

ASIA PACIFIC CENTRE - RESPONSIBILITY TO PROTECT

ATROCITY CRIMES RISK ASSESSMENT SERIES

CAMBODIA

VOLUME 5 - JULY 2018



Acknowledgements

This report was prepared by Ms Mareen Brosinsky whilst undertaking a research internship at the Asia Pacific Centre for the Responsibility to Protect based at the School of Political Science and International Studies at the University of Queensland. Her internship was supported by the Centre's staff: Professor Alex Bellamy, Dr Mark Love, Dr Noel Morada, Dr Sarah Teitt, and Ms Arna Chancellor. We acknowledge the preliminary background research undertaken in 2015 by volunteer research intern Ms Caroline Karavoulas.

The Asia Pacific Risk Assessment series is produced as part of the activities of the Asia Pacific Centre for the Responsibility to Protect (AP R2P). Photo acknowledgement:

Asia Pacific Centre for the Responsibility to Protect

School of Political Science and International Studies

The University of Queensland

St Lucia Brisbane QLD 4072

Australia

Email: r2pinfo@uq.edu.au

<http://www.r2pasiapacific.org/index.html>

INTRODUCTION

In 2005, the United Nations member states unanimously made a commitment to protect populations from the most serious crimes, namely genocide, war crimes, ethnic cleansing, and crimes against humanity. These four atrocity crimes pose a threat not only to human life but also to national, regional, and international peace and stability. In 2014 the United Nations Special Advisers on the Prevention of Genocide and the Responsibility to Protect presented an updated Framework of Analysis (henceforth referred to as ‘the Framework’) to assist with assessing the risks of genocide, war crimes, ethnic cleansing, and crimes against humanity.¹ The Framework serves as a working tool to support the prevention of atrocity crimes around the world.

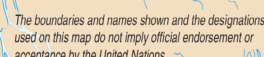
This risk assessment for the Royal Kingdom of Cambodia uses the risk factors and indicators as identified in the Framework. It is designed to serve as a guide for atrocity prevention by identifying the most important risk factors and suggesting future steps that can be taken to address them. Cambodia experienced atrocity crimes during the period of Khmer Rouge rule (1975-79) during which approximately one quarter of the population died, and a protracted civil war thereafter which ended with the Paris Peace Accords of 1991. Although significant steps towards justice and truth-finding have been undertaken – such as the establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea (ECCC) – the process has not been without challenges, including political interference. Additionally, whilst Cambodia has undertaken a range of measures to prevent a recurrence of atrocity crimes, including through education, efforts remain ongoing. As national elections approach in 2018, concerns have been raised about potential backtracking on human rights, the intimidation of opposition parties, the rule of law, and restrictions placed on the media and civil society. New laws or amendments have raised questions about the ability of the media and civil society to freely participate in open dialogue on political matters. These moves make it unlikely that the elections will be free and fair. Equally troubling is evidence of threats and incitement to violence by both government officials and some members of the opposition in the lead up to the election, which creates the possibility of electoral violence if not managed properly.

This report only addresses those risk factors currently relevant to the situation in Cambodia. Note that there is often overlap between distinct risk factors and indicators, and where possible these have been identified with a note on where else in the report these risks factors have been identified. The presence or absence of risks factors does not mean that atrocity crimes will or will not occur.

Summary overview of assessment

At the time of writing, Cambodia confronts a moderate risk of atrocity crimes, which may become elevated during the July 2018 elections due to the recent worsening of political tensions and the adoption and application of laws that contradict domestic and international human rights law, combined a growing lack of separation between government, the judiciary and security apparatus, and increasing incitement and threat of force by the government and some of its supporters. These developments clearly signal a step backwards from past advances and compromise. The international community must pay careful attention to the unfolding situation and use whatever leverage it has to urge restraint and encourage the government to ensure free and fair elections and a peaceful transfer of authority should that be the outcome. Over the longer-term, concerted efforts by national actors and international partners are required to ensure the full and consistent implementation and application of international human rights standards, the strengthening of state institutions and the rule of law, and the improvement of good governance.

Map acknowledgement United Nations Geospatial Information Section (formerly Cartographic Section)



List of Abbreviations

| | |
|---------|--|
| ADHOC | Cambodian Human Rights and Development Association |
| ASEAN | Association of Southeast Asian Nations |
| CCHR | Cambodian Centre for Human Rights |
| CNRM | Cambodia National Rescue Movement |
| CNRP | Cambodia National Rescue Party |
| CPP | Cambodian People's Party |
| ECCC | Extraordinary Chambers in the Courts of Cambodia |
| ELC | Economic Land Concession |
| EU | European Union |
| GDP | Gross domestic product |
| LANGO | Law on Associations and Non-Governmental Organisations |
| LICADHO | Cambodian League for the Promotion and Defense of Human Rights |
| LOFNEC | Law on the Organization and Functioning of the National Election Committee NEC |
| LPP | Law on Political Parties |
| NGO | Non-governmental organisation |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| RCAF | Royal Cambodian Armed Forces |
| R2P | Responsibility to Protect |
| UN | United Nations |
| US | United States of America |

FRAMEWORK OF ANALYSIS

The Framework of Analysis consists of fourteen (14) risk factors of atrocity crimes, with each Risk Factor accompanied by a suite of between 6 and 18 specific Indicators that are used to determine the degree of risk present. Combined, these risk factors and associated Indicators guide the collection and analysis of data to determine the degree and kinds of atrocity crime risk present in a given country. The higher the number of indicators present in a single risk factor, the more important that particular risk factor is in the overall assessment. However, it must be noted that the risk factors and indicators are not ranked and some risk factors and indicators have greater weight than others as they need to be situated within the context of the country under analysis.

The risk factors are demarcated into two different groups: Common Risk Factors, which are the conditions that increase the probability of atrocity crimes occurring; and Specific Risk Factors which are divided into the risks associated with genocide, crimes against humanity, and war crimes (ethnic cleansing is incorporated into the other atrocity crimes). The eight common risk factors constitute conditions that increase the risk of any of the four atrocity crimes. They identify the probability but not necessarily the type of crime. The six specific risk factors concern elements that are characteristic to a particular crime and enable the identification of the type of risk. In some cases, the risk factors assessed in this report relate to events and conditions that occurred decades ago. Nevertheless, how such events are being dealt with today can still contribute to the likelihood of other types of atrocity crimes arising in the future. Whilst the specific Risk Factor 11 is briefly engaged with in this report, only a couple of the indicators are relevant and these are only very partially met.

| COMMON RISK FACTORS | | |
|-------------------------|----|---|
| Risk Factor | 1 | Situations of armed conflict or other forms of instability |
| Risk Factor | 2 | Record of serious violations of international human rights and humanitarian |
| Risk Factor | 3 | Weakness of State structures |
| Risk Factor | 4 | Motives or incentives |
| Risk Factor | 5 | Capacity to commit atrocity crimes |
| Risk Factor | 6 | Absence of mitigating factors |
| Risk Factor | 7 | Enabling circumstances or preparatory action |
| Risk Factor | 8 | Triggering factors |
| SPECIFIC RISK FACTORS | | |
| Genocide | | |
| Risk Factor | 9 | Inter group tensions or patterns of discrimination against protected groups |
| Risk Factor | 10 | Signs of an intent to destroy in whole or in part a protected group |
| Crimes against humanity | | |
| Risk Factor | 11 | Signs of a widespread or systematic attack against any civilian population |
| Risk Factor | 12 | Signs of a plan or policy to attack any civilian population |
| War Crimes | | |
| Risk Factor | 13 | Serious threats to those protected under international humanitarian law |
| Risk Factor | 14 | Serious threats to humanitarian or peacekeeping operations |

COMMON RISK FACTORS

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

Risk Factor 1 refers to “situations that place a State under such level of stress that it becomes more prone to serious human rights violations and, eventually, to atrocity crimes”. Such an environment is usually generated in situations of armed conflict with a high level of violence but can also evolve in times of peace through political, economic or social instability. In the case of Cambodia, increasing tensions between the governing and opposition parties have caused a high level of instability and unpredictability in the lead up to the upcoming general election to be held in July, 2018. The adoption of several legal amendments designed to constrain and intimidate media and civil society actors has provoked widespread criticism. Although Cambodia has experienced some remarkable economic and human development improvements in the past two decades, a number of challenges concerning economic, political and social stability remains, including unresolved disputes over land concessions affecting hundreds of thousands of Cambodians.

Political instability caused by disputes over power

Indicator 1.4 and **indicator 1.5** refer to political instability caused by “abrupt or irregular regime change or transfer of power” and “disputes over power or growing nationalist, armed or radical opposition movements”, respectively. The past four decades of rule by the Cambodian People’s Party (CPP) were marked by varying levels of tension between it and the main opposition, the Cambodia National Rescue Party (CNRP). The 2013 general election and the 2017 commune elections saw a 44 percent increase in votes for the CNRP, challenging the majority rule of the CPP for the first time and decreasing the number of communes and National Assembly seats held by the government.² The 2013 post-election period was marked by mass protests and a one-year boycott by the CNRP of the National Assembly as it rejected the election results, citing irregularities and calling for an investigation.³ Following the arrest of several opposition members, an agreement between the two parties in July 2014 put an end to disputes.⁴ The adoption of two new laws⁵ was intended to address claims that the National Election Committee (NEC) lacked of independence from the government and gave both parties equal say in the recruitment of the Committee’s members. While making some improvements, the LOFNEC failed to establish a genuinely independent NEC.⁶

The pre-election environment in 2017 was characterised by violent and incendiary language used by government ministers and senior officials (see further **Risk Factor 7**). Public statements included warnings to vote for the ruling party and threats to deploy military means in case of any post-election protests.⁷ Not for the first time, the Prime Minister repeatedly warned of a civil war if there was an election loss or any disputes over the CPP’s victory.⁸ In a public appeal, former opposition leader Sam Rainsy called on the armed forces not to follow the orders of a ‘dictator’ to target civilians. Rainsy, who has been living in self-imposed exile since 2015 to avoid a previous conviction for defamation, was forced to resign from the leadership in early 2017 when the ruling party amended the Law on Political Parties (LPP) which banned convicted individuals from party leadership.⁹ The same law was used by the Supreme Court in November 2017 to dissolve the CNRP and ban 118 party officials from political activities after the Ministry of Interior filed a complaint alleging the opposition party of plotting a regime change. The measure was accompanied by the arrest of opposition leader Kem Sokha over the same allegations (see below, ‘Threat of external intervention: The ‘Colour Revolution’’).¹⁰

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

A legal amendment enabled the reallocation of opposition seats among the CPP and minor opposition parties. The adoption and application of these legal measures have been heavily criticised by the opposition party and numerous human rights bodies as a systematic attempt by the CPP to secure victory in the July election by turning the multi-party system into what would be in effect a one-party system.¹¹ The governing party has denied these accusations, claiming that numerous other parties are participating in the election.¹² In an attempt to establish a new opposition prior to the election, Sam Rainsy founded the Cambodia National Rescue Movement (CNRM) from abroad. This development has caused fragmentation among opposition members, with some refusing to leave the CNRP to join the movement.¹³

In the context of these political tensions, some major international donors (including the United States) decided to withdraw resources intended to support the upcoming elections on the grounds that the election could not be free and fair. Japan, by contrast, offered to both monitor and assist in the upcoming election, as well as mediate between the two parties to ensure an inclusive and fair election. This offer was rejected by Prime Minister Hun Sen, who insisted that he would not negotiate with “traitors” and reiterated the ban on the CNRP.¹⁴ Sam Rainsy called on the Cambodian people to boycott the election by abstaining from voting to prevent a high voter turnout and delegitimise the government. He also urged the international community not to recognise an election without the participation of the opposition.¹⁵ Other opposition parties reacted differently, with some supporting calls for a boycott, while 15 parties have officially registered to contest the election.¹⁶ More recently, Rainsy – now officially acting as President of the CNRM – appealed to all Cambodians and the armed forces to participate in an uprising following the expected CPP victory in July.¹⁷

These developments have increased “political instability caused by disputes over power” as described under **Indicator 1.5**. They not only highlight concerns over the conduct of the election but add a high level of unpredictability over its outcome and acceptance. The protests following the 2013 general election, and recent calls for a boycott, indicate a high risk of post-election conflict, possibly violent. The government has responded to these risks by introducing new security measures, such as setting up road blocks and increasing the presence of police in Phnom Penh.¹⁸ Additionally, public threats by senior officials to deploy military means in case of post-election disputes suggest that the government is prepared to use violence to address any subsequent protests.

