

CAMBODIA



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*Anonymous**

Part 1: Overview of Cambodia

A. Country Background

Indonesia Facts ¹	
Geographical size	176,520 sq km
Population	16,204,486
Ethnic breakdown ²	Main ethnic groups: Khmer (97.6%) Cham (1.2%) Chinese (0.1%) Vietnamese (0.1%) Other (0.9%)
Official language	Khmer
Literary rate (aged 15 years and above)	77.2% ³
Life expectancy	64.9
GDP	US\$20.02 billion (per capita US\$1,384) ⁴
Government	A unitary state, Cambodia is a constitutional monarchy with the King as the ceremonial head of state and the Prime Minister as head of government. Governed by a civil law system, legislative power is vested in a bicameral legislature composed of the National Assembly and the Senate.
Political and social situation	2017 witnessed the nineteenth year of Hun Sen's rule, the longest reign of a 'democratically elected' leader in Southeast Asia. The political system is dominated by the Cambodia Peoples' Party. The run-up to the 2018 elections was marked by a purging of opposition political parties and a massive crackdown on human rights defenders and progressive media.

* The author wishes to remain anonymous for security reasons.

¹ 'Cambodia demographics profile 2018' Index Mundi, available at https://www.indexmundi.com/cambodia/demographics_profile.html, accessed on 28 July 2018.

² Data from 2013 (est). Index Mundi (see note 1 above).

³ Data from 2015 (est). Index Mundi (see note 1 above).

⁴ Data from 2016. 'Cambodia' The World Bank, available at <https://data.worldbank.org/country/cambodia>, accessed on 9 August 2018.

The Kingdom of Cambodia is bordered by Vietnam to the east, Lao PDR to the northeast, Thailand to the west, and the Gulf of Thailand to the southwest. Its capital is Phnom Penh. The national language is Khmer, but French, Vietnamese, and English are also spoken in the country. Theravada Buddhism is the state religion and is practiced by over 90% of the population. Other faiths include Islam, Hinduism, and Christianity. Cambodia has been a member of the United Nations (UN) since 14 December 1955.⁵ It is also a member of the Association of Southeast Asian Nations (ASEAN) which it recently chaired in 2011.

At the time of writing, the Cambodian Peoples' Party (CPP) led by the country's long-time leader, Hun Sen, had just won the general election although his victory seems more borne of the systemic ills plaguing the country than as a result of a democratic election. In an unambiguously titled piece by Human Rights Watch ('Cambodia: July 29 Elections Not Genuine'), the NGO revealed the factors, some of which transpired in 2017, that led to the victory: "The Cambodian government over the past year has systematically cracked down on independent and opposition voices to ensure that the ruling party faces no obstacles to total political control." Moreover, "serious problems with the electoral process include: arbitrary dissolution of the main opposition party, the Cambodia National Rescue Party, and surveillance, intimidation, detention, and politically motivated prosecution of key opposition members."⁶

It is no secret that Cambodia is a land with both a tumultuous past and present. On the surface, it seems to have risen from the ashes of colonial rule, genocide, and immense deprivation. Indeed, when we actually think of Cambodia, we are immediately reminded of three things: the grandeur of the Angkor Empire, the wrath of the Khmer Rouge, and its thriving tourism industry. But, all these realities intertwine to create a façade of a progressive society possessing a rich heritage, strong resilience, and an undying commitment toward nation-building. But on closer examination, it appears Cambodia may have become trapped in a web of misfortune driven by a suppression of freedoms, corruption, nepotism, and poverty. As such, one should reflect how events from 2017, and even earlier, greatly affect the way democracy is perceived, freedoms are enjoyed, and human rights are protected in Cambodia today.

System of governance

Cambodia is a constitutional monarchy, with the King as the ceremonial head of state, and the Prime Minister as head of government. It is governed by a civil law system. The Prime Minister, members of the National Assembly and Senators have power to

⁵ 'Cambodia' Human Rights in ASEAN Online Platform, available at <https://humanrightsinasean.info/cambodia/general-information.html>, accessed on 27 July 2018.

