



CAMBODIA: Restrictions on civil society and political participation

Stakeholder Report for the United Nations Human Rights Council's Universal Periodic Review

Submitted by The Advocates for Human Rights,
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Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. Since 1990, The Advocates has collaborated with the Cambodian diaspora in Minnesota on projects to promote human rights and accountability in Cambodia.

EXECUTIVE SUMMARY

1. Since Cambodia's last Universal Periodic Review in 2014, the country's human rights situation has worsened significantly. Under the leadership of Prime Minister Hun Sen and his Cambodian People's Party (CPP), the government continues to infringe on the basic rights of political and intellectual dissidents. The July 2018 elections will see no organized opposition to challenge the CPP after a November 2017 Supreme Court decision dissolved the leading political opposition party, the Cambodian National Rescue Party.¹ Indeed, Sen's 33-year rule may continue indefinitely as he continues to consolidate power and deny perceived opponents their rights to assembly and speech. The government has also cracked down on the functions of human rights groups and independent media organizations, passing restrictive laws and issuing fabricated charges. In addition, detention conditions in the country remain bleak as overcrowding, infrastructure problems, and lengthy pretrial detention are commonplace.²
2. The Advocates has received direct information about the human rights violations detailed in this stakeholder report from Cambodian human rights defenders and diaspora members in the United States. Credible information from secondary sources supplements their first-hand accounts. This stakeholder report addresses Cambodia's failure to comply with its international human rights obligations and makes recommendations to address and improve the human rights situation in Cambodia.

I. BACKGROUND AND FRAMEWORK

A. 2014 Universal Periodic Review

3. During Cambodia's second Universal Periodic Review, the government noted 38 recommendations and accepted 163, while rejecting 4 recommendations on grounds that they were contrary to its Constitution. Significantly, one of the four rejected recommendations called for a free and independent media (Portugal), and out of the 38 noted recommendations, two were related to freedom of expression (out of 15 in that thematic area) and six were related to protections for human rights defenders and other civil society actors (out of 12 in that thematic area).

1. *Improvement of detention conditions*

Status of Implementation: Accepted, Partially Implemented

4. Cambodia accepted two recommendations related to detention conditions: India recommended that Cambodia consider taking the necessary measures to further improve prison conditions, and Belgium recommended that Cambodia take measures to avoid the use of excessive force and ensure that conditions of arrest and pretrial detention meet international standards.³ Since the last UPR, Cambodia has not adequately addressed

¹ Human Rights Watch, *Cambodia: Supreme Court Dissolves Democracy*, Nov. 17, 2017, <https://www.hrw.org/news/2017/11/17/cambodia-supreme-court-dissolves-democracy> (last visited 11 July 2018).

² UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Cambodia*, July 27, 2017, A/HRC/36/61, available at: <http://www.refworld.org/docid/59b811ce4.html> (last visited 10 July 2018).

³ *Report of the Working Group on the Universal Periodic Review: Cambodia*, (March 27, 2014), U.N. Doc. A/HRC/26/16. ¶ 118.60 Consider taking the necessary measures to further improve prison conditions (India); ¶

lengthy pretrial detention or the substandard pre-trial and post-conviction prison infrastructure.

2. *Freedom of expression, assembly, and association*

Status of Implementation: Accepted and Noted, Not Implemented

5. Cambodia accepted 12 recommendations to protect and promote the rights of freedom of expression, assembly and association, and to comply with international standards.⁴ The government noted two recommendations from The Netherlands and The United States related to ensuring free access to and freedom of expression on electronic media, liberalizing electronic media ownership rules, and amending the Penal Code to bring the national law in conformity with Cambodia's international obligations on freedom of expression.⁵ Cambodia rejected one recommendation that specifically requires the revocation of two articles of the Penal Code and the Press Law to protect free and

118.61 Take measures to avoid the use of excessive force and ensure that conditions of arrest and pretrial detention meet international standards (Belgium). Also available online at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/KHIndex.aspx>.