Threat of external intervention: The ‘Colour Revolution’

A legal complaint filed by the government in September 2017 alleged that the opposition intended to overthrow the government through a US-backed “Colour Revolution”.¹⁹ The Supreme Court unanimously agreed, and dissolved the CNRP and banned its members from political participation. The presiding judge, a senior official of the CPP, announced the decision to be final and without appeal. The recent amendments to the LPP which the ruling was based upon, included a ban on parties “from receiving contributions from foreign institutions, foreign companies, foreign nationals or foreign funded organizations”²⁰ and “supporting or organising any plans or conspiracies [...] against the interest” of Cambodia. The charges followed the arrest of opposition leader Kem Sokha on 3 September, who has since been held in pre-trial detention based on charges of “conspiring with a foreign power”.²¹

In a White Paper series labelled *To Tell The Truth*, the Ministry of Foreign Affairs and International Cooperation explained that these developments were intended to protect the state’s sovereignty from foreign interference.²³ The Ministry emphasised “the imperative of the Royal Government to protect at all costs its people from some Western governments’ meddling in internal affairs”.²⁴

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

According to the Ministry, the CNRP was formed through a United States (US) brokered merger of two opposition parties that received instructions, resources and training from the US government, as well as foreign NGOs and media, with the goal of inciting civil unrest and ultimately an uprising against the current regime.²⁵ According to the government, the violent clashes between protesters and security forces following the 2013 election were part of a systematic foreign-backed attempt to overthrow the government.²⁶ At the Court hearing, a public statement made by Kem Sokha in 2013 concerning his engagement with the US was referred to as evidence of a violation of Cambodian law.²⁷ A number of civil society groups and media outlets were also accused of participating in the alleged attempted uprising. According to the Ministry, foreign funded and strongly biased radio broadcasts and newspapers disseminate false information aimed to damage the government's reputation.²⁸ It alleged that human rights groups and local NGOs funded by foreign governments assisted the opposition in capacity building and strategic planning.²⁹ In August and September 2017, over 30 radio stations as well as The Cambodia Daily newspaper were forcibly shut down due to alleged legal breaches.³⁰ Two journalists accused of jeopardising national security by sharing information with a foreign state were subsequently detained and charged with espionage.³¹ Simultaneously, the local US-funded National Democratic Institute was shut down after being accused of providing the opposition with a plan to overthrow the government.³² The Cambodian Centre for Human Rights (CCHR) was threatened to be shut down and investigated by the Interior Ministry in November after being accused of supporting foreign interests and taking a biased stance towards the opposition.³³

The rhetoric used by the government in its investigation and prosecution of the political opposition, civil society groups and media outlets, indicate that anyone associated with foreign institutions, or expressing politically opposing views, are deemed a threat.³⁴ Almost any public criticism is perceived as an attempt to incite unrest and overthrow the government and interaction with foreign entities is viewed as an attempt to support regime change, suggesting that the ruling party considers its own political fortunes to be synonymous with national security. The CPP has repeatedly portrayed its ruling as the guarantor for peace and stability in the country.³⁵ Human rights groups and international actors have criticised these legal measures as thinly veiled efforts to eliminate political competitors.³⁶

Political tension caused by growing repression

Among the amendments to the Law on Political Parties are numerous changes that severely limit the ability of political and civil society actors to participate in political affairs. The rushed CPP-proposed adoption of the LPP in the course of two CNRP-boycotted National Assembly sessions left no room for public or parliamentary debate.³⁷ The vague and arbitrary wording of the amendments give the Supreme Court freedom to interpret where a party's activity may "jeopardise national security". The amendments permit the dissolution of parties and the banning of party leaders from political activity without holding hearings or allowing for an appeal process.³⁸ The barring of convicted individuals from leadership positions (which forced Rainsy to resign) is not unprecedented in Cambodia; the Trade Union Law, adopted in 2016, banned convicted individuals from union leadership.³⁹ The law increased restraints on labour unions, with numerous leaders of Cambodia's major non-government labour unions having faced charges in relation to a series of demonstrations in 2013 and 2014.⁴⁰

The adoption of the Law on Associations and Non-Governmental Organisations (LANGO) in 2015 forced NGOs to obtain government approval and official registration in order to operate in Cambodia. The lack of a clear criteria for rejecting, suspending or dissolving an association was claimed to leave room for arbitrariness and was widely condemned by foreign governments and hundreds of national and international organisations.⁴¹ Furthermore, the control ceded to the government over the activities of NGOs has been labelled as inconsistent with the constitutional edicts of freedoms of

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

association and expression.⁴² The law served as a legal basis for the investigation, suspension and (in some cases) shutdown of major local human rights institutions, such as the National Democratic Institute, the CCHR, and ADHOC.

The National Assembly also adopted the so-called *Lèse-Majesté* provision, which criminalises any public expression insulting the King.⁴³ Already found in neighbouring states' constitutions, such as Thailand, this loosely worded law allows for the prosecution of any form of criticism against the Cambodian Head of State. Since its adoption, two men have been prosecuted for violating the law.⁴⁴ The *Lèse-Majesté* provision is just one of several criminal defamation laws which reportedly contribute to self-censorship and limit people's ability to freely express their opinion.⁴⁵

These recent legal changes have been met with heavy criticism by local and international human rights groups. The wide discretion given to the government and the judiciary over the activities of individuals or entities allow them to restrict anything that is considered to constitute a challenge to them. The space in which entities can exercise their right to freedom of expression, association and assembly without becoming subject to prosecution is not clear. In addition, several political measures and incidents have further inhibited such freedoms and the ability to participate in open political debate. According to numerous reports, members of NGOs and rights groups have been restricted in the dissemination of information, education activities, and public assemblies.⁴⁶ The incendiary language and threatening rhetoric used prior to the elections in 2017 undermines the freedom and fairness of the electoral process.⁴⁷ Opposition members and election monitors were reportedly subjected to intimidation and harassment. A Code of Conduct issued by the NEC prior to the election prohibited the dissemination of destabilising or confusing information, as well as the expression of personal opinions.⁴⁸ Other reports, such as the Freedom House Index, cite some instances of physical attacks against journalists and human rights activists. The flawed investigations following the murder of political analyst Kem Ley in July 2016 led to public accusations surrounding the potential involvement of the government. Civil rights groups have called for a thorough investigation into the case.⁴⁹ Rights activists and political opponents have increasingly become target of criminal prosecution, in many cases followed by arrest and pre-trial detention.⁵⁰ As previously noted, thirty two radio stations were closed down for violations of their contracts with the Ministry of Information in August 2017. Shortly after, The Cambodia Daily was forced to shut down after being unable to pay a USD 6.3 million tax bill imposed by the Finance Ministry. The Cambodian bureau of Radio Free Asia based in Phnom Penh closed down the same month, stating that the increasing repression by the government made it impossible for the station to operate in the country.⁵¹ These developments have led to a massive reduction in the diversity and depth of information available in the country.

These measures political and civil society actors the ability to participate in public debate and has contributed to fuelling social and political tensions in the country, as described under **Indicator 1.6** ("Political tension caused by autocratic regimes or severe political repression"). These measures violate the basic freedoms enshrined in the Cambodian constitution as well as in international human rights law (see further **Risk Factor 2**).

Economic instability

Over the past two decades, Cambodia has achieved remarkable economic development. Driven mainly by exports of garments and tourism, the country's growth has remained at an average annual rate of 7.6%.⁵² Gross domestic product (GDP) per capita has almost tripled since 1994, placing

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

Cambodia in the category of lower-to-middle income countries. A third of the GDP has been attributed to the agricultural sector. Large financial inflows of foreign direct investment as well as official development assistance have been the key engines driving these achievements.⁵³ The country has reduced extreme poverty by more than half within one decade, although more than two thirds of Cambodians still live on less than 3 USD a day.⁵⁴

Notwithstanding, the drivers of this positive development – namely the low-value production and export of garments, tourism and foreign financial assistance – face growing challenges that may inhibit the sustainability of future growth. According to future projections by the World Bank and the Asia Development Bank, increasing wage rates and regional competitors pose a challenge to the textile industry's export success. In order to remain at the current growth rate, the expansion of exported products to already emerging higher value-added manufacturing industries, such as auto-parts and electronics, is strongly suggested. This would require structural reforms to overcome existing obstacles, such as improving government regulations to reduce export costs.⁵⁵

Additionally, the deteriorating political situation may have an impact on the economic stability in the country. In reaction to the governments measures directed against the opposition and human rights groups, the European Union (EU) has warned that it will review the country's current preferential trade arrangements, which enables Cambodia a tariff-free export of goods into the European market.⁵⁶ Simultaneously, the US reduced its annual financial aid by more than \$8 million. Both the US and the EU have withdrawn their funding for the upcoming elections.⁵⁷ Although both actors have so far refrained from adopting measures that would directly target industry, the unpredictability of political developments raises the prospect that such measures may be expanded. Regional donors such as Japan and China – the latter being Cambodia's largest foreign direct investor – have reassured the continuation of their funding,⁵⁸ which may ease financial pressures but also diminish international leverage over the government. Reductions in development aid and trade directly affect the agriculture and industry sectors, constituting a tremendous risk to sustained economic development.⁵⁹

International tourism has thus far not been affected by political tensions; however, in the event of escalating violence following the upcoming elections, this would pose a serious threat to the tourism industry and negatively impact another key driver of Cambodia's economic growth.⁶⁰ If this or other economic issues were to arise, this would meet aspects of **Indicator 1.8** ("Economic instability caused by severe crisis in the national economy").

Disputes over resources

The public service sector remains relatively weak due to ineffective land management and handling of natural resources, as well as access to clean water. Public services remain heavily dependent on foreign aid. The high number of disputes over land acquisitions remain a major issue and a destabilising factor in Cambodia, meeting aspects of **Indicator 1.7**, "Economic instability caused by scarcity of resources or disputes over their use or exploitation". According to the Cambodian rights organisation LICADHO, more than half a million Cambodians have been affected by state-involved land disputes since 2000.⁶¹ Most of these disputes have been caused by Economic Land Concessions (ELC) and other land concessions granted to private investors, which has resulted in the eviction of large numbers of poor Cambodians from their homes, many of whom are also deprived of their livelihood.⁶² People affected by land concessions have claimed that the compensation and relocation offers they receive have been inadequate, inappropriate, or not fully understood. In many

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

cases, private companies have engaged in harassment and forced evictions of land, especially from indigenous communities. These measures constitute violations of land and housing rights under international law.⁶³ Limited domestic legislation and institutional capacities have led to thousands of disputes over conceded land.

Ongoing efforts by the government aim at strengthening the judicial system in order to resolve such disputes by reviewing land concessions. The 2001 Land Law recognises collective land rights for indigenous peoples, which allows communities to legally register their land. Yet, only a fraction of the affected communities have been able to complete the registration of their lands due to lengthy processes and a lack of legal knowledge amongst both the communities and authorities.⁶⁴ A moratorium signed by the Prime Minister in 2012 failed to stop an increase in the number of evictions.⁶⁵ In 2016, the Ministry of Land Management established a working group to focus on the resolution of land disputes. According to a ministry report as well as the rights group ADHOC, the group's work has contributed to a decline in the number of disputes and successfully solved a large number of disagreements. ADHOC further observed that the government has stopped providing ELC to private companies.⁶⁶ The United Nations Office of the High Commissioner for Human Rights (OHCHR) has been actively engaged in supporting the strengthening local capacities and facilitating dialogue between disputing parties. It has raised awareness on international standards and provided support to evictees and advice to local authorities and businesses to find adequate compensation agreements and hold dialogue with local communities.⁶⁷ Local and international NGOs have been providing legal education and training to communities.⁶⁸

Nevertheless, a high number of cases have not yet been resolved. In addition, there have been reports of threats and harassment against affected communities or individuals, as well as land activists and human rights defenders. Protests have led to arrests of community members and land rights activists, and a number of them remain in pre-trial detention facing charges.⁷⁰ A recent protest over a land dispute in the Kratie province escalated into violence after security forces opened fire at protesting villagers. The numbers of injuries and possible deaths remain controversial and unverifiable, as the media and investigating NGOs were denied access to the protest site.⁷¹ The OHCHR has emphasised the connection between political, social and economic rights and the necessity to address tensions with respect to human rights.⁷² The continued efforts by local actors to further improve domestic legislation and strengthen capacities to resolve land disputes in a peaceful and secure manner therefore remains necessary. This includes the responsibility of private companies to adhere to international and domestic law and to find ways of implementing adequate compensation,

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

The second risk factor concerns any “past or current serious violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct, and including those amounting to atrocity crimes, that have not been prevented, punished or adequately addressed and, as a result, create a risk of further violations.” Atrocity crimes are more likely to occur in an environment where severe violations of international human rights and humanitarian law take place and in societies where past atrocity crimes have not been adequately dealt with through accountability and comprehensive processes of reconciliation and reform.

In addressing its own history of atrocity crimes committed during the Khmer Rouge regime, Cambodia has taken a range of measures to ensure accountability and reconciliation. Domestic efforts

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

have focussed on education and the sharing of information on past atrocities and the prevention of their recurrence. The government has committed itself to become the main promoter of atrocity prevention in the region. Yet, human rights violations have increased along with restrictions on non-governmental actors.