⁶ 'Cambodia: July 29 elections not genuine' Human Rights Watch, 25 July 2018, available at <https://www.hrw.org/news/2018/07/25/cambodia-july-29-elections-not-genuine-0>, accessed on 1 August 2018.

initiate laws which must pass through both houses of parliament before promulgation by the King. The court system comprises of first instance courts at the provincial and municipal levels, the Appeal Court, and the Supreme Court. A separate military court system also exists. While the courts have no power of judicial review, the Constitutional Council, which is comprised of nine appointees, does have the power to interpret the Constitution and laws. The Supreme Council of the Magistracy oversees functioning of the courts.⁷

Political and social situation

In 2017, Cambodia was governed by Lord Prime Minister Supreme Military Commander Hun Sen. A former Khmer Rouge cadre, he has been the country's 34th prime minister since 1998, and is also President of the Cambodian People's Party. His party holds the majority in both houses of congress. His Excellency, Norodom Sihamoni, son of the former King and Cambodian Prime Minister Norodom Sihanouk, is the country's monarch and head of state.

During preparations for the 2018 general elections, political and social controversies arose including crackdowns against the opposition party, human rights defenders, and progressive media. As such, according to the 2017 Democracy Index, Cambodia is ranked 124 out of 167 countries, falling 12 points since 2016. It stated: "Cambodia scored poorly in electoral process and pluralism following the forced dissolution of the main opposition party in November 2017, which turned the country into a de facto one-party state."⁸

Celebrating its tagline, the "Kingdom of Wonder," tourism (in addition to manufacturing and agriculture) has invigorated Cambodia's economy for many years. In 2017 alone, according to the Ministry of Tourism, the country earned US\$3.6 billion from 5.6 million tourists.⁹ Still, it is considered a least developed country, with a human development index of 0.563 and a ranking of 143 out of 188 countries in 2016.¹⁰

B. International Human Rights Commitments and Obligations

On the international stage, and compared to most of its ASEAN neighbours, Cambodia actually has an outstanding record of international human rights commitments. Aside

⁷ Human Rights in ASEAN (see note 5 above).

⁸ Handley, E, 'Cambodia plunges in democracy survey after CNRP dissolution' Phnom Penh Post, 1 February 2018, available at <https://www.phnompenhpost.com/national/cambodia-plunges-democracy-survey-after-cnrp-dissolution>, accessed on 27 July 2018.

⁹ Vanack, C, 'Tourism sector worth \$3.6 billion in 2017' Khmer Times, 14 February 2018, available at <https://www.khmertimeskh.com/50108419/tourism-sector-worth-3-6-billion-2017/>, accessed on 27 July 2018.

¹⁰ United Nations Development Programme (UNDP), *United Nations Human Development Index 2016*, New York: UNDP, 2016, available at http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf, accessed on 27 July 2018.

from the Philippines, Cambodia is the only country in Southeast Asia to have ratified or acceded to almost all international human rights treaties and optional protocols (see Table 1 below).

Table 1: Ratification Status of International Instruments – Cambodia¹¹

Treaty	Signature Date	Ratification Date, Accession (a), Succession (d) Date
Convention against Torture and Other Cruel Inhuman or Degrading Punishment (CAT)		15 Oct 1992 (a)
Optional Protocol of the Convention against Torture	14 Sep 2005	30 Mar 2007
International Covenant on Civil and Political Rights (ICCPR)	17 Oct 1980	26 May 1992
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty		
Convention for the Protection of All Persons from Enforced Disappearance (CED)		27 Jun 2013 (a)
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	17 Oct 1980	15 Oct 1992
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	12 Apr 1966	28 Nov 1983
International Covenant on Economic, Social and Cultural Rights (ICESCR)	17 Oct 1980	26 May 1992
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)	27 Sep 2004	
Convention on the Rights of the Child (CRC)		15 Oct 1992 (a)
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	27 Jun 2000	16 Jul 2004
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	27 Jun 2000	30 May 2002
Convention on the Rights of Persons with Disabilities (CRPD)	1 Oct 2007	20 Dec 2012

¹¹ 'Ratification status for Cambodia' United Nations Human Rights Office of the High Commissioner, available at https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx, accessed on 15 August 2018.