⁴ *Report of the Working Group on the Universal Periodic Review: Cambodia*, (March 27, 2014), U.N. Doc. A/HRC/26/16. ¶ 118.15; Review the penal code to ensure it aligns with Cambodia's obligations under the International Convention on Civil and Political Rights pertaining to freedom of expression and take the necessary actions to amend or repeal any articles which do not meet these obligations (Canada); ¶ 118.16 Revise the Penal Code in order to bring it into line with international standards and Cambodia's obligations under the International Covenant on Civil and Political Rights (Belgium); ¶ 118.18 Adopt legislative and other measures that promote the enjoyment of freedom of expression (Botswana);

¶ 118.19 Take action to ensure that Cambodian legislation enables all political parties, labour unions and other civil society groups to exercise their rights to freedom of expression, association and peaceful assembly; and that peaceful demonstrations can occur safely and without fear of intimidation or excessive use of force on the part of the Cambodian authorities (Canada); ¶ 118.20 Revise the Penal Code as well as other laws so that they comply with international freedom of expression standards and prevent the harassment of human rights defenders, journalists and NGOs (Czech Republic); ¶ 118.21 Take steps to bring Cambodia's laws and practices into line with existing international human rights standards in relation to freedom of expression, including press freedom (Ireland); ¶ 118.106 Ensure the right of individuals and organizations to defend and promote human rights, including protection and promotion of the rights of freedom of expression, assembly and association (Colombia);

¶ 118.107 Ensure the protection of workers exercising the right to freedom of peaceful assembly and association and enable the full implementation of the right to freedom of expression in the country (Croatia); ¶ 118.108 Actively protect the rights to freedom of expression and to peaceful assembly by ensuring that any restriction on those rights is lawful, necessary and proportionate (New Zealand); ¶ 118.109 Adopt and implement effective measures in order to prevent the use of violence against demonstrators, in accordance with the Law on Peaceful Assembly, and enable all groups, including those expressing dissenting views, to have their rights to freedom of peaceful assembly and association fully restored (Czech Republic); ¶ 118.110 Ensure freedom of assembly and association and recognize the importance of trade unions and a diverse civil society in a democracy (Netherlands); ¶ 118.111 Ensure full respect, in law and in practice, for the freedom of

peaceful assembly and of association, consistent with international law (Australia). Also available online at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/KHIndex.aspx>.

⁵ *Report of the Working Group on the Universal Periodic Review: Cambodia*, (March 27, 2014), U.N. Doc. A/HRC/26/16. ¶ 119.26 Develop an action plan ensuring that Internet laws comply with Cambodia's commitment to guarantee freedom of expression and information, so as to ensure free access to electronic media, liberalize electronic media ownership rules and allow national bloggers, journalists, other Internet users and NGOs to play a full and active role in promoting and protecting human rights (Netherlands); ¶ 119.27 Repeal or amend relevant articles of the Penal code, such as those regarding defamation or the discrediting of judicial decisions, which would bring Cambodia's domestic legislation into line with its international human rights obligations on freedom of expression (United States). Also available online at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/KHIndex.aspx>.

independent media.⁶ Since the last UPR, the government has not implemented any accepted recommendations related to freedom of expression, assembly, or association and continues to pass laws that restrict those rights.

3. *Protection of human rights defenders, protesters, and opposition party members.*

Status of Implementation: Accepted and Noted, Not Implemented

6. Cambodia accepted six recommendations related to protecting human rights defenders,⁷ but noted six other recommendations that specifically mentioned violence against protestors, journalists, and/or opposition party members.⁸ Since the last UPR, the government continues to persecute dissenting voices and has failed to implement recommendations in this thematic area.

B. Domestic Legal Framework

7. The 1993 Constitution of the Kingdom of Cambodia recognizes fundamental human rights, including: the right to political participation (Art. 35); the rights to strike and participate in peaceful demonstrations (Art. 37); the right to be free from physical abuse and arbitrary detention (Art. 38); the rights to freedom of expression, free press, and

⁶ *Report of the Working Group on the Universal Periodic Review: Cambodia*, (March 27, 2014), U.N. Doc. A/HRC/26/16. ¶ 118.22 Protect free and independent media, namely through the revocation of article 305 of the Penal Code and article 13 of the Press Law (Portugal). Also available online at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/KHIndex.aspx>.