A history of atrocity crimes

Indicator 2.2 concerns “Past acts of genocide, crimes against humanity, war crimes or their incitement.” It is estimated that as many as 2 million people, constituting one quarter of the Cambodian population, fell victim to the Communist regime known as Democratic Kampuchea between April 1975 and January 1979. The leaders of the Khmer Rouge regime aimed to radically transform society by eliminating what they called feudal institutions and introducing a policy of social engineering.⁷³ With the evacuation of Phnom Penh on 17 April 1975, the forced relocation of hundreds of thousands of Cambodians from the urban areas to the countryside followed. The transformation process was marked by enslavement, systematic torture, extrajudicial executions, starvation, overwork and outbreaks of disease.⁷⁴ These atrocities did not trigger an international response, and it was not until after the Vietnamese invasion in January 1979 – which led to the overthrow of the Khmer Rouge regime and to massive flows of displaced persons within and out of the country – that the scope of atrocities was fully understood by the international community.⁷⁵

In its first efforts to seek accountability and justice, in 1979 the new government established a domestic tribunal in which the two top leaders of the Khmer Rouge were tried in absentia and found guilty for genocide and sentenced to death. However, the tribunal was rejected by the international community for failing to meet international standards of justice.⁷⁶ At the request of the Cambodian government in 1997, and after years of negotiations, the United Nations assisted in the establishment of the Extraordinary Chambers in the Courts of Cambodia (ECCC) for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea. Composed of both Khmer and foreign judges, the hybrid court has jurisdiction to bring to trial the most responsible and senior leaders of the Khmer Rouge regime for violations of Cambodian penal law as well as international law.⁷⁷ In its agreed judicial structure, the court is under the authority of Cambodia, as a majority of the judges, as well as the presidents of both chambers, are Khmer and every decision requires a majority of affirmative votes.⁷⁸

To date, the ECCC has investigated four cases. In two cases, it has convicted three former senior leaders for crimes against humanity and war crimes and sentenced them to life imprisonment. The Prime Minister and the Minister of Information both openly opposed the continuation of prosecution beyond the first two cases, stating this may jeopardise stability and peace in the country.⁷⁹ Such political interference has met heavy criticism, claiming that the court must act independently. Critics highlight the biased nature of the judicial structure of the court in which all judges require government approval.⁸⁰ There have been repeated accusations of political interference since the government tolerated senior officials’ refusal to give testimony in the court.⁸¹ Such incidents have questioned the judicial independence and credibility of the ECCC. They politicise a judicial process which, as the UN Secretary-General reiterated, must remain independent and free from any political interference.

By continuing the investigations, the ECCC can help to address impunity for atrocity crimes. Besides its function to seek accountability, the court has functioned as a useful tool for truth-seeking and education on past atrocity events. The proceedings provided victims with opportunities to participate in the process and give testimonies.⁸² The court hearings were followed by millions of Cambo-

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

dians on television or online, with the court receiving some 98,000 visitors.⁸³ The documentation of testimonies and dissemination of information on the atrocities have been assisted by various civil society groups. Furthermore, The Tuol Sleng Genocide Museum and the Documentation Centre for Cambodia serve as a reminder and tool of education on atrocities by providing information from testimonies and archives of the regime.⁸⁴

The Cambodian government has taken a range of steps to ensure the prevention of any recurrence of such atrocities. In 2003, the government passed a law against the denial of genocide and war crimes committed by the Khmer Rouge.⁸⁵ As the first state of the Association of Southeast Asian Nations (ASEAN), Cambodia signed and ratified the Rome Statute which established the International Criminal Court.⁸⁶ The government has repeatedly expressed its support for the Responsibility to Protect and for the UN Secretary-General's efforts to operationalise and implement the norm, both in the domestic and regional context.⁸⁷ The government has appointed a national focal point to promote R2P implementation. In cooperation with academia and civil society groups, the focal point has established a national network to increase awareness on and support for the prevention of atrocities. In cooperation with the Documentation Centre, the Ministry of Education has agreed to integrate genocide education in the teaching curricula of secondary schools.

Despite limitations, the work of the ECCC, in conjunction with civil society groups and the government, has helped to shed light on a dark era. By disseminating information and education on these past events, such acts serve as powerful deterrents for future atrocities. The question of whether there will be further investigations suggests the increased prioritisation of peace and reconciliation over accountability.⁸⁸ This was already reflected in the 'win-win' policy the government adopted in 1993 which aimed to integrate Khmer Rouge soldiers into the government to stop continued fighting.⁸⁹ These measures of transitional justice and truth-seeking have largely contributed to the rebuilding of a conflict ridden environment and serve as significant tools to prevent further atrocities in Cambodia.

Present human rights violations

The recent legal and political measures described above constitute "serious restrictions to or violations of international human rights (...) law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations or individuals."⁹⁰ as referred to by **Indicator 2.1**. According to the OHCHR, the lack of serious public consultation prior to the adoption of legal amendments to the Cambodian Constitution and the Cambodian Criminal Code, deprives civil society of its right to participate in an inclusive and transparent legislative process.⁹¹ The rushed adoption, partly excused as 'urgent' or 'emergency measures', did not allow even a parliamentary debate and therefore undermines the purpose of the legislative organ.⁹² The imprecise wording of new laws leaves space for subjective and politicised interpretation, providing a wide and undefined space for the authorities to apply the law and prosecute individuals and entities. In a legal analysis paper, the OHCHR recommended the reassessment of legal drafts and the revision and clear definition of such terms.⁹³ The OHCHR further stressed that the legislative process must ensure an inclusive and public debate and thorough review of legal drafts, which need to be in compliance with international human rights law.⁹⁴

Moreover, the OHCHR pointed out that the ability to participate in public affairs requires the rights to freedom of expression, opinion, assembly, and association, as well as the right to receive information.⁹⁵ This ability is undermined where public activities by the political opposition, labour unions, rights activists and the media lead to arrests, bans or complete dissolution. Governmental control

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

over the activities of NGOs or the prosecution for expressing criticism on public figures, are incompatible with human rights law.⁹⁶ The prevalence of incendiary language and restrictions on media have been considered to violate the Cambodian peoples' freedom to vote freely without any bias deriving from threats or denial of access to information as enshrined in the Constitution.⁹⁷ The UN Special Rapporteur has emphasised the authorities' responsibility to ensure the participation in the electoral process and freedom of expression by individuals, political parties and the media.⁹⁸ The government must prevent restrictions on exercising such freedoms by addressing incidents of intimidation or physical violence to ensure a secure and peaceful election environment.

Reports on harassment and prosecution of members of NGOs, trade unions and human rights groups have been submitted to the UN Special Rapporteur for Cambodia. In her annual report in 2017, the Special Rapporteur expressed her concern over implications of the excessive use of pre-trial detention of prisoners, including members of human rights groups and the political opposition.⁹⁹ Accordingly, the lack of apparent evidence to support the alleged charges and deprivation of visiting and monitoring rights severely impact their right of liberty (see **Risk Factor 7** "Legal measures affecting fundamental freedoms").¹⁰⁰ The UN Working Group on Arbitrary Detention and the UN office in Cambodia found that the detention of Kem Sokha and the convictions of 11 other opposition members are based on discriminatory grounds related to their political opinion.¹⁰¹ In some cases where local authorities have been the alleged perpetrators of violations, allegations have not been followed-up by proper investigation or prosecution (see further **Risk Factor 3** "Inadequate mechanisms of accountability").¹⁰² International rights groups have called for full and impartial investigations into violent incidents such as the recent shootings at a land protest in Kratie province.¹⁰³

Justification or denial of violations

The behaviour of the Cambodian government towards violations of international human rights law display aspects of **indicators 2.3, 2.4 and 2.5**, which identify the "tolerance" or the "reluctance or refusal to stop" serious violations of international human rights law, as well as the "justification (...) or denial" of their commission. The adoption and application of legal amendments and recent political measures are either presented as being in conformity with existing law or excused as a political necessity in the current climate. Logically, this perception results in the inaction by the authorities to stop them.

The Ministry of Foreign Affairs emphasises the short time span of Cambodia's rebuilding and democratisation process since the fall of the Khmer Rouge regime. Accordingly, the limitations of its institutional and legal capacities require increased efforts to further develop in order to conform with international standards.¹⁰⁴ In this ongoing process, the government has prioritised economic prosperity and the reduction of poverty over political and civil rights. Referring to the economic achievements of the past decades, the government places rights such as access to food, housing and employment as more important than the freedom of speech and expression. This particular prioritisation of rights is presented as the "Cambodian way" of transforming a conflict torn country into a democratic state.¹⁰⁵ The positioning and re-presentation of human freedoms in the Ministry's report as akin to "rights to defame or insult" and "to publish fake news"¹⁰⁶ is also coupled to the current tensions being played-out between the government and the opposition.

The governmental Cambodian Human Rights Committee has aligned with the Ministry's position and rejected any claims of human rights violations, stating that peace and stability are essential pre-conditions for human rights.¹⁰⁷ These public statements clearly indicate the government's awareness of a discrepancy between international human rights standards and their domestic application. The

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

reference to its own history and contextualised version of state-building are used as a justification for this discrepancy.

At the same time, the government denies the violations of human rights law in regard to a number of measures. The Government describes the adoption of the LPP as being necessary to protect the sovereignty and multi-party democratic system of the state; essential to limiting foreign interference and the incitement of hatred or violence.¹⁰⁸ It refers to the ban of political parties in other states' constitutions to demonstrate the conformity of the LPP with international practices.¹⁰⁹ Consequently, the alleged defamation and incitement by Sam Rainsy for publicly appealing to the military to disobey orders, and similar actions by other opposition members, necessitates a ban from political activity¹¹⁰; the clear evidence of foreign assistance¹¹¹ demand the arrest of Kem Sokha and the dissolution of the CNRP in accordance with the law to protect the political stability and pluralistic democracy.¹¹² Referring to the public statements by the opposition, as well as the media coverage, the Ministry stressed that freedom of speech and expression is not equivalent to defamation and incitement to violence. Rather, they argue the punishment of the latter, enshrined in the Cambodian Criminal Code and found in the penal laws of "all Western countries", cannot be considered in violation of the fundamental rights to freedom of expression under international human rights law¹¹³. Interestingly, none of the legal measures applied to shut down over thirty radio broadcasts and The Cambodian Daily in 2018 were based on charges of defamation. While the 2017 report published before the closures emphasised the freedom of these media outlets to operate freely despite their 'biased and inciting' reporting, public statements following the closures emphasised the breaches of tax and contract law and denied any violations of freedom of expression.¹¹⁴

Moreover, the government considers the adoption of LANGO as the outcome of a long inclusive consultation process. Instead of limiting freedoms of assembly or association as has been accused, the government states that it is merely exercising its right to regulate the NGOs operating in Cambodia.¹¹⁵ The closure of the NDI, for instance, is deemed as simply part of the government's right to exercise its authority.¹¹⁶ The report rejects the claims that the arrests and pretrial detention of numerous human rights activists and opposition members are based on political reasons, laying-out in detail how individual members to the parliament, certain NGOs and even UN personnel, have violated Cambodian law through various actions, such as bribing witnesses or using fake geographical maps.¹¹⁷ Furthermore, it contends that the issue of land disputes has been dramatized and politicised by other political parties, thus subverting the positive achievements of dispute settlements.¹¹⁸

However, it must be noted that the government has acknowledged a number of violations of human rights law. In reaction to reports of intimidation and harassment towards individuals before the 2017 commune elections, the Interior Ministry announced an investigation into the incidents, although no investigations against senior officials followed.¹¹⁹ Setting a precedent, the King of Cambodia issued an appeal to the Cambodian people in the lead-up to the election to make use of their right to vote according to their conscience and gave reassurances of the secrecy of the electoral process protecting individuals from any threats or harassment.¹²⁰ Furthermore, the OHCHR has been working closely with the judiciary to improve judicial proceedings and the implementation of international human rights standards. These efforts have focused on providing workshops to prosecutors and judicial administrators to progress the functioning of the courts, as well as provide regional training to judges on the use of pretrial detention. Law enforcement officials and prison personnel have also received human rights briefings focussing on the prevention of torture, the use of force and the rights of arrested or detained persons. Such efforts demonstrate the willingness to improve the capacities of local authorities.¹²²

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

The third risk factor concerns “circumstances that negatively impact on the capacity of a state to prevent or halt atrocity crimes”. A state protects its populations by establishing institutions and mechanisms that ensure the rule of law and good governance. The lack or the inadequacy of such structures significantly reduces a state’s ability to prevent or halt atrocity crimes. Although a weak state will not necessarily be a cause for atrocities, it does decrease the level of protection to its people. Despite the large inflow of financial aid and capacity-building efforts by international actors such as the UN, the insufficiency of resources and capacities of state institutions in Cambodia is reflected by the inadequacy and arbitrary application of human rights standards. To compensate for scarce budgets, institutions like the judiciary and the military have turned to other financial sources, creating a high level of corruption and further diminishing their independence and control.

Deficiency of human rights in the national legal framework

In Article 31 of the 1993 Constitution, the Kingdom of Cambodia ensures recognition and respect for human rights as defined under international human rights law and guarantees these rights to all Khmer citizens without discrimination.¹²³ This commitment is built on the foundations set out in Article 3 of the 1991 Agreements on a Comprehensive Political Settlement of the Cambodia Conflict (Paris Peace Agreements),¹²⁴ as well as through Cambodia’s ratification of several international human rights bodies.¹²⁵ Moreover, in 2012 Cambodia signed the ASEAN Human Rights Declaration which aligns with existing human rights law.¹²⁶

Many human rights obligations have been incorporated into domestic law – mainly in the 1993 Constitution – as well as in the Cambodian Criminal Code, which criminalises acts that violate human rights. Nevertheless, Cambodia lacks certain legal provisions of ratified international human rights treaties. In some instances where human rights law is directly applicable without the requirement of adopting domestic laws with the same provision, Cambodian courts have rejected their consideration or ignored their violation.¹²⁷ More concerning, the recent legal amendments mentioned above contradict elements of international human rights law that Cambodia has ratified, especially political and civil rights. Such shortcomings of human rights law in the domestic legislation have, as discussed above, been justified by the government as a consequence of limited capacities or it has been denied that they are inconsistent with international human rights treaties. Either way, they constitute a conflict between international human rights law and domestic law. The national legal framework, including adopted amendments to the Constitution and the Criminal Code (or drafts currently in the legislation process), does not offer individuals or groups protection in their exercise of fundamental freedoms as laid out in international human rights law. As recent incidents have shown, this not only includes protection from legal prosecution but also physical security from threats, harassment or violence. These factors meet key dimensions of **Indicator 3.1** (“National legal framework that does not offer ample and effective protection...”).

