, making it difficult for the population to receive independent and impartial news through other channels. Further, there is a strong transparency argument that the Cambodian people should be able to see that their leader is making threats against his opposition, although the Board notes that most people in Cambodia would know that members of Hun Sen's regime routinely engage in such speech.

However, given Hun Sen's reach on social media, allowing such speech on the platform enables his threats to spread more broadly. It also results in Meta's platforms being exploited to that effect, contributing to those harms by amplifying the threats and resulting intimidation. This was not a post by third parties reporting on Hun Sen's threats, but a post on Hun Sen's official Facebook account conveying those threats.

The Board is concerned that a political leader's sustained campaign of harassment and intimidation against independent media and the political opposition can become a factor within a newsworthiness assessment that leads to violating content not being removed and the account avoiding penalties. Such behaviour should not be rewarded. Meta should more heavily weigh press freedom when considering newsworthiness so that the allowance is not applied to government speech in situations where that government has made its own content more newsworthy by limiting free press.

Meta's position also seems to assume that people viewing this violating content will see it for the incitement that it is and disapprove of it. However, there are limited opportunities for expressing such disapproval in Cambodia, and allowing this violating content to remain on the platform risks further normalising violent speech from political leaders. Rather than informing debate, applying the newsworthiness allowance in this case would further chill the public discourse in favour of Hun Sen's domination of the media landscape.

Meta's approach to newsworthy content balances public interest against the risk of harm. However, the Board finds that this balancing test cannot be satisfied in instances where public figures use Meta's platforms to directly incite violence. If there is sufficient public interest in the inciting speech, then it will be reported on by some form of third-party journalism. While content that reports on, raises awareness of, condemns or comments on incitement to violence by a public figure without endorsing it should not be prohibited, Meta cannot continue to allow direct incitement on its platforms on the grounds of newsworthiness.

II. Enforcement action

The Board holds that the newsworthiness allowance in this case should be revoked and that the content should be removed for violating the Violence and Incitement policy. It is vital that Meta's platforms not be used as an instrument to amplify threats of violence and retaliation, aimed at suppressing political opposition, especially during an election, as in this case. In addition, given the severity of the violation, the political context in Cambodia, the government's history of human rights violations, Hun Sen's history of inciting violence against his opponents and the way that he uses social media to amplify such threats, the Board concludes that Meta should immediately suspend the official Facebook Page and Instagram account of the Cambodian Prime Minister. While it is not the Board's role to determine the duration of the suspension in the first instance, the Board holds that the Page and account should be suspended for at least a six-month period, to give Meta time to review the situation and set a determinate period. Further, ahead of the termination of the suspension, Meta should carry out an assessment to determine whether the risk to public safety has receded, inviting local stakeholders to share relevant information.

As part of its response to the Board's recommendations in the "Former President Trump's suspension" case, Meta created a policy on restricting the accounts of public figures (See Section 4 above). This policy applies to "public figures posting content during ongoing violence or civil unrest". Against a background of widespread political repression and repeated acts of violence against political opponents, the Board disagrees with Meta and finds that the build up to the 2023 election in Cambodia constitutes a situation of ongoing violence.

The Board notes that, while the policy was created in the aftermath of the 6 January 2021 attack on the US Capitol building, it was developed to provide a framework for when Meta's "standard restrictions may not be proportionate to the violation, or sufficient to reduce the risk of further harm, in the case of public figures posting content during ongoing violence or civil unrest". Although the policy does not define "ongoing violence" and "civil unrest", this case is clearly in line with the spirit of the policy. Violence is ongoing not only when a single continuous violent incident or period of civil unrest is present, but also in periods of civil "peace" where political leaders use the threat of state backed violence to pre-emptively suppress dissent and civil unrest through widespread repression and repeated acts of violence. Although the Board considers it necessary for Meta to publicly clarify the extent of the situations in which the policy should apply to public figures posting content in its platforms, it finds it to apply to this case.