⁷ *Report of the Working Group on the Universal Periodic Review: Cambodia*, (March 27, 2014), U.N. Doc. A/HRC/26/16. ¶ 118.20 Revise the Penal Code as well as other laws so that they comply with international freedom of expression standards and prevent the harassment of human rights defenders, journalists and NGOs (Czech Republic); ¶ 118.112 Ensure that the rights of human rights defenders are respected, in line with the recommendations accepted by Cambodia during the first UPR cycle (Belgium); ¶ 118.113 Adopt the necessary measures to respect and protect human rights defenders (Chile); ¶ 118.114 Take all necessary measures for the protection of human rights defenders, particularly by prosecuting the perpetrators of violence against, or intimidation of, them (France); ¶ 118.115 Protect the rights of human rights defenders (Germany); ¶ 118.116 Ensure that the right of human rights defenders to conduct their work without hindrance, intimidation or harassment is respected and protected, as recommended in the previous cycle and accepted by Cambodia (Ireland). Also available online at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/KHIndex.aspx>.

⁸ *Report of the Working Group on the Universal Periodic Review: Cambodia*, (March 27, 2014), U.N. Doc. A/HRC/26/16. ¶ 119.21 Investigate impartially cases of use of excessive force against protesters and cases of killings during the recent demonstrations (Czech Republic); ¶ 119.22 Review all legal cases against individuals who are detained under criminal or judicial investigation on account of the exercise of their right to freedom of expression, as provided in the International Covenant on Civil and Political Rights (Denmark); ¶ 119.23 Ensure a favourable climate for the activities of human rights defenders, journalists and other civil society actors (Tunisia); ¶ 119.24 Protect opposition party members, journalists and human rights defenders from harassment and arbitrary arrest and lift all restrictions to peaceful demonstrations (Portugal); ¶ 119.28 Ensure that the right of human rights defenders to conduct their work without hindrance, intimidation or harassment is respected and protected, as recommended in the previous cycle and accepted by Cambodia (Ireland); ¶ 119.29 Also available online at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/KHIndex.aspx>.

assembly (Art. 41); and the right to freedom of association and political party (Art 42).⁹ The Constitution calls for legislation to give effect to these rights.¹⁰

8. The 2009 Penal Code contains nine provisions that threaten the expressive rights of people in Cambodia.¹¹ These provisions criminalize public defamation (Article 305), public insult (Article 307), slanderous denunciation (Article 311), incitement to commit a crime (Article 495), incitement to discrimination (Article 496), contempt (Article 502), publication of comments intended to influence a court (Article 522), discrediting a judicial decision (Article 523), and false denunciation to judicial authority (Article 524).¹²
9. The 1995 Law on the Press prohibits the press from publishing or reproducing “false information that humiliates or contempts national institutions” (Article 13).¹³
10. The Cambodian government has enacted and amended several laws that affect the enjoyment of freedom of expression and political participation. Those laws are election laws, the 2015 Law on Associations and Non-governmental Organisations, and the 2016 Law on Telecommunications, in addition to the recent amendments to the Constitution and Penal Code. This report discusses these laws and the Constitution in greater detail below.

II. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Right or area 12.6. Conditions of detention

11. The *Report of the Special Rapporteur on the Situation of Human rights in Cambodia*, released on July 27, 2017, highlights multiple issues that still plague the Cambodian prison system. In regard to recommendation 118.61 to ensure that conditions of arrest and pretrial detention meet international standards, the Special Rapporteur noted that “Although article 203 of the Code of Criminal Procedure establishes that provisional detention should be exceptional, it appears to be almost standard procedure.”¹⁴
12. According to the Special Rapporteur, Correctional Centre 1 had 4,736 detainees in a building that was designed to have a maximum capacity of 1,300 detainees. The Special Rapporteur noted that a pilot program was launched with the intention to address the

⁹ THE CONSTITUTION OF THE KINGDOM OF CAMBODIA arts. 35, 37, 38, 41, and 42 (Cambodia). Available at: http://cambodia.ohchr.org/~cambodiaohchr/sites/default/files/Constitution_ENG.pdf.

