

### **Cambodia- Low Risk -Situation to watch**

The deteriorating political situation in Cambodia has increased the risk of violence, including atrocity crimes, from low to moderate. In particular, in regards to the decisions to ban the opposition party, the Cambodia National Rescue Party (CNRP), and the imprisonment of opposition leader, Kem Sokha. Furthermore, the closure of independent media outlets, both news agencies and radio stations. The latest challenge is the passing of the 'lèse Majestété law' [1], changing Cambodia's constitution; making it illegal and punishable, with up to five years imprisonment, to insult the king or the government. The constitutional changes will limit Cambodia's free speech and political participation. Similar laws have been introduced in Thailand to limit free speech and to stop political journalists and protesters [2]. These changes can be viewed as a direct challenge to the country's democratic process and to uphold Human Rights. Moreover, Cambodia can become indicted by the International Criminal Court (ICC), as they have signed the Rome Statute. The Cambodian government can, therefore, be prosecuted in the case of any atrocity crimes committed within the nation.

Cambodia has also seen the use of threats and incendiary language by the government intended to weaken the opposition and to fight the international community's pressure, as the democratic situation keeps deteriorating. Prime Minister Hun Sen, from the Cambodians Peoples Party (CPP), has for example used provocative language by calling Australian protesters "dogs" and threatening to "beat" any international protester discriminating him [3]. Hun Sen has, furthermore, warned of a civil war if he loses power [4], while he more recently has stated purchasing loads of weapons imported for joint military operations with China [5]. The armament could be an attempt to show military supremacy before the upcoming national elections in July 2018. This raises concern in regards to the potential role of the military amidst statements from the Prime Minister and senior military leaders that their loyalty lies with the Prime Minister and not the state. A ruling party spokesman warned that the army would not stay neutral and will side with the government if violent clashes ensue over 2018 election results.

However, within the latest Senate election, CPP claimed all Senate seats providing the leading party almost-absolute control of the upper house, [6] due to their dissolution of the opposition party last year. Smaller opposition parties are also having hard times getting candidates for the upcoming July elections. [7] The country's increasingly authoritarian leader, Hun Sen, claims that foreign powers are determined to engineer regime change. Many fear this will be used as an excuse to further crackdown on opposition parties in 2018. Furthermore, Hun Sen, for the second time, has vowed to the public that he wants to serve as the Prime Minister of Cambodia for 10 years or more to come. [8]

As a result of these moves, Cambodia's forthcoming national elections will not be free and fair, creating the potential for protests and disharmony that could provoke a violent response from the government. The 2018 election could also lead to a legitimacy crisis for the government if the opposition pulls out of the election, thereby driving the country into an internationally bad position. The lack of legitimacy and fairness of the 2018 elections is likewise outlined by the fact that international NGO's have been pulling out of the Senator election due to the worsening democratic situation, calling the Senate vote undemocratic.[9] The international community has also begun pressuring Cambodia. For example the US has cut aid programs, and the EU has threatened to do the same, as both urge Cambodia to reconsider the countries resent democratic setbacks, while both the EU and the US refuses to provide funds for the upcoming elections. [10] UN Human Rights experts have, furthermore, expressed concern for changes in the Cambodian constitution, as this will deteriorate the democratic situation even further. [11] The latest UN Human Rights report on Cambodia expressed concern about the political tension and intimidation of opposition supporters and civil society organisations. However, Cambodia's feedback on this report has been defensive, saying that the country has been protecting and improving its Human Rights and that the political

measures purely have been made to obtain stability in the country.[12] The defensive nature of the country can be an attempt to legitimise their actions both nationally and internationally. Nonetheless, the defensive nature of the government is also seen in regards to a recent protest over land disputes turned violent, with security officials opening fire on the protesters, allegedly killing two and hurting multiple individuals. The government after the incident denies anyone being killed, while keeping UN Human Rights officials out of the area [13], which can be seen as an attempt to avoid being further investigated to retain its legitimacy.

The country confronts many political, economic, social and humanitarian challenges relating to underlying risk factors that will have to be addressed moving forward with the issue of land seizures and declining democratic situation foremost amongst them. Besides this, other challenges include persistent human rights violations including the freedom of speech, freedom of assembly and the freedom from torture and ill-treatment. In this context, the 2018 national elections will most likely create a further risk of political violence and hate speech/incitement that could give rise to atrocity crimes. The situation, therefore, should be carefully monitored and steps adopted to reduce tensions.

### **Recommendations:**

#### **The Government of Cambodia should:**

1. Take steps to ensure that the 2018 election is free and fair, free of incitement and hate speech, is conducted peacefully and does not give rise to post-election violence.
2. Ensure that the military remains neutral and respect the results of the general elections.
3. Immediately end the use of incendiary language and threatens that inhibit the likelihood of free and fair elections and risk escalating tensions.
4. Ensure that those responsible for any political violence and other acts of violence are held accountable for their actions and ensure that there is no impunity.
5. Take steps to ensure the more consistent application of international human rights law in domestic settings.
6. Implement, in full, the measures proposed by Prime Minister Hun Sen in his 2015 speech on the Responsibility to Protect.
7. Work with partners, including civil society, to develop a national action plan that would address the risk factors that the country faces in order to prevent potential future atrocities.

#### **The international community should:**

1. Monitor the situation in Cambodia, carefully, up to the election in July 2018.
2. Underline to the government of Cambodia the importance of ensuring that the 2018 national elections are free, fair and peaceful and that moves to inhibit this could lead to significant consequences, including targeted economic measures and serious damage to Cambodia's international reputation.
3. Support national and local initiatives to promote peaceful elections.
4. Deploy monitors to observe and report on the election.
5. Evaluate policy options and prepare contingency plans to respond quickly should the elections not prove free and fair, or should violence erupt.

### **References**

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