The criteria for imposing a restriction under the policy are threefold. Firstly, the severity of the violation and the public figure's history on Meta's platforms. The Board finds that incitement to send violent mobs to people's homes is at the highest level of severity. This is reinforced by Hun Sen's history of successfully inciting violence against his opponents both on and off the platforms and by the removal of content from his Page in December 2022 for violating the Violence and Incitement policy. The second criterion is the public figure's potential influence over, and relationship to, the individuals engaged in violence. Again, this is at the highest level. Hun Sen is a Prime Minister with complete control over his party, the military, law enforcement and the judiciary of Cambodia, as well as a high degree of loyalty from a section of the population. His influence is clearly demonstrated by the fact that both this speech and previous incitements have resulted in violence being committed against his targets. The final criterion, the severity of the violence and related physical harm, is also met. The speech incited armed attacks and previous incitements have resulted in killings. The Board also notes that, contrary to Meta's conclusion that the threats in Hun Sen's speech were "non-specific", he referred to at least one member of the political opposition by name.

In addition to the factors listed under the policy in considering whether to suspend a political leader from its platforms and the duration of such a suspension, Meta should take into account the political context and human rights situation of the country in question, when assessing behaviour on

the platform. Viewing content like that under review in this case as a single violation of Meta's policies divorced from their context ignores the reality that this speech and others like it are part of an ongoing and calculated effort to intimidate that incorporates offline violence. Moreover, actual violence confirms the seriousness of threats made over social media, giving these off-platform acts significance on the platform. As noted earlier in this decision, Hun Sen habitually uses social media to amplify implicit and explicit threats against his opposition, as well as his intimidation of anyone who he sees as a threat to his continued control.

From information made available to the Board, it seems clear that Hun Sen uses social media to amplify threats against his opponents, spreading them more widely and causing more harm than he would be able to do without access to Meta's platforms. Hun Sen's use of the platforms to incite violence against his political opposition, taken in the context of his history, his government's human rights abuses and the upcoming election, combine to require immediate action. The Board finds that the content in this case should be seen as a serious breach warranting an immediate suspension from Facebook and Instagram.

The Board notes that the company does not currently inform the public when a government official or their official Page or account is suspended or has content removed. Meta should announce when a government official's Page or account is suspended and the company's reasoning for doing so. Meta should also consider preserving removed content for research and legal purposes and journalistic access and discussion.

8.2 Compliance with Meta's human rights responsibilities

As the Board found above, Meta's own policies required that Hun Sen's post should have been taken down. The Board also concluded that Meta's policy on restricting accounts of public figures during civil unrest warranted Hun Sen's suspension from Meta's platforms. Allowing this content to remain on Facebook, as well as Hun Sen's continuous use of Meta's platforms to incite violence, is at odds with the company's human rights responsibilities. This is especially pertinent given the risk it represents to the rights to vote and participate in public affairs (ICCPR, Article 25), to peaceful assembly (ICCPR, Article 21), to physical security (ICCPR, Article 9) and to life (ICCPR, Article 6) in Cambodia. In the analysis below, the Board assesses this speech restriction in light of Meta's responsibility to protect freedom of expression (ICCPR, Article 19).

Freedom of expression (Article 19 ICCPR)

Article 19, para. 2, of the [International Covenant on Civil and Political Rights](#) (ICCPR) protects "the expression and receipt of communications of every form of idea and opinion capable of transmission to others", including about politics, public affairs and human rights ([General Comment No. 34](#) (2011), Human Rights Committee, paras. 11-12). Moreover, the UN Human Rights Committee stated that "free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential" (General Comment No. 34, para. 20).

Where restrictions on expression are imposed by a state, they must meet the requirements of legality, legitimate aim and necessity and proportionality (Article 19, para. 3, ICCPR). These requirements are often referred to as the "three-part test". The Board uses this framework to interpret Meta's voluntary human rights commitments, both in relation to the individual content decision under review and Meta's broader approach to content governance. As the UN Special Rapporteur on freedom of expression has stated, although "companies do not have the obligations of governments, their impact is of a sort that requires them to assess the same kind of questions about protecting their users' right to freedom of expression" ([A/74/486](#), para. 41). In this case, the Board applied the three-part test to assess whether both the content's removal and Hun Sen's suspension, while warranted under Meta's policies, are consistent with the company's responsibilities to protect freedom of expression.

I. Legality (clarity and accessibility of the rules)

The principle of legality under international human rights law requires rules that limit expression to be clear and publicly accessible (General Comment No. 34, para. 25). Rules restricting expression "may not confer unfettered discretion for the restriction of freedom of expression on those charged with [their] execution" and "provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not" (*Ibid*). Applied to rules that govern online speech, the UN Special Rapporteur on freedom of expression has said that they should be clear and specific ([A/HRC/38/35](#), para. 46). People using Meta's platforms should be able to access and understand the rules, and content reviewers should have clear guidance on their enforcement.