¹⁰ For example: “The right to strike and to non-violent demonstration shall be implemented in the framework of a law.” (Art. 37); “The regime of the media shall be determined by law.” (Art. 41); “Khmer Citizens shall have the right to establish associations and political parties. These rights shall be determined by law.” (Art. 42).

¹¹ Cambodian League for the Promotion and Defense of Human Rights (LICADHO), *New Penal Code a Setback for Freedom of Expression Issues*, Dec. 9, 2010, www.licadho-cambodia.org/pressrelease.php?perm=233 (last visited July 11, 2018).

¹² Cambodian League for the Promotion and Defense of Human Rights (LICADHO), *ANNEX II: New Penal Code Provisions which May be Used to Limit Expressive Freedoms*, Dec. 9, 2010, <http://www.licadho-cambodia.org/press/files/LICADHO-FoE+2010PenalCode.pdf> (last visited July 11, 2018).

¹³ LAW ON THE PRESS art. 13 (Cambodia).

¹⁴ UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Cambodia*, 27 July 2017, A/HRC/36/61, available at: <http://www.refworld.org/docid/59b811ce4.html> (last visited July 10, 2018).

problem of overcrowded prisons, with the Minister of Justice to be in charge of the program.¹⁵

13. The International Committee of the Red Cross (ICRC) has worked with the General Department of Prisons to train and provide electrical training skills for the inmates in order for them to assist in the upkeep of prison infrastructure. At the time of its report on prison conditions in mid-2016, the ICRC noted that many of these prisons “had no ventilation, no water, and no electricity.”¹⁶

Right or area 14.3. Freedom of opinion and expression

Continued application of existing restrictive legislation

14. The Constitution of Cambodia recognizes the rights to freedom of expression and assembly except when they affect “national security.”¹⁷ This vaguely worded exception can constrain the exercise of both rights.
15. The 2009 Penal Code also uses vague terms to describe offenses’ elements, such as “serious turmoil in society” (Article 495),¹⁸ “dignity of a person” (Article 502),¹⁹ or “endanger Cambodian institutions” (Article 523).²⁰ These vague terms threaten the rights to freedom of expression, as the government can use them as a pretext to prosecute the legitimate exercise of freedom of speech.

Promulgation of new, additional legislation restricting freedom of expression

16. Since the UPR of Cambodia in 2014, the government has continued to pass legislation and amend laws that contain provisions restricting freedom of expression. After several years of delaying the adoption of the Law on Associations and Non-governmental Organisations, in 2015 the Cambodian government enacted the law to restrict the activities of civil society organizations engaging in human rights work. The Law specifically contains a provision that requires domestic and foreign non-governmental organizations to maintain their “neutrality” toward political parties in Cambodia.²¹ In

¹⁵ UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Cambodia*, 27 July 2017, A/HRC/36/61, available at: <http://www.refworld.org/docid/59b811ce4.html> (last visited July 10, 2018).

¹⁶ International Committee of the Red Cross, “Cambodia: Improving prison living conditions,” available at: <https://www.icrc.org/en/document/cambodia-improving-prison-living-condition> (last visited July 10, 2018).

¹⁷ THE CONSTITUTION OF THE KINGDOM OF CAMBODIA art. 41 (Cambodia). Available at: http://cambodia.ohchr.org/~cambodiaohchr/sites/default/files/Constitution_ENG.pdf.

¹⁸ GENERAL PROVISIONS FOR THE IMPLEMENTATION OF CRIMINAL LAW art. 495 (Cambodia). Available at: https://www.unodc.org/res/cld/document/khm/criminal_code_of_the_kingdom_of_cambodia_html/Cambodia_Criminal-Code-of-the-Kingdom-of-Cambodia-30-Nov-2009-Eng.pdf.

¹⁹ GENERAL PROVISIONS FOR THE IMPLEMENTATION OF CRIMINAL LAW art. 502 (Cambodia). Available at: https://www.unodc.org/res/cld/document/khm/criminal_code_of_the_kingdom_of_cambodia_html/Cambodia_Criminal-Code-of-the-Kingdom-of-Cambodia-30-Nov-2009-Eng.pdf.