Deficiencies of national institutions

The functioning of national institutions depends on the provision of sufficient resources and adequate representation. The lack of sufficient funding of the justice and the security sector has been reflected in the deficiencies in education and training of prosecutors, court and prison staff, as well as law enforcement officials. Such deficiencies, as referred to under **Indicator 3.2** (see also below), undermine the ability of state organs to conduct procedures and work routines in a competent and professional manner, creating room for arbitrariness in the application of international human rights standards.

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

Law enforcement

The use of force by the security forces against civilians during protests in 2013 and 2014 has raised concern over the lack of control and adherence to human rights standards. No investigations were carried out and the role of the municipal security guards was severely questioned.¹²⁸ Additionally, reports have repeatedly drawn attention to the continued and common use of torture and ill-treatment of detainees by law enforcement bodies. The state lacks capacity to both prevent such incidents or to adequately investigate and deal with reported cases or complaints, which meets aspects of **indicator 3.6** - “Absence or inadequate external or internal mechanisms of oversight and accountability, including those where victims can seek recourse for their claims” and **indicator 3.7** – “Lack of awareness of and training on international human rights and humanitarian law to military forces [...] or other relevant actors.”

As mentioned above (**Risk Factor 1**), the OHCHR has observed shortcomings in the implementation of human rights law by law enforcement officials and prison staff. Examples include reports on the excessive use of force to respond to protests, the use of torture and ill-treatment of detainees by prison staff, and overcrowded prisons.¹²⁹ By providing briefings and information on upholding such rights in the conduct of arrest or detainment of individuals, the OHCHR has addressed such deficiencies in the training of respective personnel.

Armed Forces

To increase the scarce budgetary sources of the military, the ruling party enacted a law in 2010 which enabled the sponsorship of the Royal Cambodian Armed Forces (RCAF) by private companies.¹³⁰ Powerful business owners could thus receive private security by the armed forces in exchange for monetary or material donations. The deal has also been utilised by foreign governments, such as China who have emerged as the major contributor and in turn, receiver of private services (see further **Risk Factor 5**). In practice, the use of the armed forces by private actors to protect their business interests has faced extensive criticism. Referring to incidents in which violence was used in forced land evictions by units of the military working for businesses, the sponsorship is considered to be a tool of political and economic elites to expand power over resources.¹³¹

Furthermore, the close ties between the ruling CPP and the RCAF brings the impartiality of the national armed forces into question. A majority of the senior military officials, including the commander-in-chief, also hold high positions in the party. In 2015, the CPP added some 80 members of the military and security forces to its central committee.¹³² In light of escalating political tensions and the growing disputes over power, these strong ties raise concern over the RCAF's independence from the party and therefore the civilian control over its own national military (**Indicator 3.4**). According to the constitution, the King is the highest commander of the RCAF. Yet in a public statement in 2015, the deputy commander-in-chief, Chea Dara, declared that the army belongs to the CPP.¹³³ In reaction government and CPP officials, including the Prime Minister, have distanced themselves from this position by stressing the army's neutrality towards political parties and its duty to defend the elected government. The Defense Ministry commented that this statement does not reflect the official position of the RCAF. The spokesman of the Council of Ministers denied any loyalties between military and CPP leaders and insisted on the military's acceptance of the 2018 election results.¹³⁴ However, a 2015 statement by the deputy commander-in-chief and a repeated public announcement by Dara only days before the 2017 elections, expressed the military's support for Hun Sen “forever” and beyond any mandates.¹³⁵ Simultaneously, the threats by governmental officials and members of the CPP to deploy military means in case of any post-elections disputes, and the Prime Minister's assurance to be backed by the armed forces in case of an election loss, clearly show the CPP's awareness

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

of the military's loyalty. The CPP and military's close relationship remains controversial and may reflect individual military leaders' loyalties towards the CPP rather than a wholesale government-military alliance.¹³⁶ Nevertheless, such statements create uncertainty about whether the army would, in the case of escalating political conflict, be under civilian control or under the control of the CPP.

Human rights institutions

The Cambodian Human Rights Committee, the only existing national human rights body in Cambodia, has requested that the OHCHR provide technical assistance and cooperate in providing education to its own staff and to law enforcement officials.¹³⁷ Since the announcement of the creation of a politically independent National Human Rights Institution in 2006, the Committee has been in an ongoing consultation process with NGO representatives to draft the law required to establish the body. The need for a national human rights institution has been flagged by the former UN Special Rapporteur and numerous local and international observers. The consultation was intended to engender more acceptance among non-governmental human rights groups as the Committee has previously faced accusations of not respecting human rights. Disagreements between representatives involved in the drafting process have caused over a decade in delays in passing the relevant legislation needed to establish such a body.¹³⁸

Judiciary and resource constraints

Due to a shortage of material resources, courts have been set up in dilapidated buildings and the sector lacks a computerised system in which proceedings can be documented and archived. Currently, equipment is mostly provided by staff members.¹³⁹ The lack of human resources in the judicial system has allowed individuals with inadequate qualifications to advance to senior judicial positions. These shortcomings meet key aspects of **Indicator 3.2** ("[...] lack sufficient resources, adequate representation or training") as well as **Indicator 3.9** ("Lack of resources for reform or institution-building, including through regional or international support"). The insufficiency of state funding is compensated by the search of other financial resources. The priority of cases and the course of proceedings is determined by the amounts of money parties of a case offer to the prosecutors.¹⁴⁰ Furthermore, the lack of central guidelines for applying certain legal provisions has led to disparate standards used in courts.¹⁴¹ Such discrepancies in the conduct of judicial measures creates unpredictability and diminishes the professionalism of the court. The OHCHR has stressed the necessity of central guidelines that must be applied uniformly. As stated above, the OHCHR have also been providing workshops and regional trainings to improve the functioning of the courts and to ensure the consistent application of domestic and international law.¹⁴²

Lack of an independent and impartial judiciary

Indicator 3.3 concerns the "Lack of an independent and impartial judiciary" and the context in Cambodia suggests that this is currently an issue. In 2014, the National Assembly passed three laws concerning the judiciary in the absence of a majority of the opposition members, namely: the Law on the Organization and Functioning of the Supreme Council of Magistracy; the Law on the Statute of Judges and Prosecutors; and, the Law on the Organization and Functioning of the Courts. Although the call for judicial reform aimed for greater independence of the judiciary from the executive, the laws have been deemed to further increase the control of the government over the courts.¹⁴³ Prior to their adoption, United Nations Special Rapporteur on the Independence of Judges and Lawyers urged the King to block the laws.¹⁴⁴ According to the new laws, judges and magistrates are appointed and dismissed by a body which consists of members of the Ministry of Justice.¹⁴⁵ In a 2015 report, the International Bar Association claimed that there was high levels of bias and corruption in the justice system with substantial influence on the courts stemming from the ruling CPP. This was

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

partially acknowledged but strongly criticised as an exaggerated claim by the Ministry of Justice.¹⁴⁶ In the 2016 Rule of Law Index by the World Justice Project, Cambodia ranked 112 out of 113 surveyed states, ranking the lowest in the Asia Pacific region.¹⁴⁷ The dissolution of the opposition by the ruling of the Supreme Court which was seated by a chief of justice who is a member of the ruling CPP, has been criticised as the latest example of the influence of the government over the courts. The legal prosecution of the political opposition, as well as NGOs and media outlets, has led to the wide-spread criticism that the government uses the judiciary as a tool to directly target and weaken political opponents.¹⁴⁸

High levels of corruption and poor governance

Indicator 3.5 concerns “High levels of corruption or poor governance.” In the 2017 Transparency International Corruption Perception Index, Cambodia ranks 161 out of 189 states and thus is perceived as one of the most corrupt states in the world. The professed level of public sector corruption in Cambodia scores 21 out of 100, with 0 indicating ‘highly corrupt’.¹⁴⁹ In 1990, the high level of corruption amongst military, business and political elites, concomitant with allegations of the misuse of aid funding, led to the withdrawal of international financial support.¹⁵⁰ According to analyses by the World Bank, high levels of corruption have affected economic growth. Patronage, the ineffective management of natural resources and the misallocation of human resources, have kept the quality of public service delivery low and limited opportunities and access to resources.¹⁵¹ The government have taken various steps to address corruption and adopted an anti-corruption law in 2010 which came into force the following year. However, its practical implementation has been limited.¹⁵² The World Bank’s Worldwide Governance Indicators show low scores across all dimensions of governance within Cambodia. According to Transparency International, this is reflected in the exclusive access to central administrative positions based on party political lines, a culture of impunity for human rights violations by members of government security forces, and a lack of accountability for the misallocation of billions of US Dollars of the state budget.¹⁵³ Many candidates running for the CPP in the upcoming election are high ranking officials from the military forces and the law enforcement, including all three RCAF commanders- and deputy commanders-in-chief, and the deputy chief of the national police.¹⁵⁴ Although this does not violate any law under the conditions that elected candidates resign or are suspended from their former positions if elected, it further illustrates the strong political ties between senior members of the military and the CPP. It cannot be forgotten that Cambodia has been governed by one party for over 30 years. Such strong military-political ties inhibit the ability of checks and balances to prevent abuses of power. Additionally, the lack of financial regulations inhibit the oversight of financial flows into political parties.¹⁵⁵ Furthermore, the culture of selling votes to political parties is accepted and widely used by the population, legitimizing a certain level of corruption by the people themselves.¹⁵⁶

Inadequate mechanisms of accountability

The culture of impunity fostered by deficiencies in the investigation and prosecution of rights violations in many instances highlight the inadequacy of oversight and accountability mechanisms, where victims can seek recourse for their claims (**Indicator 3.6**). The lack of resources and education in the judiciary, as well as the aforementioned high level of corruption among prosecutors and security officials, inhibits the consistent application of legal provisions and the development of central guidelines for an adequate and transparent accountability process. In instances where investigations are not further pursued and perpetrators are not prosecuted for rights violations, victims do not have a body to turn to for redress. The aforementioned arbitrariness of picking up cases by judges is not prevented by any accountability mechanism within the judicial architecture. In the cases of land disputes, the mechanisms established for complaint and dispute settlement have shown limited ca-

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

capacity in relation to the tremendous number of cases which – despite some positive developments – is demonstrated by the length of the process and the remaining number of open cases. Moreover, as mentioned above, violence against civilians by the security forces has not been properly investigated. The efforts by the OHCHR to strengthen judicial capacities is currently working to address this issue; However, national efforts are required to establish functioning and sustainable mechanisms to ensure victims can receive impartial and sound justice.

RISK FACTOR 4: MOTIVES OR INCENTIVES

Risk Factor 4 focuses on the motives or incentives for certain individuals or groups to resort to force in order to achieve goals or respond to real or perceived threats. From an early warning perspective, it becomes necessary to understand the reasons and drivers of actors to use and justify violence in order to predict them and ideally, develop appropriate prevention strategies. The apparent motives by political and economic elites to remain in control in Cambodia in the past have repeatedly been pursued by resorting to force. Reported incidents of mass violence in the 2013 and 2014 post-election protests, as well as in disputes related to land concessions, display the government's willingness to use force in order to respond to perceived threats to this control. This meets significant aspects of three of the nine indicators subsumed under Risk Factor 4.

Political motives to stay in power

Indicator 4.1 refers to “Political motives, particularly those aimed at the attainment or consolidation of power.” The CPP has been governing Cambodia for over 30 years. In the lead up to the 2018 general election, Hun Sen has publicly declared that he plans on remaining in power for “at least another 10 years”.¹⁵⁷ The party's perception that peace and stability in Cambodia have only been achieved through the constant and effective governing of the CPP indicates the party's political rationale to hold on to power. In this context, the Prime Minister repeatedly iterates the CPP's role in the ‘national rescue’ of Cambodia from the Khmer Rouge.¹⁵⁸ Consequently, any individual or body criticising or challenging the government is perceived as a threat. The prosecution of political opponents who challenge the party's power and civil society actors who have voiced criticism over the government's ruling has been seen as a tool to secure the power in the upcoming elections. The violent crackdown of security forces following the 2013 general election and the public threats and harassment indicate the willingness to resort to force in pursuit of that aim. Such violence has been justified as the necessity to ensure peace and stability. Furthermore the lack of accountability in reported incidents of physical violence against individual members of political opposition parties or civil society groups suggests an unwillingness to prevent their occurrence.