The Board finds that Hun Sen and those maintaining his social media presence would easily have been able to determine that the content violated the Violence and Incitement Community Standard's prohibition on threatening speech, especially in the context of an upcoming election. To

threaten critics with the "bat" and with being beaten up by partisans is unambiguously contrary to the rule. Similarly, Meta's policy on restricting accounts of public figures makes it clear that severe violations from public figures leading to violence and physical harm, in a broader context of ongoing violence, warrant suspension. As noted above the Board finds that, as currently drafted, the policy applies to this case. However, Meta should publicly clarify the extent of the policy.

II. Legitimate aim

The Violence and Incitement Community Standard aims to "prevent potential offline harm" and removes content that poses "a genuine risk of physical harm or direct threats to public safety". Additionally, Meta's policy on restricting accounts of public figures applies when "standard restrictions may not be proportionate to the violation or sufficient to reduce the risk of further harm". Prohibiting calls for violence and threats of arbitrary arrest on the platform to ensure that people's safety constitutes a legitimate aim under Article 19, para. 3, as it protects "the rights of others" to life (ICCPR, Article 6) and to physical security against arbitrary arrest and detention (ICCPR, Article 9 para. 1). Particularly in the run up to elections, both policies may also pursue the legitimate aim of protecting others' right to peaceful assembly (ICCPR, Article 21) and to vote and participate in public affairs (ICCPR, Article 25).

III. Necessity and proportionality

The principle of necessity and proportionality provides that any restrictions on freedom of expression "must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve their protective function; [and] they must be proportionate to the interest to be protected" (General Comment No. 34, para. 34).

When analysing the risks posed by violent content, the Board is typically guided by the six-factor test described in the Rabat Plan of Action, which addresses advocacy of national, racial or religious hatred that constitutes incitement to hostility, discrimination or violence. Based on an assessment of the relevant factors, especially the speaker, the context and the extent of the speech act, further described below, the Board finds that removing Hun Sen's inciting content up is in compliance with Meta's human rights responsibilities as it poses imminent and likely harm. Removing the content is a necessary and proportionate limitation on expression in order to protect the rights to life and physical security of people, including opposition members, from potential violence and persecution.

The speech presented in the posted video was delivered by the head of the government in Cambodia – a public figure who has been in power since 1985 and has significant reach and authority. In this sense, the speech amounts to state action. As reflected in the case background section, Hun Sen's government has been reported to have used both physical violence and the Cambodian court system to silence and persecute dissenters and opposition members. As mentioned in the "Former President Trump's suspension" case decision (2021-001-FB-FBR), these factors increase both the level of the risk of harm associated with his statements and the public interest in his remarks.

The speech was made just over six months prior to the July 2023 parliamentary elections in Cambodia, and addressed issues of public interest, including further discussion of the election and national infrastructure. The Board notes that people in Cambodia have access to information on these issues through other means, including other social media accounts and reporting of the speech that did not mention the threats. However, the use of such terms as "bat", which the context makes clear is a reference to a weapon and "sending gangsters to [your] house" or "legal action" including midnight arrests, when directly addressing opposition leaders, amounts to incitement of violence and threats of arbitrary arrests to stifle political dissent and weaken the opposition.

In its decision rationale, Meta maintained that "the threat in this case was non-specific and not connected to an ongoing armed conflict or violent event". The Board does not accept Meta's designation of the threats as non-specific. In context, oblique references can still be understood to have specific meanings. Here, the threat was thrown into stark relief by the backdrop of an impending election and the identification of Hun Sen's political opponents as its targets. Additionally, given the history of violence by Hun Sen's supporters and the intimidation of opposition figures, the Board finds that any call for violence made by the Prime Minister will be credible and have a chilling effect. This is the case, especially given the Cambodian government's total control over the means of violence, in addition to its soft powers.