²⁰ GENERAL PROVISIONS FOR THE IMPLEMENTATION OF CRIMINAL LAW art. 523 (Cambodia). Available at: https://www.unodc.org/res/cld/document/khm/criminal_code_of_the_kingdom_of_cambodia_html/Cambodia_Criminal-Code-of-the-Kingdom-of-Cambodia-30-Nov-2009-Eng.pdf.

²¹ LAW ON ASSOCIATIONS AND NON-GOVERNMENTAL ORGANIZATIONS art. 24 (Cambodia). Available at: http://cambodia.ohchr.org/~cambodiaohchr/sites/default/files/Unofficial_Translation_of_5th_LANGO_ENG.pdf.

addition, the law's vaguely worded guidelines leave many Cambodian organizations unsure how to comply with the law and avoid arbitrary shut-down by the state.²²

17. Also in 2015, the government amended the Law on Election of Members of the National Assembly, prohibiting non-governmental organizations and civil society groups from criticizing political parties during the election campaign period and barring them from participating in the process of elections.²³ The government also added similar amendments to the Law on the Election of Commune/Sangkat Councils.²⁴
18. In 2016, the government passed the Law on Telecommunications, which authorizes government monitoring of telecommunications without the consent of communicators. Specifically, the law includes penalties of up to 15 years in prison for the use of telecommunications equipment to cause "national insecurity."²⁵ According to the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), the government has used the law to restrict political freedom by, for example, arresting perceived opposition members for their online expression.²⁶
19. On 14 February 2018, the National Assembly approved draft amendments to the Constitution.²⁷ Five proposed amendments affect Article 34 (enabling suspensions or withholding of the right to vote), Article 42 (limiting the right to freedom of association by requiring political parties to "put the interest of the nation first"), Article 49 (restricting freedom of association and other political rights by prohibiting people from engaging in "any activities" that directly or indirectly "affect the interests" of Cambodia or its citizens), Article 53 (prohibiting "any form" of foreign interference in internal affairs in Cambodia), and Article 118 (removing secretaries of states from the Council of Ministers (Article 118)).²⁸
20. Also on 14 February 2018, the National Assembly approved a draft amendment to Cambodia's Penal Code. The draft was to make "insulting the King" (also known as lèse-

²²Janelle Retka, *Two Years on, NGO Law Remains 'Ambiguous,'* Cambodia Daily, July 13, 2017, <https://www.cambodiadaily.com/news/two-years-on-ngo-law-remains-ambiguous-132456/>.

²³ Cambodian League for the Promotion and Defense of Human Rights, *The Dangers of Dissent: Attacks on Human Rights Defenders*, (Phnom Penh: LICADHO, July 2017), 12. Also available online at [https://www.licadho-cambodia.org/reports/files/2232017_HRD_ENG\[finalWeb\].pdf](https://www.licadho-cambodia.org/reports/files/2232017_HRD_ENG[finalWeb].pdf).

²⁴ Cambodian League for the Promotion and Defense of Human Rights, *The Dangers of Dissent: Attacks on Human Rights Defenders*, (Phnom Penh: LICADHO, July 2017), 12. Also available online at [https://www.licadho-cambodia.org/reports/files/2232017_HRD_ENG\[finalWeb\].pdf](https://www.licadho-cambodia.org/reports/files/2232017_HRD_ENG[finalWeb].pdf).

²⁵ LAW ON TELECOMMUNICATIONS art. 80 (Cambodia).

²⁶ Cambodian League for the Promotion and Defense of Human Rights, *The Dangers of Dissent: Attacks on Human Rights Defenders*, (Phnom Penh: LICADHO, July 2017), 6. Also available online at [https://www.licadho-cambodia.org/reports/files/2232017_HRD_ENG\[finalWeb\].pdf](https://www.licadho-cambodia.org/reports/files/2232017_HRD_ENG[finalWeb].pdf).

²⁷ Human Rights Watch, *Cambodia: Reject Draft Amendments to the Constitution and Criminal Code*, Feb. 21, 2018, <https://www.hrw.org/news/2018/02/21/cambodia-reject-draft-amendments-constitution-and-criminal-code> (last visited July 11, 2018).