Economic interests

In pursuit of their economic interests, private businesses have reportedly engaged in harassment and violence to force people from seized land. The legal sponsorship deal between the Cambodian armed forces and private investors has been used by businesses to use the military as private security forces to enforce evictions in Economic Land Concessions. In such incidents, units of the military working for land businesses have reportedly turned to physical violence against those evicted. In a complaint lodged at the International Criminal Court in 2015, the armed forces were among businesses and local authorities alleged to have been involved in widespread land grabbing, amounting to crimes against humanity.¹⁵⁹ To secure economic interests and the control over resources, as stated under **Indicator 4.3**, private actors have – with the assistance of state actors – used violence against civilians. Despite the efforts of the government to prevent land concessions

RISK FACTOR 4: MOTIVES OR INCENTIVES

and grant individual and community land titles, as well as through the assistance of the OHCHR and civil society groups to empower local communities, there continues to be reports of threats and harassment against affected communities and individuals.

Perceived threat of the opposition

Indicator 4.5 describes “real or perceived threats posed by (...) populations or individuals, against interests or objectives” of the actors resorting to violence. As discussed under **Risk Factor 1** (The ‘Colour Revolution’), the measures used to dissolve the opposition and prosecute numerous opposition members, including its leaders, have been justified by the government and the Supreme Court as attempts to incite instability to overthrow the government. The prosecution of human rights activists and members of media outlets (based on different legal grounds) is informed by the same motive – to protect the government’s power under the guise of maintaining national stability.

RISK FACTOR 5: CAPACITY TO COMMIT ATROCITY CRIMES

The commission of atrocity crimes requires the capacities to do so. Risk Factor 5 focuses on the “conditions that indicate the ability” of actors to commit atrocities, namely the substantial resources at their disposal as well as any internal or external support. It must be noted that the mere possession of capacities to commit atrocity crimes does not necessarily imply the intention to commit them. The assessment of this risk factor therefore depends on its relationship to other factors. There are various elements that have not only resulted in the strengthening of the military sector but, more concerningly, also signal an imbalance in the control and neutrality of the armed forces. Cambodia meets at least two of the Indicators under this particular Risk Factor, and whilst they do not indicate the likelihood of atrocities actually occurring they do signify a capacity to resort to force.

Strong culture of obedience

The statements in regard to the relationship between the armed forces and the ruling party as discussed under **Indicator 3.4** – “Lack of effective civilian control of security forces” – remains controversial. The commitment to the ruling party expressed by commanders-in-chief of the armed forces displays the presence of a “strong culture of obedience to authority” as referred to under **Indicator 5.4**. However, as mentioned, there remains a discrepancy between these individual statements and the official line of the RCAF. Whether they can be considered representative of the armed forces as a whole or not, the individuals expressing these views are senior military officials. Whilst it is uncertain how this discrepancy might translate into action in the case of political escalations, it raises some concerns given Cambodia’s past experience of atrocity crimes.

Support of international actors

Indicator 5.8 refers to the “armed, financial, logistic, training or other support” by international actors. Major international donors such as Russia, the United States, China and Japan have all been assisting Cambodia in its ongoing capacity building process. Among them, China has emerged as the major foreign donor in providing financial aid and training. China’s contributions have largely focused on the provision of military assistance and equipment to the security forces, making it the chief contributor to the RCAF.¹⁶⁰ Over the past few years, Cambodia and China have intensified this defense relationship, recently commemorating its 60th anniversary with a massive joint military exercise.¹⁶¹ While the US government has recently announced tremendous cuts in their financial

RISK FACTOR 5: CAPACITY TO COMMIT ATROCITY CRIMES

aid due to the growing political repression, China's commander of the defense forces announced in December 2017 a further increase in the provision of military equipment and training.¹⁶² Japan and Russia have also expressed continued support to Cambodia.¹⁶³

Although the assistance is officially not bound to any conditions, it is widely assumed that China aims to build a strong military alliance with Southeast Asian states, not least to receive support in the South China Sea conflict.¹⁶⁴ Regardless of its own foreign policy aims, in Cambodia it does, at least in part, compensate for the financial vacuum created by the aid cuts of the US and other governments who tie their aid to conditions of upholding international standards.¹⁶⁵ In light of the deteriorating political situation in Cambodia and the incidents of the use of force by the armed forces against post-election protests, the strengthening of the military is concerning. The increase in military assistance has been claimed by China to 'maintain stability', which refers to national defense in regards to border disputes, which have occurred many times in the past. However it also implies that internal stability is necessary.¹⁶⁶

RISK FACTOR 6: ABSENCE OF MITIGATING FACTORS

The presence of certain elements, such as a strong engagement of national and international civil society and media, diplomatic relations to other states, and close cooperation with international and regional arrangements, can contribute to preventing or reducing serious acts of violence or their further escalation. With the legal restraints on the activities of civil society groups and media in Cambodia, such mitigating factors have gradually been weakened or eliminated. National and international non-governmental organisations lack the ability to adequately organise themselves and represent their interests. Additionally, the OHCHR has urged the government to catch-up on a number of mandatory membership obligations related to human rights mechanisms that are overdue. Offers by international actors to mediate in the current political conflict between the ruling and the opposing party, have been rejected by the government, demonstrating its unwillingness to engage in dialogue and seek conflict solution in this domain.

Lack of empowerment and a strong civil society

Indicator 6.1 refers to "Limited or lack of empowerment processes, resources, allies or other elements that could contribute to the ability of protected groups, populations or individuals to protect themselves." The Special Rapporteur to Cambodia has identified various groups of people who have been subjected to discrimination, and currently the processes or resources to empower vulnerable groups, such as indigenous peoples, women or minorities, are limited or poorly implemented. The process of recognising indigenous communities and granting individual or community land titles remains slow and tedious due to the lack of financial resources and bureaucratic obstacles (see **Indicator 3.2**). It has been recommended that the Government review key laws and policies to fulfil its obligations under international human rights law and ensure the rights of indigenous peoples.¹⁶⁷ Women reportedly face discrimination in the labour market and gender-based violence which, in the majority of cases, remains unprosecuted.¹⁶⁸

The adoption of LANGO and numerous defamation laws (see **Indicator 1.6**) have largely contributed to a "lack of a strong, organised and representative national civil society and of a free, diverse and independent national media", as referred to in **Indicator 6.2**. The majority of NGOs and media outlets that have continued to operate in Cambodia have been targeted through threats of prosecution or allegations of rights violations. They are limited in their activities, as imprecise wording

RISK FACTOR 6: ABSENCE OF MITIGATING FACTORS

of legal amendments fails to provide a clearly defined space in which they can operate.¹⁶⁹ The restraints on civil society to participate in the political process through such bodies diminishes its ability to mitigate any growing tensions or conflict, as well as eliminating the means for civil participation and empowerment more broadly.

Shortcomings of international obligations

In 2017, the UN Special Rapporteur on human rights in Cambodia drew attention to a number of periodic reports to key international covenants that are overdue. As a member of the United Nations, the Cambodian government is obliged to prepare and submit periodic reports on various human rights treaties it is a party to. Complying with such agreements demonstrates the state's cooperation with international human rights mechanisms, as described under **Indicator 6.7**. As of June 2018, the state has six overdue reports (initial and periodic).¹⁷⁰ Cambodia has missed the deadlines to submit several reports and chosen not to submit the optional midterm report for the universal periodic review due to structural changes, despite its earlier announcement of its intentions to do so.¹⁷¹

Unwillingness to engage in dialogue

Despite the urges by international actors to address the growing political tensions within the country and offers to mediate between the government and the opposition, the government has expressed its unwillingness to engage in dialogue with the banned CNRP. The violent clashes and one-year boycott of the National Assembly by the CNRP following the disputes over the 2013 general election were eventually abandoned with the establishment of a 'Culture of Dialogue'. The agreement intended to guide the interaction between the ruling and the opposition party and was based on a Code of Conduct signed by both Prime Minister Hun Sen and then opposition leader Sam Rainsy, in which both parties agreed to avoid the public use of certain incendiary rhetoric.¹⁷² However, with the arrests of a high-level opposition member and numerous opposition activists in 2015, the Culture of Dialogue agreement unravelled.¹⁷³ The CPP's refusal to uphold dialogues with the opposition during and leading up to the prosecution of both opposition leaders, combined with the party's dissolution, has hindered any continuation of the Culture of Dialogue. According to the government, the public defamation by senior members of the opposition violated the Code of Conduct.¹⁷⁴ As mentioned with regards to **Indicator 1.4** ("Political instability caused by disputes over power"), the parties have received offers by international actors to mediate in order to address the escalating political tensions. Japan's offer to the government to mediate between the two parties was refused. The UN Secretary-General has called on both parties to resume to dialogue and cooperation. He emphasised the imperative of the government to ensure an environment of democratic dialogue free from threats and violence.¹⁷⁵

The government is unwilling to engage in dialogue with international actors on these matters. In response to the numerous statements made in the latest UN Human Rights Council session, in which UN member states expressed their concern over the deteriorating situation, the government referred to its right of non-interference and urged the international community to stay out of its domestic affairs.¹⁷⁶ This lack of willingness "to engage in dialogue, make concessions and receive support from the international community" as identified under **Indicator 6.8** is concerning in that it demonstrates the government's generalised perception that any criticism, suggestions or attempts to reach out to the government, are perceived as a 'meddling in internal affairs' and biased towards the opposition. Furthermore, it creates tensions between the Cambodian government and UN bodies and representatives, which further supports the assertion of limited cooperation with international human rights mechanisms under **Indicator 6.7**. The Special Rapporteur has continuously urged all member states to engage with Cambodia in an open dialogue about human rights.¹⁷⁷

RISK FACTOR 6: ABSENCE OF MITIGATING FACTORS

Early warning mechanisms

As mentioned with regards to **Indicator 2.2** (“A history of atrocity crimes”), Cambodia has taken a range of proactive measures to prevent any recurrence of atrocity crimes. The government has repeatedly expressed its commitment to promote and implement the Responsibility to Protect domestically and among Southeast Asian states. While other regional arrangements, such as the African Union or the governments cooperating in Latin America have established specific early warning mechanisms and integrated them into their security architecture, ASEAN has so far not developed any methods or bodies responsible for the monitoring, identification and warning of the early signs of atrocities.¹⁷⁸ Cambodia’s proactive appointment of a national focal point has been intended to not only coordinate national efforts, but also to set an example for other states in the region to follow. No ASEAN member state has yet done so. A regional network of national focal points is therefore not yet in existence.

On the domestic level, the appointment of a national focal point has led to increased efforts to strengthen atrocity prevention in Cambodia. In cooperation with academia and civil society groups, the training of law enforcement and government officials on a cross-ministerial level has provided information and education on the norm. The application of public seminars has further engaged stakeholders in dialogue to implement the Responsibility to Protect. The ‘Friends of R2P Cambodia’ network has been established to help disseminate information on atrocities and their prevention across the country.¹⁷⁹ Education on atrocities and continuous dialogue serve as methods of early warning.

Notwithstanding these positive efforts, early warning mechanisms remain weak and under-developed. As previously mentioned, the establishment of an independent national human rights commission with the potential to monitor the human rights situation in Cambodia and identify early signs of atrocities, has so far not been implemented. Such a body would have the potential to correspond with the focal point and increase the effectiveness of identifying early warning signs. Additionally, the ability of a strong and independent civil society, including think tanks, research institutes, rights groups and media, to oversee the situation of human rights in Cambodia and identify potential risks are vital attributes for a functioning early warning mechanism. Where such civil society actors are

RISK FACTOR 7: ENABLING CIRCUMSTANCES OR PREPARATORY ACTION

Certain events or measures, whether gradual or sudden, can create an environment conducive to the commission of atrocity crimes. Such changes can point to the likelihood that steps are taken to deploy to mass violence and potentially commit atrocities. Yet even where such planning is non-existent, certain changes can create an environment that makes atrocities more likely. The identification of such changes and the probability that they lead to atrocities is therefore crucial for appropriate measures of prevention to be established. Key issues in Cambodia include political interference in state institutions, the strengthening of the security apparatus; restrictions on NGOs and media outlets; amendments to the Criminal Code that restrict fundamental freedoms; and, an increased inflammatory rhetoric.

Interference with vital state institutions

Indicator 7.2 concerns “interference with vital state institutions, or measures that result in changes in their composition or balance of power (...)”. The inclusion of some 80 members of the military and security forces in the CPP central committee herald an imbalance in this domain and raise con-

RISK FACTOR 7: ENABLING CIRCUMSTANCES OR PREPARATORY ACTION

cerns regarding the potential of interference in state institutions. With the numerous legal changes altering the appointment provisions and structure of the judiciary, the Ministry of Justice have gained the authority to appoint and dismiss judges and magistrates. Additionally, the chief justice is a member of the ruling CPP. As previously noted, such strong ties between the government, the judiciary and the security sector inhibit the balance of power and the ability of mutual control, removing essential elements of a functioning democracy. The public statements by individual senior officials of the military that they will obey the CPP beyond election mandates illustrate the potential risks of such unbalanced power.