As a member-state of the United Nations, Cambodia is mandated to conduct periodic reviews of its human rights record (otherwise known as its Universal Periodic Review or UPR). It has already undergone two cycles of review: in November 2009 and again in February 2014. Apart from boasting the ratification/accession of two human rights treaties (CRPD in 2012 and CED in 2013) and the Optional Protocol of CEDAW in 2010, the Cambodian UPR report also covered a number of issues being addressed by the government such as land rights, freedom of expression, the elimination of gender violence, corruption, and the steps it has taken towards the establishment of a National Human Rights Commission. However, a number of concerns were raised by participating member-states such as Cambodia's lack of judicial independence, restriction of freedom of expression through its draft Cyber Law, the banning of peaceful assemblies, and violence towards peaceful protestors.

Cambodia will undergo its next cycle of review in January 2019. At the moment, civil society organizations are preparing their shadow reports for submission to the UN Human Rights Council. Issues to be covered by these reports include gender/women/LGBTIQ/sexual rights, children's rights, access to justice, minority and indigenous rights, labour rights, land and natural resources, and elections.¹²

Cambodia is one of two ASEAN member-states¹³ with a designated Special Rapporteur mandated by the UN Human Rights Council to follow and report on the human rights situation in the country. Since 2008, six experts have assumed the position. Rhona Smith, a British academic, is the current Special Rapporteur. Issues such as economic land concessions, elections, impunity, the administration of justice and vulnerable groups have been covered by this mechanism over the years. However, it could be said the government's relationship with the Rapporteur has not been entirely 'amicable.' In fact, in 2017, the Cambodian Ministry of Foreign Affairs and International Cooperation criticised Ms Smith for belittling Cambodia's tragic past when she said, "The time to blame the troubles of the last century for the situation today is surely over." Amongst other matters, the government viewed this as a "campaign of disinformation led by some governments and organizations."¹⁴

At the regional level, Cambodia has signed the ASEAN Human Rights Declaration, an official yet non-binding document for the promotion and protection of human rights in the area. It was unanimously adopted by all ASEAN member-states in November 2012 in the Cambodian capital of Phnom Penh.

¹² 'Activity report: Cambodia (CSO submission follow-up workshop)' 9-10 May 2018, available at https://www.upr-info.org/sites/default/files/cambodia_activity_report_step_1.1.pdf, accessed on 3 August 2018.

¹³ The other ASEAN member-state with a designated special rapporteur is Myanmar.

¹⁴ Cambodian Ministry of Foreign Affairs and International Cooperation, 'Cambodia, democracy and human rights: To tell the truth' 11 April 2017, available at <https://www.mfaic.gov.kh/wp-content/uploads/2017/04/Ministry-of-Foreign-Affair-201704-385.pdf>, accessed on 28 July 2018.

C. National Laws Affecting Human Rights

The 1993 Cambodian Constitution, which was amended in 2008, contains strong provisions on the respect for democracy and the protection of human rights. As a starter, its Preamble states the people of Cambodia,

*... having awakened to stand up with resolute determination and commitment to strengthen our national unity ... to build the nation up, to again be an “Island/ Oasis of Peace” based on a liberal multi-party democratic system, to guarantee human rights and the respect of law, and to be responsible for progressively developing the prosperity and glory of our nation.*¹⁵

Further, a full section in the Constitution is dedicated to “The Rights and Obligations of Khmer Citizens (Chapter III).” Article 31 declares that:

The Kingdom of Cambodia recognizes and respects human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights and the covenants and conventions related to human rights, women’s rights and children’s rights.

Moreover, Art 31 also promotes the elimination of discrimination based on “race, color, sex, language, religious belief, political tendency, national origin, social status, wealth, or other status.” One must be mindful, though, that most provisions pertain to the rights of Khmer citizens only. Aside from Art 31, there is little mention of the protection of the rights of non-Khmers such as migrants or those from other ethnicities.