²⁸ Human Rights Watch, *Cambodia: Reject Draft Amendments to the Constitution and Criminal Code*, Feb. 21, 2018, <https://www.hrw.org/news/2018/02/21/cambodia-reject-draft-amendments-constitution-and-criminal-code> (last visited July 11, 2018).

majesté) a new crime, punished by up to 5-year imprisonment and a fine of up to US\$2,500 for individuals, and \$12,500 for legal entities.²⁹

21. According to UN experts, because those amendments are vague, the government could use them to justify “wide-ranging sanctions” punishing the legitimate exercise of fundamental political rights.³⁰

Crackdown on media and individual journalists

22. The government wields influence over a growing majority of media sources in the country, as independent sources are targeted and weakened. In September 2017, the government forced *The Cambodia Daily*, an independent English-language newspaper, to close after alleging the paper had not paid millions of dollars in taxes, even though Cambodian tax authorities refused to present detailed information about the charges.³¹ The paper’s editor-in-chief said the allegations were merely a pretext to stifle independent press in the country.³²
23. In May 2018, the English-language *Phnom Penh Post*, viewed by many as one of the last independent press sources in Cambodia, was sold to a Malaysian investor with ties to the Prime Minister. Almost immediately, the new ownership intervened in editorial writing and fired several editors for refusing to remove a story about the relationship between the paper’s new owner and the Cambodian government.³³
24. The government regularly restricts online criticism, and the majority of domestic radio and television stations operate under the influence of the CPP. In August 2017, the government closed a CNRP-aligned radio station, as well as all stations broadcasting content from the Voice of America (VOA) and Voice of Democracy (VOD), alleging they had committed tax evasion and had lacked permission to air new content.³⁴
25. The government also targets individual journalists who engage in reporting that is critical of the government, often accusing them of crimes under the Penal Code with little evidence. In November 2017, former Radio Free Asia journalists Uon Chhin and Yeang Sothearin were arrested³⁵ and held under suspicion of violating Article 445 of

²⁹ Human Rights Watch, *Cambodia: Reject Draft Amendments to the Constitution and Criminal Code*, Feb. 21, 2018, <https://www.hrw.org/news/2018/02/21/cambodia-reject-draft-amendments-constitution-and-criminal-code> (last visited July 11, 2018).

³⁰ Human Rights Watch, *Cambodia: Reject Draft Amendments to the Constitution and Criminal Code*, Feb. 21, 2018, <https://www.hrw.org/news/2018/02/21/cambodia-reject-draft-amendments-constitution-and-criminal-code> (last visited July 10, 2018).

³¹ U.S. Department of State, *Country Reports on Human Rights Practices for 2017: Cambodia* (2018), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dclid=277071> (last visited 11 July 2018).

³² Richard C. Paddock, *The Cambodia Daily to Close (After Chasing One Last Big Story)*, New York Times, Sept. 3, 2017, <https://www.nytimes.com/2017/09/03/world/asia/cambodia-daily-newspaper.html>.

³³ Julia Wallace and Mike Ives, *A Newspaper is Sold, and Cambodians Fear the End of Press freedom*, New York Times, May 7, 2018, <https://www.nytimes.com/2018/05/07/world/asia/cambodia-phnom-penh-post-sale.html?ref=collection%2Ftimestopic%2FCambodia>.

³⁴ U.S. Department of State, *Country Reports on Human Rights Practices for 2017: Cambodia* (2018), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dclid=277071> (last visited 11 July 2018).

³⁵ Human Rights Watch, *Cambodia: Release Ex-Radio Free Asia Journalists*, May 12, 2018, <https://www.hrw.org/news/2018/05/12/cambodia-release-ex-radio-free-asia-journalists> (last visited July 11, 2018).