Elections are a crucial part of democracy and the Board is mindful of the upcoming parliamentary elections in Cambodia. Public comments emphasised that Hun Sen's speech should be assessed "within the overall context of the poor human rights situation and democratic deficit in Cambodia in the lead-up to the July 2023 election, and the ongoing violence and crackdown against perceived political opponents", which leads to

"a real risk of human rights abuses and other harm to concerned persons" (ICJ comment, PC-11038; also see HRF comment, PC-11041). The UN Special Rapporteur's [2022 report](#) on the situation of human rights in Cambodia cautioned that the large number of political parties that participated in 2022 local elections was "more of form than of substance" and that, since the 2017 elections, "the playing field for democratic pluralism has been heavily undermined and the imposition of one-party rule has ridden roughshod over the political lawn".

In the Board's view, this speech by a public official, with a history of political oppression, violence and intimidation, delivered in the lead up to an election, contributes to a broader campaign to incite violence, as well as to intimidate and silence dissenters and opposition. Therefore, the Board finds that removing the content under the Violence and Incitement policy is necessary, in the sense that no other measure less restrictive of freedom of expression would be appropriate to protect people's rights. The Board also concludes that such removal is proportionate, given the likelihood and imminence of harm to human rights affected in this case.

Given the context of Hun Sen's history of human rights violations, his intimidation and suppression of political opponents, and his use of social media to amplify his threats, the Board finds that simply removing the content is not sufficient to respect the rights of others in this case and that his suspension is necessary. Simply removing the content does nothing to prevent future violations and incitement to violence, which are particularly dangerous given the recent context and the upcoming elections. The Board therefore also finds that the suspension of Hun Sen's official Facebook Page and Instagram account is proportionate.

9. Oversight Board decision

The Oversight Board overturns Meta's decision to leave up the content, requiring the post to be removed.

10. Recommendations

A. Content policy

1. Meta should clarify that its policy for restricting accounts of public figures applies to contexts in which citizens are under continuing threat of retaliatory violence from their governments. The policy should make it clear that it is not restricted solely to single incidents of civil unrest or violence and that it applies where political expression is pre-emptively suppressed or responded to with violence or threats of violence from the state. The Board will consider this recommendation implemented when Meta's public framework for restricting accounts of public figures is updated to reflect these clarifications.

2. Meta should update its newsworthiness allowance policy to state that content that directly incites violence is not eligible for a newsworthiness allowance, subject to existing policy exceptions. The Board will consider this recommendation implemented when Meta publishes an updated policy on newsworthy content explicitly setting out this limitation on the allowance.

B. Enforcement

3. Meta should immediately suspend the official Facebook Page and Instagram account of Cambodian Prime Minister Hun Sen for a period of at least six months under Meta's policy on restricting accounts of public figures during civil unrest. The Board will consider this recommendation implemented when Meta suspends the accounts and publicly announces that it has done so.

4. Meta should update its review prioritisation systems to ensure that content from heads of state and senior members of government that potentially violated the Violence and Incitement policy is consistently prioritised for immediate human review. The Board will consider this recommendation implemented when Meta discloses details on the changes to its review-ranking systems and demonstrates how those changes would have ensured review for this and similar content from heads of state and senior members of government.

5. Meta should implement product and/or operational guideline changes that allow more accurate review of long-form video (e.g. use of algorithms for predicting the timestamp of violation, ensuring proportional review time with length of the video, allowing videos to run 1.5 times or 2 times faster). The Board will consider this implemented when Meta shares its new long-form video moderation procedures with the Board, including metrics for showing improvements in review accuracy for long-form videos.

C. Transparency.

6. In the case of Prime Minister Hun Sen, and in all account-level actions against heads of state and senior members of government, Meta should publicly reveal the extent of the action and the reasoning behind its decision. The Board will consider this recommendation implemented when Meta discloses this information for Hun Sen, and commits to doing so for future enforcements against all heads of state and senior members of government.

***Procedural note:**

The Oversight Board's decisions are prepared by panels of five members and approved by a majority of the Board. Board decisions do not necessarily represent the personal views of all members.

For this case decision, independent research was commissioned on behalf of the Board. The Board was assisted by an independent research institute headquartered at the University of Gothenburg, which draws on a team of over 50 social scientists on six continents, as well as more than 3,200 country experts from around the world. The Board was also assisted by Duco Advisors, an advisory firm focusing on the intersection of geopolitics, trust and safety, and technology. Memetica – an organisation that engages in open-source research on social media trends – also provided analysis. Linguistic expertise was provided by Lionbridge Technologies, LLC, whose specialists are fluent in more than 350 languages and work from 5,000 cities across the world.