Chapter III continues with a laundry list of political, economic, social and cultural rights (Arts 32-48) ending with obligations as regards respect of the Constitution and laws and the duty to serve for the protection of the nation (Arts 49 and 50).¹⁶

With respect to equal opportunities, several laws protect some vulnerable groups from prejudice or intolerance. For example, Art 12 of the Labour Law (1997) provides women and other vulnerable groups better access to and conditions for employment. Likewise, the Law on the Protection and the Promotion of the Rights of Persons with Disabilities (2009) was passed to fully eliminate all forms of discrimination against persons with disabilities.

¹⁵ Cambodian Constitution 1993, available at https://www.constituteproject.org/constitution/Cambodia_2008.pdf?lang=en, accessed on 28 July 2018.

¹⁶ See note 15 above.

Cambodia and the Philippines are the only ASEAN member-states to legally eliminate the death penalty from their judicial systems with the highest law of the land providing for its abolition in Cambodia (Art 32 of the Constitution specifically states that “capital punishment is prohibited”). In fact, no executions have been carried out since 1988. The Cambodian government also voted in favour of five UN General Assembly’s resolutions on moratoriums on the use of the death penalty in 2007, 2008, 2010, 2012, and 2014.¹⁷

The following select national laws were passed to fulfil certain human rights and freedoms in Cambodia:

- *Law on Juvenile Justice (2016)*: aims at safeguarding the rights and best interests of minors. It also provides for the rehabilitation and integration of minor offenders back into society.¹⁸
- *Law on Anti-Corruption (2010)*: passed to maintain “integrity and justice” in the delivery of public services and implementation of the rule of law. It also contains provisions on the criminal accountability of officials found guilty of corrupt practices.¹⁹
- *Law on the Prevention of Domestic Violence and the Protection of Victims (2005)*: contains a comprehensive list of provisions to help eliminate domestic violence and preserve a culture of non-violence in Cambodian society.²⁰
- *Law on the Suppression of Kidnapping, Trafficking, and Exploitation of Human Persons (1996)*: aims to protect human dignity and the health and welfare of the people by taking action against any form of exploitation and trafficking against any person in Cambodia.²¹

D. National Laws Threatening Human Rights

Despite seemingly advanced constitutional safeguards, Cambodia has still managed to craft and sustain laws which make it difficult for human rights defenders, the media, political opposition, and the general public to sustain democratic values and claim their rights and freedoms.

¹⁷ ‘Ratification kit: Cambodia’ World Coalition Against the Death Penalty, available at <http://www.worldcoalition.org/media/resourcecenter/Cambodia-EN.pdf>, accessed on 3 August 2018.

¹⁸ Law on Juvenile Justice (unofficial English translation), available at <http://www.sithi.org/admin/upload/law/Law-on-Juvenile-Justice%202016-English-Final-Version.pdf>, accessed on 3 August 2018.

¹⁹ ‘Anti-corruption’ Open Development: Cambodia, 8 December 2015, available at <https://opendevelopmentcambodia.net/topics/anti-corruption/>, accessed on 2 August 2018.

²⁰ Law on the Prevention of Domestic Violence and the Protection of Victims (unofficial English translation), available at <http://www.sithi.org/admin/upload/law/LAW%20on%20the%20prevention%20of%20domestic%20violence%20and%20the%20protection%20of%20victims.pdf>, accessed on 3 August 2018.

²¹ Law on the Suppression of Kidnapping, Trafficking, and the Exploitation of Human Persons (unofficial English translation), available at <http://www.sithi.org/admin/upload/law/Law%20on%20Suppression%20of%20Kidnapping,%20Trafficking,%20Sale%20and%20Exploitation%20of%20Human%20Persons%201996.ENG.pdf>, accessed on 3 August 2018.

The Law on Associations and Non-Governmental Organizations or LANGO (2015) was intended to “safeguard the right to freedom of establishing associations and nongovernmental organizations in the Kingdom of Cambodia in order to protect their legitimate interests and to protect the public interest.” The law allows the government to monitor and control organizations working mainly on human rights. Furthermore, it imposes requirements and restrictions on such associations and NGOs to operate within the country. In 2017, the director of the Cambodia Centre for Human Rights stated that LANGO

has had a severe chilling effect on Cambodian civil society ... [I]ts broad and ambiguously worded provisions—such as the infamous ‘neutrality’ requirement in Article 24—combined with draconian sanctions, mean NGOs and associations must constantly operate in the shadow of possible legal action and even being shut down.²²