Cambodia's Criminal Code.³⁶ In March 2018, the men were also charged with producing pornography under Cambodia's Law on the Suppression of Human Trafficking and Sexual Exploitation, once again with flimsy evidence.³⁷ In April 2018, Aun Pheap and Zsombor Peter, former reporters for *The Cambodia Daily*, were charged in absentia with "incitement to commit a felony" after conducting an interview with former opposition members.³⁸

Right or area 14.5. Freedom of association

26. A government crackdown on all forms of dissent has reached new extremes in Cambodia since its last UPR. People who speak out against the Prime Minister's government are oftentimes targeted and attacked. These attacks can take the form of government-sanctioned arbitrary arrests or accusations, as well as actions by private parties that appear to have the government's tacit approval.
27. One of the most troubling recent developments is a November 2017 Supreme Court decision to dissolve the leading opposition party, the CNRP. By eliminating the most viable challenge to Hun Sen's party in the July 2018 elections, the decision cements indefinite single-party rule for the CNP. Human Rights Watch said the decision had killed democracy in Cambodia.³⁹
28. Dozens of former CNRP members have fled the country, while one of its co-founders, Kem Sokha, is in prison awaiting trial for allegedly collaborating with U.S. officials to overthrow the government. The CNRP's other co-founder, Sam Rainsy, is in self-imposed exile after being convicted of defamation under the government's new lèse-majesté law. Human Rights Watch and the U.S. State Department consider the charges against both leaders to be politically motivated.⁴⁰
29. On July 10, 2016, political commentator Kem Ley was shot and killed at a petrol station where he regularly interviewed Cambodians about their political views. Ley was known for vocalizing his criticisms of the government as a prominent political commentator. Cambodian officials have not conducted a thorough investigation of the murder and who ordered it.⁴¹

³⁶ Article 445 holds that one has provided "information that is destructive to national defense to a foreign state," and it carries a prison term of up to 15 years.

³⁷ Human Rights Watch, *Cambodia: Release Ex-Radio Free Asia Journalists*, May 12, 2018, <https://www.hrw.org/news/2018/05/12/cambodia-release-ex-radio-free-asia-journalists> (last visited July 11, 2018).

³⁸ Prak Chan Thul, *Cambodian journalist charged with incitement flees amid crackdown*, Reuters, Apr. 24, 2018, <https://www.reuters.com/article/us-cambodia-politics-media/cambodian-journalist-charged-with-incitement-flees-amid-crackdown-idUSKBN1HV1NH> (last visited 11 July 2018).

³⁹ Human Rights Watch, *Cambodia: Supreme Court Dissolves Democracy*, Nov. 17, 2017, <https://www.hrw.org/news/2017/11/17/cambodia-supreme-court-dissolves-democracy> (last visited July 11, 2018).

⁴⁰ Human Rights Watch, *Cambodia: Drop Case Against Opposition Leader*, Sept. 7, 2017, <https://www.hrw.org/news/2017/09/06/cambodia-drop-case-against-opposition-leader> (last visited July 11, 2018); U.S. Department of State, *Country Reports on Human Rights Practices for 2017: Cambodia* (2018), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dclid=277071> (last visited 11 July 2018).

⁴¹ Cambodian League for the Promotion and Defense of Human Rights, *The Dangers of Dissent: Attacks on Human Rights Defenders*, (Phnom Penh: LICADHO, July 2017), 13. Also available online at [https://www.licadho-cambodia.org/reports/files/2232017_HRD_ENG\[finalWeb\].pdf](https://www.licadho-cambodia.org/reports/files/2232017_HRD_ENG[finalWeb].pdf).

30. People affiliated with the CNRP who are abroad fear arrest upon their return to the country, likely for espionage and collaboration with the CIA. One CNRP member said that he was attacked in front of the National Assembly building and beaten up by multiple men, while nearby police failed to intervene.⁴²