Strengthening of the security apparatus

Indicator 7.3 refers to “Strengthening of the security apparatus, its reorganization or mobilization against protected groups, populations or individuals”. Announcements concerning an increased military partnership with China (see **Indicator 5.5**) have been reiterated by the Prime Minister, who recently made a public statement about a “confidential import of tons of military weaponry”.¹⁸⁰ Although this was subsequently clarified by the Defense Ministry as an expected delivery from China, the public statement and the vague wording by the Prime Minister has been criticised by local media as an exaggerated account.¹⁸¹ Nevertheless, the immense size of the military exercise conducted at the 60th anniversary of China-Cambodia relations, and the large amount of military equipment that was donated to Cambodia, heralds a strengthening of Cambodia’s security apparatus. The deepening of the military cooperation with China and the size of the recent military exercise has been widely perceived as an attempt by the Cambodian government to demonstrate its military strength and its independence from ‘Western’ donors, who have withdrawn their financial assistance due to rights violations.¹⁸²

Severe restrictions on communication and civil society

The new Law on Telecommunications adopted in late 2015 authorised the government to monitor private telecommunications and prosecute individuals in cases where electronic communication may jeopardise “national security”.¹⁸³ The law was among other instances used as the basis for charges of defamation against former opposition leader Rainsy and human rights group members in relation to public comments about the government.¹⁸⁴ This strict control on the use of communications channels leads to a severely limited space to exercise the freedom of expression, either by prosecution or self-censorship, and displays the presence of **Indicator 7.6** – “Imposition of strict control on the use of communication channels, or banning access to them.”

The adoption of LANGO and its use to shut down or threaten numerous NGOs (see **Indicator 1.6**) has put a legal restraint on the ability of NGOs to operate. The shutdown of dozens of radio broadcasts and newspapers based on various legal grounds or political pressure in 2016 has reduced the amount of independent media outlets in the country. The Code of Conduct issued prior to the 2013 general election also severely limited media in their freedoms of expression and opinion. In addition to harassment and intimidation, as well as incidents of physical violence and legal prosecution against journalists and members of rights groups and think tanks, these developments have put severe restrictions on the services and space to operate of media and NGOs, as described under **Indicator 7.7** – “Expulsion or refusal to allow the presence of NGOs, international organizations, media or other relevant actors, or imposition of severe restrictions on their services and movements.”

Legal measures affecting fundamental freedoms

The prosecution of opposition and civil society representatives based on various legal grounds, including amendments to the Criminal Code (see also **Indicator 2.3**), have been widely criticised as

RISK FACTOR 7: ENABLING CIRCUMSTANCES OR PREPARATORY ACTION

violations of fundamental human rights, including the right to life, liberty and security.¹⁸⁵ The use of defamation laws or other legal grounds to prosecute rights groups, media outlets and members of the political opposition and individuals publicly expressing their opinion, have been perceived as measures that directly target entities with opposing political views and violate their rights to liberty and freedom of expression.¹⁸⁶ Numerous members of opposition groups, local NGOs and media outlets have been arrested and detained, often without evidence to support the alleged charges. The UN Special Rapporteur has raised concern over the excessive use of pretrial detention and the deprivation of visiting and monitoring rights of prisoners. As noted above, the conviction of several opposition members and the detention of Kem Sokha have been determined to be deprivations of liberty based on discriminatory grounds. The prosecution against political opponents based on political opinion constitutes a violation of international law and meets key aspects of **Indicator 7.8** – “Increased violations of the right to life, physical integrity, liberty or security ...”.

Increased inflammatory rhetoric

The Culture of Dialogue agreement between the ruling party and the opposition was explicitly designed to delimit the use of inflammatory rhetoric and hate speech. Such rhetoric had previously been used excessively during the 2013 election period and during the post-election violence. Specifically, the language used by both government and CPP officials included threats to resort to the use of force in the case of an election loss or any disputes surrounding the elections.¹⁸⁷ Some statements by ministry officials threatening violence explicitly referred to torture techniques that were used during the Khmer Rouge regime.¹⁸⁸ In a public statement, the Prime Minister expressed the party’s willingness to sacrifice human lives to ensure political stability. Members of the opposition party repeatedly included anti-Vietnamese sentiment against the CPP in their rhetoric.¹⁹⁰ The use of such incendiary language continued after the failure and fall of the Culture of Dialogue agreement. Referring to the democratic transitions of the ‘Arab Spring’, in 2015 the Prime Minister publicly threatened to deal with any attempts to challenge his power with the use of force and mass arrests.¹⁹¹ The use of such incendiary rhetoric highlights the presence of **Indicator 7.13** – “Increased politicization of identity...” and **7.14** – “Increased inflammatory rhetoric...”. The UN Secretary-General has called on the government to ensure that the upcoming election environment is free from intimidation, harassment and violence.¹⁹²

RISK FACTOR 8: TRIGGERING FACTORS

Certain events or circumstances, although seemingly unrelated to atrocity crimes, can aggravate conditions that enable the commission of atrocity crimes. From an early warning perspective, it is therefore essential to identify such circumstances and assess their potential impact. The incidents identified under this risk factor mainly complement or overlap with the changes described under the Risk Factor 7. The legal and political measures operationalised in Cambodia over the last few years have led to a change in the power balance between political parties, and combined with the continuous use of inciting rhetoric, have caused an escalation in extant tensions and further fuel an already unstable and unpredictable political environment. Four of the twelve indicators subsumed under Risk Factor 8 are especially pertinent to the current situation in Cambodia, and generally relate to political issues associated with the upcoming election.

Changes in the political power of groups

Indicator 8.4 refers to “abrupt or irregular (...) changes in political power of groups”. The dissolution of the CNRP by the Supreme Court in November 2017 removed the largest opposition party from the

RISK FACTOR 8: TRIGGERING FACTORS

political spectrum. As mentioned under **Indicator 1.5** ('Disputes over power'), a newly adopted law has redistributed CNRP seats among the ruling CPP and minor opposition parties. This step has met heavy criticism since the two million people who originally voted for the CNRP are now represented by parliamentarians that they have not voted for.¹⁹³ The dissolution of the CNRP has resulted in the exclusion of the main competitor to the ruling CPP from the upcoming July 2018 general election. Considering the CNRP's gain of 44% of the votes in the past two elections, this move has eroded the balance of power. Although the governing party has emphasised the participation of various other opposition parties in the upcoming elections, the dissolution of the CNRP has widely been viewed as violating the liberal multi-party system that is enshrined in Cambodian law.¹⁹⁴

Attacks against basic rights of opposition members

As discussed under the previous Risk Factor (**Indicator 7.8**, "Legal measures affecting fundamental freedoms"), the arrests and detention of numerous opposition members, including opposition leader Kem Sokha, constitute "attacks against the life, physical integrity liberty or security" of opposition members, as described under **Indicator 8.5**. As already discussed, the charges against and detention of Kem Sokha and 11 other CNRP members are constitute acts of discrimination based on political opinion. Reportedly, the court hearings did not provide substantial evidence for their convictions.¹⁹⁵ The pretrial detention has been deemed to be unjustified and excessive. Additionally, the detainees have reportedly been deprived of visiting or monitoring rights, as well as access to medical assistance, further violating international human rights standards.

Acts of incitement or hate propaganda

Indicator 8.7 refers to "acts of incitement or hate propaganda targeting particular groups or individuals" and echoes what has already been described under **Indicator 7.13** and **7.14** ('Increased inflammatory rhetoric and politicisation of identity'). In 2016, the governmental Human Rights Committee released videos showing footage of suppressed protests in European states and the US, as well as scenes from the civil wars in Libya and Syria, alongside explicit warnings of the "excessive use of rights" and the consequences of civil rights.¹⁹⁶ Opposing views and public criticism towards the government and interaction with foreign entities, are associated with the regime change and accused of inciting civil unrest and the intention to overthrow the ruling party. The naming and shaming of specific civil society organisations, media outlets or individuals alleged of participating in such activities, has been accompanied by threats of legal prosecution, arrests and dissolution. The accusations of jeopardising national security and political stability, the direct (legal) targeting of opposing voices and the threatening language to prevent any disputes or protests, have culminated into a propaganda campaign targeting individuals or entities who publicly express criticism against the government or support for the opposition.

Instability and unpredictability of upcoming elections

Indicator 8.8 concerns "Census, elections, pivotal activities related to those processes, or measures that destabilize them." The violent incidents following the 2013 general election have demonstrated the high level of unpredictability that can accompany election outcomes in Cambodia. Although the UN and other international actors have evaluated the overall conduct of the election to have been generally conducted in a free and transparent manner, various human rights organisations, including Amnesty International and Human Rights Watch, have opposed this view and highlighted the threatening environment in which the election was conducted.¹⁹⁷ The CNRP refused to accept the election results, citing election fraud, and called for new elections.¹⁹⁸ The rejection of this claim by the ruling CPP resulted in the one-year boycott of the CNRP of the National Assembly and calls for protests which escalated into violent clashes between protesters and security forces. In reaction

RISK FACTOR 8: TRIGGERING FACTORS

to the dissolution of the CNRP and the removal of any major political competitor to the CPP in the upcoming general election on 29 July 2018, many pundits have claimed that the election victory of the CPP is assured.¹⁹⁹ However, the recent appeal by the exiled opposition to boycott the election by abstaining from voting, contributes to uncertainty over voter participation, which in the previous election was around 85%.²⁰⁰ Among the fifteen registered parties the minor opposition – the Grassroots Democracy Party – recently appealed to former CNRP members to join their party. It has claimed to offer a “middle way” between the two parties and urged the necessity of a high participation in the upcoming elections.²⁰¹ A number of NGOs who served as election watchdogs in the previous elections have announced they will abstain from registering as observers for July’s election due to a lack of volunteers, who fear accusations of participating in regime change or rebellions.²⁰²

In late April, 2018, the UN Special Rapporteur urged the government to ensure genuine elections in a multi-party democratic process by releasing the detained opposition members and lifting the ban on the dissolved CNRP.²⁰³ The potential for post-election violence cannot be ignored and warrants close monitoring. More recently, calls for an uprising after the election by Rainsy create a concerns over what will follow after 29 July. It remains crucial to observe the reaction to such calls and the behaviour of people and armed forces during and especially after the election.

SPECIFIC RISK FACTORS CRIMES AGAINST HUMANITY

The Framework of Analysis notes that **Common Risk Factors** help to identify the probability of atrocity crimes occurring, without necessarily identifying the type of crime. **Specific Risk Factors** refer to the fact that each crime has elements and precursors that are not common to all three atrocity crimes: Genocide, crimes against humanity, and war crimes. The indicators of the **Specific Risk Factors** identify concrete elements that are characteristic to a specific atrocity crime, and thus the risk of their occurrence. Despite the deteriorating situation in Cambodia having resulted in the discrimination and legal prosecution against the political opposition and various civil society bodies and members, the commission of one of the four atrocity crimes so far remains unlikely. Although the restraints on various actors constitute severe limitations on fundamental freedoms under international and national human rights law, they currently remain below the high threshold of the legal definitions of atrocity crimes.²⁰⁴

Nevertheless, a number of indicators identifying “signs of a widespread or systematic attack against any civilian population” associated with **Risk Factor 11** (crimes against humanity) do seem to be partly present in Cambodia. The inciting language in public statements and threats to deploy military means in response to any disputes or protests with violence, suggest a willingness to use force against civilians. However, no public statements or documents point towards “signs of a plan or policy to conduct” direct attacks against civilians (**Indicator 11.5**). Senior government officials have fuelled tensions between politically opposing views by using incendiary language in public statements, and have publicly threatened to use force in the case of any protests. This suggests the presence of the “use of the media or other means to provoke or incite to violent acts”, as identified under **Indicator 11.4**. Regardless, the low presence of indicators under this Risk Factor, and the unpredictability of any post-election violence, make it difficult to identify whether the current circumstances constitute a level of risks that amounts to widespread and systematic violence against civilians.

CONCLUSION AND RECOMMENDATIONS

The Framework states that the more risk factors and Indicators present the more likely are the risk of atrocities. Assessing these factors must, however, take place within a broader understanding of the political, historical and cultural context of a state. The above analysis has identified the presence of a number of indicators in all eight **Risk Factors**. The lack of or insufficiency of state capacities underlies various deficiencies in the structure and procedures of Cambodia's state institutions. In many ways, the decade-long state building process undergone in Cambodia has resulted in significant and applaudable developments. Both the government and civil society actors have demonstrated tremendous progress in addressing past grievances associated with the Khmer Rouge, worked proactively to counter poverty, increased economic prosperity, and implemented significant international legal standards to ensure fundamental rights of individuals and communities. Nevertheless, the recent worsening of political tensions and the adoption and application of laws that contradict domestic and international human rights law, threaten past advances and compromise the opportunity for open and fair political elections in July. **Common Risk Factors 1, 2, 6, 7 and 8** raise the most concern as they highlight changes that have occurred in a relatively short period of time, raising uncertainty about both the present and immediate future stability of the country. Extant Risk Factors (3 and 5) concerning state deficiencies in regards to accountability and the control and balance of power, combined with the growing capacity and threat to resort to force, further intensify these risks factors.

As unpredictable current political tensions maybe – especially in relation to the outcome of the upcoming July elections – the risk that a further deterioration will reach the threshold of atrocity crimes remains at a **moderate level**. Whilst past incidents of violence following elections, the calls for boycott and threats to use force stand as clear indicators for the potential occurrence of election-related disputes and potential violence, the threats to resort to force also acts as a major deterrent to violence and may result in the absence of, or limited occurrence of, violent disputes. Furthermore, the current assessment does not identify clear indicators of Specific Risk Factors that tend to signify the likelihood of atrocities occurring. Nevertheless, it remains crucial to observe and continuously assess the political situation in the lead-up to the 29 July 2018 election, and more importantly in the months that follow.