Similarly, the Law on Political Parties was amended by a majority of the Cambodian National Assembly in 2017. According to the Amnesty International Report on Cambodia for 2017/2018, the Law gave the Ministry of the Interior and courts power over political parties and barred individuals convicted of a criminal offence from holding leadership positions.²³ Tagged as the “Anti-Sam Rainsy Law” by the opposition, amendments were expedited mainly to attack Mr Rainsy and disqualify him from contesting in the 2018 elections. Accordingly, the law was passed urgently without proper consultation with concerned parties or civil society. Nevertheless, the Ministry of Foreign Affairs and International Cooperation defended the amendment stating that it was

imperative to revise the law to reflect the legal evolution related to elections ... [I]t aims to protect the liberal multi-party democratic system, constitutional monarchy, and Cambodia’s sovereignty from foreign interference.²⁴

Likewise, in terms of controlling collective human rights actions, the Law on Trade Unions (2016) and the Law on Peaceful Demonstrations (2009) both contain provisions restricting groups from meaningfully bargaining for their rights. The Trade Union Law was passed mainly to

²² Retka, J, “Two years on, NGO laws remain ‘ambiguous’” The Cambodia Daily, 13 July 2017, available at <https://www.cambodiadaily.com/news/two-years-on-ngo-law-remains-ambiguous-132456/>, accessed on 2 August 2018.

²³ ‘Cambodia 2017/2018’ Amnesty International, available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/cambodia/report-cambodia/>, accessed on 2 August 2018.

²⁴ Cambodian Ministry of Foreign Affairs and International Cooperation (see note 14 above).

*protect the legitimate rights and interests of all persons who fall within the provisions of the labor law and personnel serving in the air and maritime transportation, ensure collective bargaining and promote harmonious industrial relations.*²⁵

Like LANGO, the law contains restrictions towards groups through stringent registration processes and guidelines for operations. The Law on Peaceful Demonstrations, while promoting public “freedom of expression,” is grounded on the fact that protests or demonstrations should not disturb public order and national security. 2017 witnessed increased use of these draconian laws, especially LANGO and the amended Law on Political Parties. As such, they helped to ensure potential disturbances during general elections were either silenced or eliminated while also heightening fear amongst opponents of the present regime and those simply siding with oppressed Cambodians.

E. Recent Court Cases Relating to Human Rights

Tep Vanny

Tep Vanny, a land rights defender and Boeng Lake community representative, was sentenced to two years and six months for participating in an alleged violent protest in 2013, which, according to the plaintiffs, ended “in a severely violent crackdown by police, military police and para-police against the community, leaving five individuals injured, including some with broken bones.” The court seems to have sided with the plaintiffs, apparently reaching its verdict without solid evidence. She was also arrested for participating in the Black Monday protest to support detained members of the Cambodian Human Rights and Development Association (ADHOC), for which she had already been detained for 192 days.²⁶ Her case reflects how the judicial system is used to legitimise the outright suppression of human rights defenders in pursuit of “national security and public order.”

The pending cases of Koh Kong economic land concessions

Since 2006, thousands of farmers in Koh Kong Province have been forcibly stripped of their lands due to concessions awarded to local and foreign sugar companies. Court cases have been filed demanding cancellation of the contracts or compensation for damages.²⁷ However, most petitions have yet to be granted. After seven years of waiting for amenable solutions, 120 community members travelled to Phnom Penh to seek redress from concerned authorities and Prime Minister Hun Sen. At the end of 2017, they are still waiting to hear from the Cambodian government.

²⁵ Law on Trade Unions (unofficial English translation), available at http://www.sithi.org/admin/upload/law/trade_union_law_eng.pdf, accessed on 3 August 2018.

²⁶ “Tep Vanny convicted again as para-policy attack supporters” Licadho, 23 February 2017, available at <http://www.licadho-cambodia.org/pressrelease.php?perm=418>, accessed on 3 August 2018.

²⁷ ‘Koh Kong Sugar Plantation (re Cambodia)’ Business & Human Rights Resource Centre, available at <https://www.business-humanrights.org/en/koh-kong-sugar-plantation-lawsuits-re-cambodia>, accessed on 2 August 2018.