Right or area 36. Human rights defenders

31. Cambodian NGOs and human rights activists continue to express concern about government actions targeting their work. Several NGO staff members have been arrested or physically attacked. On October 10, 2016, Am Sam Ath, Monitoring Manager of LICADHO, was attacked by para-police while overseeing a nonviolent World Habitat Day march, and he and another man were left injured and bloodied. No charges were brought against the assailants; instead, both men were summoned to appear before a city prosecutor as suspects of “intentional violence,” an offence that carries 1 to 3 years of jail time.⁴³ In September 2017, authorities arrested Dem Kundy and Hun Vannak of Mother Nature, another NGO, for incitement to commit a felony and for violation of privacy for filming sand-dredging operations in the Koh Kong Province.⁴⁴ And in November 2017, Prime Minister Hun Sen announced his intent to dissolve the Cambodian Centre for Human Rights (CCHR), founded by CNRP leader Kem Sokha.⁴⁵
32. According to LICADHO, in April 2017 authorities used the pretext of allegations of bribery to jail and charge five human rights defenders. Ny Sokha, Lim Mony, Nay Vanda, and Yi Soksan from the Cambodian Human Rights and Development Association (ADHOC), and National Election Committee (NEC) deputy secretary-general Ny Chakrya were interrogated and detained after an investigation by the government’s Anti-Corruption Unit into opposition leader Kem Sokha. After more than a year in detention, the five were released in June 2017 and await trial on charges condemned by local and international groups, including the United Nations.
33. On 7 February 2018, the Supreme Court upheld the conviction and prison sentence of human rights defender Tep Vanny, charged with “intentional violence with aggravating circumstances.”⁴⁶ Amnesty International has said that the convictions against Vanny and other human rights defenders are unfounded, and illustrate Cambodia’s compromised criminal justice system.⁴⁷

⁴² Interviews conducted by The Advocates (2017–2018).

⁴³ Cambodian League for the Promotion and Defense of Human Rights, *The Dangers of Dissent: Attacks on Human Rights Defenders*, (Phnom Penh: LICADHO, July 2017), 6. Also available online at [https://www.licadho-cambodia.org/reports/files/2232017_HRD_ENG\[finalWeb\].pdf](https://www.licadho-cambodia.org/reports/files/2232017_HRD_ENG[finalWeb].pdf).

⁴⁴ U.S. Department of State, *Country Reports on Human Rights Practices for 2017: Cambodia* (2018), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dliid=277071> (last visited 11 July 2018).

⁴⁵ Liam Cochrane, *Cambodia’s Prime Minister Hun Sen Launches attack on Cambodian Centre for Human Rights*, ABC Australia, Nov. 27, 2017, <http://www.abc.net.au/news/2017-11-27/cambodia-leader-continues-anti-foreign-attack/9198018>.

⁴⁶ Front Line Defenders, *Tep Vanny Sentenced to Prison*, Feb. 7, 2018, <https://www.frontlinedefenders.org/en/case/tep-vanny-sentenced-prison> (last visited July 11, 2018).

⁴⁷ Amnesty International, *Supreme Court verdict against Tep Vanny and other activists exposes Cambodia’s courts of injustice*, Dec. 8, 2017, <https://www.amnesty.org/en/latest/news/2017/12/supreme-court-verdict-against-tep-vanny-and-other-activists-exposes-cambodias-courts-of-injustice/>. (last visited July 10, 2018).

34. Members of Cambodian civil society who are overseas express fear of arrest upon returning to Cambodia.⁴⁸

III. RECOMMENDATIONS

35. This stakeholder report suggests the following recommendations for the Government of Cambodia:

- Protect opposition party members, human rights defenders, and journalists from harassment and arbitrary arrest by adopting legislative measures that prevent the harassment of such persons while exercising their rights to expression and association.
- Commit to a free and open political environment so that all political parties can legally campaign and participate in elections.
- Take necessary measures to ensure a free and independent media, including through the revocation of Article 13 of the Press Law and article 305 of the Penal Code.
- Thoroughly and impartially investigate and prosecute crimes committed against opposition members and human rights defenders and hold offenders accountable.
- Take the necessary steps to repeal or amend all laws that limit the legitimate exercise of freedom of expression, assembly, and association, bringing Cambodia's domestic laws into in full compliance with international human rights standards.
- Take concrete action to ensure that conditions of arrest and pretrial detention meet international standards, including by reducing the length of time detainees spend in pretrial detention.
- Bring conditions of detention into compliance with the Nelson Mandela Rules, particularly with respect to air-quality standards, access to water, and access to electricity.

⁴⁸ Interviews conducted by The Advocates (2017–2018).