In order to address the principal challenges, both immediate measures and long-term strategies are needed. Such challenges include the risk of political violence and the challenge of maintaining stability in a politically sensitive environment, the full and consistent implementation and application of international human rights standards, and the functioning of state institutions and capacities to ensure good governance and the rule of law.

CONCLUSION AND RECOMMENDATIONS

| | RECOMMENDATIONS FOR THE GOVERNMENT OF CAMBODIA |
|----|--|
| 1 | Take immediate steps to ease the political tensions and engage in dialogue with the opposition party. Ensure an inclusive and representative election by lifting the ban on the CNRP and allowing its participation in the election. |
| 2 | Ensure that the rights to freedom of expression and the press, based on pluralism, transparency and accountability, are respected and protected and that an open exchange of information between candidates, political parties and voters is encouraged. This requires that civil society and media are allowed to exercise their right to openly debate and discuss political affairs without prosecution, discrimination or violence. |
| 3 | Ensure that people's right to vote freely and according to their conscience is respected, as also stipulated in article 51 of the Constitution. |
| 4 | Immediately end the use of incendiary language and ensure a non-threatening election environment without intimidation, harassment or physical violence. Ensure the prevention of any discrimination based on political opinion against individuals or groups. |
| 5 | Ensure that the military remains neutral and respects the election results. |
| 6 | Allow the monitoring and election observation by independent bodies including local NGOs and international actors. |
| 7 | Cease all politically motivated prosecutions and immediately release all persons detained as a result of the peaceful and legitimate exercise of their fundamental freedoms. End the use of pre-trial detention in the absence of any circumstances that clearly justify its use. |
| 8 | Review and revise drafted or adopted legal amendments in order to ensure compliance with domestic and international human rights standards. Specifically, the Law on Political Parties, the Law on the Association of Non-Governmental Organisations and various defamation laws including the Lèse-Majesté Law must be revised or repealed to ensure the rights to freedom of expression, association and peaceful assembly. |
| 9 | Ensure thorough, impartial and transparent investigations, consistent with international standards, into cases of physical violence against political opponents, including the death of Kem Ley, and cases of the excessive use of force, including the shootings in Kratie province, to ensure the prevention of impunity. |
| 10 | Continue efforts to implement a fair and comprehensive land planning and management policy that prevents forced evictions from land and inadequate compensation or relocation and ensures the effective and non-violent settlement of land disputes. |
| 11 | Continue efforts to provide adequate training and education to law enforcement officials and military forces on international human rights law. |
| 12 | Take measures to strengthen capacities and training to the judiciary and develop consistent standards and central guidelines for the application of legal provisions, including international human rights standards, to promote a professional and independent justice system. |
| 13 | Take steps to address corruption through the adoption and effective implementation of anti-corruption laws and transparency in the structures and procedures of state institutions. |
| 14 | Promote efforts and strengthen capacities of academia and civil society to implement R2P on the national level through education, training and awareness-raising. Continue efforts to include awareness and knowledge on atrocities and their prevention in education programs including schools and universities. Engage with non-state actors, scholars on how to disseminate knowledge and educate people and relevant stakeholders on atrocity prevention. |
| 15 | Engage with civil society groups and relevant stakeholders to exchange information on atrocity prevention and develop early warning and early action strategies, including a national action plan that would address the risk factors in the country to prevent potential future atrocities. |
| 16 | Continue efforts to integrate atrocity prevention in the domestic legal framework, including necessary laws to complement the Rome Statute. Ensure the conformity of domestic legislation with international human rights law and strengthen measures aiming at preventing discrimination and violence, such as the second National Action Plan to Prevent Violence Against Women (2014-2018). |

CONCLUSION AND RECOMMENDATIONS

| | RECOMMENDATIONS FOR CIVIL SOCIETY |
|---|--|
| 1 | Cooperate with other civil society and international actors to ensure that the 2018 election will be free, fair and peaceful. Monitor the situation carefully and provide policy advice and election observers to ensure, as far as possible, a transparent and non-violent conduct of the election. |
| 2 | Continue to provide input and advice in the legislation process to ensure the conformity of legal amendments with international human rights law. |
| 3 | Provide information and support to state institutions to enable an early identification of potential risks. Monitor and share information on early warning signs of atrocities. |
| 4 | Continue outreach, education and training on atrocities and their prevention, as well as the engagement of involved stakeholders and key players in dialogue. Develop national and regional early warning mechanisms and contextualised prevention strategies through the research of past events and effective methods. |

| | RECOMMENDATIONS FOR REGIONAL ACTORS |
|---|--|
| 1 | Encourage the government of Cambodia to ensure that the 2018 general elections are free, fair and conducted in a transparent and non-violent manner. |
| 2 | Provide capacities for election monitoring and impartial dispute settlement, such as mediation capacities and private diplomacy to enable a dialogue between the political parties and ease tensions. |
| 3 | Strengthen capacities of ASEAN bodies, including the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Institute for Peace and Reconciliation (AIPR), to develop useful early warning and early action strategies and mechanisms. |
| 4 | Coordinate efforts by regional actors in preventing atrocities and promote dialogue to exchange information and strategic approaches. |

| | RECOMMENDATIONS FOR THE INTERNATIONAL COMMUNITY |
|---|---|
| 1 | Encourage the government of Cambodia to ensure that the 2018 national elections are free, fair and peaceful. |
| 2 | Provide assistance in the conduct of the 2018 general election by deploying impartial election observers. |
| 3 | Support national and local initiatives to promote peaceful elections in 2018. |
| 4 | Monitor the situation carefully and continue to raise awareness on the situation in Cambodia. Maintain open dialogue with the government, offer appropriate recommendations for the improvement of the current situation and urge the government to address present human rights violations. |
| 5 | The OHCHR should continue to provide adequate resources, education and training to further strengthen state capacities and the implementation and application of international human rights standards. The Office should continue the support of the legal and judicial reform process to strengthen the rule of law. It should continue to provide awareness-raising and training workshops to strengthen the capacities of civil society organisations. |
| 6 | Provide assistance and capacity building to state institutions and civil society actors in their efforts to educate and raise awareness on atrocity prevention and to develop contextualised early warning and prevention mechanisms and strategies. |
| 7 | Promote dialogue among regional and international stakeholders to exchange information and enhance the norm in the region. Offer effective ways and methods to promote and implement R2P in the national and regional context. |

END NOTES

1. United Nations Office on Genocide Prevention and the Responsibility to Protect. 2014. Framework of Analysis for Atrocity Crimes. New York: United Nations. Available at http://www.un.org/en/genocideprevention/documents/publications-and-resources/Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf, accessed 27 May 2018.
2. Willemyns, Alex. 2017. 'With CNRP gains come risks: panel'. The Phnom Penh Post, 12 June 2017. [online]. Available at <https://www.phnompenhpost.com/national/cnrp-gains-come-risks-panel>, accessed 29 May 2018.
3. Human Rights Watch. 2014. 'World Report 2014: Cambodia. Events of 2013', January 2014. [online] Available at <https://www.hrw.org/world-report/2014/country-chapters/cambodia>, accessed 29 May 2018.
4. Human Rights Watch. 2015. 'World Report 2015: Cambodia. Events of 2014', January 2015. [online] Available at <https://www.hrw.org/world-report/2015/country-chapters/cambodia>, accessed 29 May 2018.
5. The 2015 Law on the Organization and Function of the National Election Committee' (LOFNEC) and the Law on Election of Members of the National Assembly ('LEMNA').
6. Cambodian Center for Human Rights. 2016. 'Democracy Under Threat 2016: Fulfilling the Promise of the Paris Agreements, 25 Years On'. CCHR Briefing Note, Phnom Penh, September 2016, p. 13. [online] Available at https://cchrcambodia.org/admin/media/analysis/analysis/english/CCHR%20Briefing%20Note%20-%20Democracy%20Under%20Threat%202016_ENG.pdf, accessed 9 June 2018.
7. Human Rights Watch. 2018. 'World Report 2018: Cambodia. Events of 2017', January 2018. [online] Available at <https://www.hrw.org/world-report/2018/country-chapters/cambodia>, accessed 9 June 2018. See also: United Nations General Assembly. 2017. 'Report of the Special Rapporteur on the situation of human rights in Cambodia'. A/HRC/36/61, Human Rights Council Thirty-sixth session, 27 July 2017, p. 15.
8. Naren, Kuch. 2015. 'Parties Agree to Code of Conduct for "Culture of Dialogue"'. The Cambodia Daily, 9 May 2015. [online] Available at <https://www.cambodiadaily.com/news/parties-agree-to-code-of-conduct-for-culture-of-dialogue-83445/>, accessed 9 June 2018.
9. Narim, Khuon. 2017. 'Party law changes end Rainsy's political career'. Khmer Times, 13 July 2017. [online] Available at <https://www.khmertimeskh.com/news/40174/party-law-changes-end-rainsy-s-political-career/>, accessed 9 June 2018.
10. United Nations Human Rights Council. 2018. 'Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights, Report of the Secretary-General. A/HRC/37/64, Human Rights Council Thirty-seventh session, 2 February 2018.
11. See for example: Strangio, Sebastian. 2017. 'Cambodia Becomes the World's Newest One-Party State'. Foreign Policy, 17 November 2017. [online] Available at <http://foreignpolicy.com/2017/11/17/cambodia-becomes-the-worlds-newest-one-party-state-china-democracy-dictators/>, accessed 29 May 2018; Sokhean, Ben and Ananth Baliga. 2018. 'CPP spokesman touts one-party rule, points to China's example'. The Phnom Penh Post, 27 February 2018. [online] Available at <https://www.phnompenhpost.com/national-politics/cpp-spokesman-touts-one-party-rule-points-chinas-example>, accessed 29 May 2018.
12. Royal Kingdom of Cambodia, Ministry of Foreign Affairs & International Cooperation. 2018. Cambodia, Stability and Development First. To Tell The Truth. Version 2. Phnom Penh, February 2018, p. 12.
13. Chheng, Niem and Andrew Nchemson. 2018. 'Rainsy officially launches Cambodia National Rescue Movement, lays out five-point plan.' The Phnom Penh Post, 30 January 2018. [online] Available at <https://www.phnompenhpost.com/national-politics/rainsy-officially-launches-cambodia-national-rescue-movement-lays-out-five-point>, accessed 29 May 2018.
14. VOA. 2018. 'Cambodian Leader Rejects Call for Talks from Opposition'. Voice of America Cambodia, 5 March 2018. [online] Available at <https://www.voacambodia.com/a/cambodian-leader-rejects-call-for-talks-from-opposition/4280762.html>, accessed 28 May 2018.
15. Sokchea, Meas. 2018. 'Rainsy: PM will lose legitimacy after polls'. The Phnom Penh Post, 31 May 2018. [online] Available at <https://www.phnompenhpost.com/national/rainsy-pm-will-lose-legitimacy-after-polls>, accessed 10 June 2018.
15. Sokhean, Ben. 2018. 'KPP joins call to boycott but NEC, CPP brush off legitimacy concerns, hailing number of parties'. The Phnom Penh Post, 16 May 2018. [online] Available at <https://www.phnompenhpost.com/national/kpp-joins-call-boycott-nec-cpp-brush-legitimacy-concerns-hailing-number-parties>, accessed 10 June 2018.
17. Sokchea, Meas and Mech Dara. 2018. 'Former opposition leader tells soldiers, Cambodians to unite to fight CPP'. The Phnom Penh Post, 12 June 2018. [online] Available at <https://www.phnompenhpost.com/national/former-opposition-leader-tells-soldiers-cambodians-unite-fight-cpp>, accessed 18 June 2018.
18. Amnesty International. 2017. 'Urgent Action. Head of Dissolved Main opposition Party Jailed'. Press Release, 21 December 2017. [online] Available at <https://www.amnesty.org/download/Documents/ASA2376232017ENGLISH.pdf>, accessed 10 June 2018.
19. Vicheika, Kann. 2017. 'Cambodia's Top Court Dissolves Opposition Party'. Voice of America Cambodia, 17 November 2017. [online] Available at <https://www.voacambodia.com/a/cambodias-top-court-dissolves-opposition-party/4119077.html>, accessed 10 June 2018.
20. Office of the United Nations High Commissioner for Human Rights in Cambodia. 2017. A Human Rights Analysis of the Amended Law on Political Parties (2017). 28 March 2017, pp. 23-24.
21. See for example: Sokchea, Meas and Erin Handley. 2017. 'Breaking: Assembly passes Party Law changes targeting Rainsy'. The Phnom Penh Post, 10 July 2017. [online] Available at <https://www.phnompenhpost.com/national/breaking-assembly-passes-party-law-changes-targeting-rainsy>, accessed 17 June 2018.
22. Amnesty International. 2017. Cambodia: Upcoming Human Rights Council Session Crucial as Coordinated Assault on Political opposition, Media and Civil Society Continues Ahead of 2018 Election. 4 September 2017. [online] Available at <https://www.amnesty.org/en/documents/asa23/7047/2017/en/>, accessed 10 June 2018.
23. Royal Kingdom of Cambodia, Ministry of Foreign Affairs & International Cooperation. 2017. Cambodia, Democracy and Human Rights: To tell the truth. Phnom Penh, April 2017, p. 4.
24. Royal Kingdom of Cambodia, Ministry of Foreign Affairs & International Cooperation. 2018. Cambodia, Stability and Development First. To Tell The Truth. Version 2. Phnom Penh, February 2018, p. 12.