The bigger issue is how economic land concessions reflect the unequal distribution of land and resources in Cambodia. These concessions favour the local elite and foreign investors allowing them to easily deliver profits for a select few. As such: “20-30% of Cambodia’s land resources are now held by only 1% of the population, mostly at the expense of the weakest and most marginalised rural people.”²⁸

The pending case of the murder of Kem Ley

Political analyst, Kem Ley, was shot dead in broad daylight in the heart of Phnom Penh in July 2016.²⁹ His murder is considered to be an attack against human rights defenders and the political opposition. Members of civil society fearlessly protested on the streets, calling for justice. On March 2017, Oeuth Ang was convicted of Kem Ley’s murder, but his lawyers insisted that the killing was not simply the work of one man. Appeals for an independent and impartial commission of inquiry to investigate his case were therefore made. However, the case is still pending at the Phnom Penh Municipal Court.³⁰

Part 2: Outstanding Human Rights Issues

On April 2017, the government, through the Ministry of Foreign Affairs and International Cooperation, released a report entitled, ‘Cambodia, Democracy, and Human Rights: To Tell the Truth’ in response to reports and accounts released on the state of human rights in the country. It asserted that:

Cambodia has been submerged, month after month, year after year by reports from opposition media, biased NGOs, and misinformed institutions, which [twist] historical facts and events in an attempt to portray a negative image of Cambodia and to lay the blame on the Government.

In short, the government refuted the contention that such reports constituted attempts to destabilize it. Its reaction echoes the declarations of other authoritarian regimes which attack human rights groups and foreign states for “disturbing national peace and security” and “interfering with internal affairs.”³¹ Based on the most recent reports of Amnesty International and Human Rights Watch, human rights organizations, progressive media, and the political opposition comprise the main targets of a crackdown instigated by the government in 2017.

²⁸ ‘Cambodia’s devastating economic land concessions’ East Asia Forum, 29 June 2016, available at <http://www.eastasiaforum.org/2016/06/29/cambodias-devastating-economic-land-concessions/>, accessed on 2 August 2018.

²⁹ Chheng Niem, ‘Kem Ley case remains open two years on’ Phnom Penh Post, 10 July 2018, available at <https://www.phnompenhpost.com/national/kem-ley-case-remains-open-two-years>, accessed on 2 August 2018.

³⁰ ‘Joint letter on investigation into killing of Kem Ley: Request for Cambodian government to create a Commission of Inquiry’ Human Rights Watch, 7 July 2017, available at <https://www.hrw.org/news/2017/07/07/joint-letter-investigation-killing-kem-ley>, accessed on 3 August 2018.

³¹ Cambodian Ministry of Foreign Affairs and International Cooperation (see note 14 above).

A. Crackdown on the Cambodian National Rescue Party³²

The urgent amendment of the Law on Political Parties paved the way for the slow and painful death of CPP's main opponent, the Cambodian National Rescue Party (CNRP). Its leader, Sam Rainsy, remained in exile throughout 2017 to avoid two years' imprisonment for a defamation case in 2008. He was also convicted of "defamation and incitement to commit a felony" when he declared that Kem Ley's murder was an act of state-sponsored terrorism. On September 2017, Kem Sokha, CNRP's new leader, was also arrested and charged with "conspiracy with a foreign power." This was related to a speech he gave concerning democratic changes in Cambodia. In addition, he was stripped of parliamentary immunity by a majority of the Cambodian National Assembly. As a final nail in CNRP's coffin, after Prime Minister Hun Sen's threat against its members, the main opposition party was shut down through a Supreme Court Order, which also banned 118 members from any political activity for five years. Deemed a "death to democracy," this landmark case marks "a new era of de facto one-party rule in Cambodia."³³

B. Crackdown on the Media³⁴

Progressive media took a massive beating in 2017 as a worrying number of outfits were either threatened, silenced, or shut down. As such, Cambodia's General Department of Taxation shut down Cambodia Daily due to unpaid tax bills amounting to US\$6.3 million. Its owners were also charged with criminal offences. Similarly, according to Amnesty International, about 30 FM radio frequencies were silenced due to their relations with Radio Free Asia and Voice of America. It was also reported that two RFA reporters were charged for espionage that could result in sentences of up to 15 years in jail.

C. Crackdown on Human Rights Organizations and Defenders³⁵

For years, the government has been critical of local and international human rights organizations and defenders. As the sensational murder of Kem Ley demonstrates, human rights defenders faced continued threats and direct arrest in 2017. For example, four senior members of ADHOC and a former member of the National Election Committee (NEC) were arrested in 2016 and still face charges of up to 10 years in prison. Moreover, in August 2017, the Ministry of Foreign Affairs called for the closure

³² Information for this section was mostly taken from two sources: Amnesty International (see note 23 above) and 'Cambodia events of 2017' Human Rights Watch, available at <https://www.hrw.org/world-report/2018/country-chapters/cambodia>, accessed on 2 August 2018.

³³ Sokhean, B, Dara, M, and Baliga, A, 'Death of democracy: CNRP dissolved by Supreme Court ruling' Phnom Penh Post, 17 November 2017, available at <https://www.phnompenhpost.com/national-post-depth-politics/death-democracy-cnarp-dissolved-supreme-court-ruling>, accessed on 28 July 2018.

³⁴ Information for this section was taken from two sources: Amnesty International (see note 23 above) and Human Rights Watch (see note 32 above).

³⁵ Information for this section was taken from two sources: Amnesty International (see note 23 above) and Human Rights Watch (see note 32 above).

of US-funded NGO, National Democratic Institute. Likewise, in September, members of Mother Nature, an NGO working on illegal smuggling, were charged with felony offences. Similarly, in October 2017, the land rights organization, Equitable Cambodia, was suspended by the Ministry of Interior for violating regulations. Three members were also arrested for social media posts “insulting” the Prime Minister. Finally, in November, the Cambodian Centre for Human Rights faced threats of closure but was able to continue operating after a government investigation.

It is disheartening to note that the three major pillars of democratic society suffered greatly in an attempt to impose the “rule of law” and protect “national security” in Cambodia. In 2018, these actions bore fruit, allowing the present regime to paint a picture of a peaceful and united Khmer society driven by a functioning liberal democracy, thus legitimising the result of the 2018 elections.

Part 3: Conclusion

On a lighter note, 2017 also allowed audiences around the world to finally witness the atrocities suffered by the Cambodian people during the Khmer Rouge regime. The film, *First They Killed My Father*, directed by Hollywood actress, Angelina Jolie, told the tragedy of a middle class Khmer family through the eyes of a young girl. Jolie stated that she

*wanted this country to have some closure in some way to say ‘that’s what it was like.’ It’s amazing that they let me in, but it was amazing that they allowed the history to be re-created on the streets. Every Cambodian person in this film knew someone who was affected by the war, and they came back to do this for their loved ones.*³⁶

Ironically, around the time this film was launched in September 2017, human rights defenders, the political opposition, and members of the media were once again experiencing a crackdown. This, despite the fact the government frequently returns to its tragic past to regain legitimacy and reinstate its authority over Khmer society. Moreover, it insists that “Cambodia’s recent history illustrated by default how limited a time and space the country has to work on its state-building and democratization process.”³⁷

While Cambodia is still recovering from its tumultuous past, its present leaders, most of whom experienced the wrath of the Khmer Rouge, should bear in mind that

³⁶ Ramos, D-R, ‘Angelina Jolie, Loung Ung talk *First They Killed My Father* and honoring Cambodian history – The contenders’ Deadline Hollywood, 4 November 2017, available at <https://deadline.com/2017/11/angelina-jolie-loung-ung-first-they-killed-my-father-netflix-the-contenders-1202202056/>, accessed on 3 August 2018.

³⁷ Cambodian Ministry of Foreign Affairs and International Cooperation (see note 14 above).

struggles can never be resolved through the deployment of iron fists, intimidation, and misinformation. Further, all should remember that the Constitution enshrines the principles of human rights and freedoms for a purpose; which is never again to allow such destructive and inhumane regimes to take root in Cambodian soil.