END NOTES

25. Ibid.
26. Ibid.
27. See Amnesty International. 2017. 'Urgent Action. Head of Dissolved Main opposition Party Jailed'. 21 December 2017. [online] Available at <https://www.amnesty.org/download/Documents/ASA2376232017ENGLISH.pdf>, accessed 10 June 2018.
28. Royal Kingdom of Cambodia, Ministry of Foreign Affairs & International Cooperation. 2018. 'Cambodia, Stability and Development First. To Tell The Truth. Version 2.' Phnom Penh, February 2018, p. 12.
29. Ibid, p. 10.
30. United Nations General Assembly. 2018. 'Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights'. Report of the Secretary-General. A/HRC/37/64, Human Rights Council Thirty-seventh session, 2 February 2018.
31. Thul, Prak Chan. 2017. 'Cambodian court charges two journalists with espionage'. Reuters, 18 November 2017. [online] Available at <https://www.reuters.com/article/us-cambodia-politics/cambodian-court-charges-two-journalists-with-espionage-idUSKBN1DIO7C>, accessed 10 June 2018.
32. Baliga, Ananth. 2017. 'Ministry shuts NDI for Lango violations as US Embassy hits back'. The Phnom Penh Post, 24 August 2017. [online] Available at <https://www.phnompenhpost.com/national/ministry-shutters-ndi-lango-violations-us-embassy-hits-back>, accessed 10 June 2018.
33. Amnesty International. 2017. 'Urgent Action. Head of Dissolved Main opposition Party Jailed'. 21 December 2017. [online] Available at <https://www.amnesty.org/download/Documents/ASA2376232017ENGLISH.pdf>, accessed 10 June 2018.
34. See Human Rights Watch. 2017. 'World Report 2017: Cambodia. Events of 2016', January 2017. [online] Available at <https://www.hrw.org/world-report/2017/country-chapters/cambodia>, accessed 28 May 2018.
35. Naren, Kuch. 2017. 'Hun Sen Goes on Tirade Against Opponents'. The Cambodia Daily, 26 May 2017. [online] Available at <https://www.cambodiadaily.com/editors-choice/hun-sen-goes-tirade-opponents-130441/>, accessed 28 May 2018.
36. See for example: Human Rights Watch. 2017. 'Civil society calls on the UN Human Rights Council to address Cambodia's human rights crisis'. 8 September 2017. [online] Available at <https://www.hrw.org/news/2017/09/08/civil-society-calls-un-human-rights-council-address-cambodias-human-rights-crisis>, accessed 28 May 2018.
37. Amnesty International. 2018. 'Cambodia: Ongoing crackdowns on the political opposition, civil society and independent media must be addressed by the UN Human Rights Council'. 16 February 2018. [online] Available at <https://www.amnesty.org/download/Documents/ASA2379092018ENGLISH.pdf>, accessed 29 May 2018. See also comments and discussions on the amendment process in: Sokchea, Meas, Handley, Erin. 2017. 'CPP amends Party Law, opening door to dissolving opposition'. The Phnom Penh Post, 21 February 2017. [online] Available at <http://www.phnompenhpost.com/national/cpp-amends-party-law-opening-door-dissolving-opposition>, accessed 29 May 2018.
38. Office of the United Nations High Commissioner for Human Rights in Cambodia. A Human Rights Analysis of the Amended Law on Political Parties (2017). 28 March 2017.
39. Amnesty International. 2017. 'Courts of Injustice. Suppressing activism through the criminal justice system in Cambodia'. 30 May 2017, p. 5. [online] Available at <https://www.amnesty.org/download/Documents/ASA2360592017ENGLISH.PDF>, accessed 30 May 2018.
40. Ibid., p. 6.
41. Cambodian Center for Human Rights. 2017. 'Fundamental Freedoms Monitoring Project. First Annual Report. April 2016 – March 2017'. Phnom Penh, August 2017. [online] Available at <http://cchrcambodia.org/admin/media/report/report/english/2017-08-10-CCHR-FFMP-Annual-Report-Eng.pdf>, accessed 30 May 2018.
42. Human Rights Watch. 2015. 'Cambodia: Joint Letter on the Draft Law on Associations and Non-Governmental Organizations'. 22 June 2015. [online] Available at <https://www.hrw.org/news/2015/06/22/cambodia-joint-letter-draft-law-associations-and-non-governmental-organizations>, accessed 30 May 2018.
43. Human Rights Watch. 2018. 'Cambodia: Reject Draft Amendments to the Constitution and Criminal Code'. 21 February 2018. [online] Available at <https://www.hrw.org/print/315269>, accessed 30 May 2018.
44. Chheng, Niem. 2018. 'Second man charged under country's lèse majesté law'. The Phnom Penh Post, 22 May 2018. [online] Available at <https://www.phnompenhpost.com/national/second-man-charged-under-countrys-lese-majeste-law>, accessed 30 May 2018.
45. Freedom House. 2017. 'Freedom of the Press 2017. Cambodia Profile'. [online] Available at <https://freedomhouse.org/report/freedom-press/2017/cambodia>, accessed 30 May 2018.
46. United Nations General Assembly. 2017. 'Report of the Special Rapporteur on the situation of human rights in Cambodia'. A/HRC/36/61, Human Rights Council Thirty-sixth session, 27 July 2017, p. 12.
47. Ibid., p. 15.
48. Ibid.
49. Cambodian Center for Human Rights. 2014. 'Applicability of International Human Rights Law in Cambodia'. CCHR Rule of Law Series. Special Edition, Volume 9. January 2014, p. 18. [online] Available at https://cchrcambodia.org/admin/media/factsheet/factsheet/english/2014_01_09_CCHR_Fact_sheet_Applicability_of_international_law_in_Cambodia_ENG.pdf, accessed 30 May 2018.
50. Amnesty International. 2017. 'Courts of Injustice. Suppressing activism through the criminal justice system in Cambodia'. 30 May 2017, p. 5. [online] Available at <https://www.amnesty.org/download/Documents/ASA2360592017ENGLISH.PDF>, accessed 30 May 2018.
51. Bastard, Daniel. 2018. 'Cambodia: The independent press in ruins'. Reporters without Borders. 13 February 2018. [online] Available at <https://rsf.org/en/news/rsf-publishes-report-media-freedom-under-attack-cambodia>, accessed 30 May 2018.
52. Based on the assessment by the World Bank, see World Bank. 2018. 'The World Bank in Cambodia. Overview'. 13 April 2018. [online] Available at <http://www.worldbank.org/en/country/cambodia/overview>, accessed 12 June 2018. Note that the indices vary in their assessments. See for comparison: Asian Development Bank. 2018. 'Asian Development Bank Member Fact Sheet. Cambodia'. April 2018. [online] Available at <https://www.adb.org/sites/default/files/publication/27757/cam-2017.pdf>, accessed 12 June 2018.

END NOTES

- 2018.
53. World Bank. 2017. 'Cambodia Economic Update. Cambodia climbing up the manufacturing value chains'. October 2017, p. 7. [online] Available at <http://documents.worldbank.org/curated/en/628341511277852360/pdf/121519-WP-PUBLIC-NOV21-7PM-October-2017-Cambodia-Economic-Update-Final.pdf>, accessed 12 June 2018.
54. Asian Development Bank. 2018. 'Asian Development Bank Member Fact Sheet. Cambodia'. April 2018. [online] Available at <https://www.adb.org/sites/default/files/publication/27757/cam-2017.pdf>, accessed 12 June 2018.
55. World Bank. 2018. 'Cambodia Economic Update. Recent economic developments and outlook'. April 2018, p. 33. [online] Available at <http://documents.worldbank.org/curated/en/740941525786311189/pdf/126030-WP-PUBLIC-may-10-9-am-cambodia-time-Cambodia-Economic-Update-V04.pdf>, accessed 12 June 2018.
56. Anon. 2018. 'EU threatens Cambodia with sanctions over election purge'. Reuters, 26 February 2018. [online] Available at <https://uk.reuters.com/article/uk-cambodia-election-eu/eu-threatens-cambodia-with-sanctions-over-election-purge-idUKKCN-1GA15A>, accessed 10 June 2018.
57. Kijewski, Leonie. 2018. 'UN report highlights escalation of tensions in Cambodia'. The Phnom Penh Post, 7 March 2018. [online] Available at <http://www.phnompenhpost.com/national/un-report-highlights-escalation-tensions-cambodia>, accessed 10 June 2018.
58. Anon. 2018. 'EU threatens Cambodia with sanctions over election purge'. Reuters, 26 February 2018. [online] Available at <https://uk.reuters.com/article/uk-cambodia-election-eu/eu-threatens-cambodia-with-sanctions-over-election-purge-idUKKCN-1GA15A>, accessed 10 June 2018.
59. Kelleher, Gavin. 2018. 'Why There Won't Be a Cambodian Spring This Election Year'. The Diplomat, 13 April 2018. [online] Available at <https://thediplomat.com/2018/04/why-there-wont-be-a-cambodian-spring-this-election-year/>, accessed 10 June 2018. See also: Thida, win. 2017. 'Experts fear Economic Impact of Political Tensions in Cambodia'. Voice of America Cambodia, 19 September 2017. [online] Available at <https://www.voacambodia.com/a/experts-fear-economic-impact-of-political-tensions-in-cambodia/4035316.html>, accessed 10 June 2018.
60. Wiriyapong, Nareerat. 2018. 'Cambodian tourism shrugs off turmoil'. Myanmar Times, 7 March 2018. [online] Available at <https://www.mmtimes.com/news/cambodian-tourism-shrugs-turmoil.html>, accessed 10 June 2018.
61. Cambodian League for the Promotion and Defense of Human Rights. 2014. '2014 brings a New Wave of Cambodian Land Conflicts'. 1 April 2014. [online] Available at <http://www.licadho-cambodia.org/pressrelease.php?perm=342>, accessed 12 June 2018.
62. Yee, Tan Hui. 2017. 'Land disputes cloud fast-developing Cambodia, Vietnam and Myanmar'. The Straits Times, 22 May 2017. [online] Available at <https://www.straitstimes.com/asia/se-asia/land-disputes-cloud-fast-developing-region>, accessed 12 June 2018.
63. Land and Housing Working Group, Cambodia. 2009. 'Land and Housing Rights in Cambodia. Parallel Report 2009'. April 2009. [online] Available at http://www2.ohchr.org/english/bodies/cescr/docs/ngos/CHRE_Cambodia_CESCR42.pdf, accessed 10 June 2018. See also: Cambodian Center for Human Rights. n.d. 'Cambodia Land Reform Project'. [online] Available at https://www.cchr-cambodia.org/admin/projects/file/LRP_Presentation_English_.pdf, accessed 12 June 2018.
64. Cambodian Center for Human Rights. 2016. 'Access to Collective Land Titles for Indigenous Communities in Cambodia'. February 2016. [online] Available at https://preylang.net/wp-content/uploads/2017/09/Access_to_Collective_Land_Titles_uk.pdf, accessed 20 June 2018.
65. Yee, Tan Hui. 2017. 'Land disputes cloud fast-developing Cambodia, Vietnam and Myanmar'. The Straits Times, 22 May 2017. [online] Available at <https://www.straitstimes.com/asia/se-asia/land-disputes-cloud-fast-developing-region>, accessed 12 June 2018. See also: Cambodian League for the Promotion and Defense of Human Rights. Cambodia's Concessions. [online] Available at http://www.licadho-cambodia.org/land_concessions/, accessed 12 June 2018.
66. Sovuthy, Khy. 2018. 'Disputes over land fall in 2017'. Khmer Times, 1 January 2018. [online] Available at <https://www.khmer-timeskh.com/5099139/disputes-land-fall-2017/>, accessed 12 June 2018.
67. United Nations General Assembly. 2018. 'Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights'. Report of the Secretary-General. A/HRC/37/64, Human Rights Council Thirty-seventh session, 2 February 2018, p. 7.
68. Cambodian Center for Human Rights. Cambodia Land Reform Project. [online] Available at https://www.cchrcambodia.org/admin/projects/file/LRP_Presentation_English_.pdf, accessed 12 June 2018.
69. United Nations General Assembly. 2012. 'Report of the Special Rapporteur on the situation of human rights in Cambodia, Surya P. Subedi. Addendum. A human rights analysis of economic and other land concessions in Cambodia'. A/HRC/21/63/Add.1/Rev.1, Human Rights Council Twenty-first session, 11 October 2012.
70. Human Rights Watch. 2017. 'Cambodia: Drop Charges Against Land Rights Defenders'. 14 July 2017. [online] Available at <https://www.hrw.org/news/2017/07/14/cambodia-drop-charges-against-land-rights-defenders>, accessed 12 June 2018.
71. Meta, Kong and Ananth Baliga. 2018. 'Questions remain after clash in Kratie'. The Phnom Penh Post, 12 March 2018. [online] Available at <https://www.phnompenhpost.com/national/questions-remain-after-clash-kratie>, accessed 12 June 2018.
72. United Nations Office of the High Commissioner for Human Rights. 2018. '“Cambodia at a crossroads”: UN expert calls on Government to choose path of human rights'. Phnom Penh, 14 March 2018. [online] Available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22820&LangID=E>, accessed 12 June 2018.
73. Chandler, David. 2008. A History of Cambodia. Fourth edition. Boulder: Westview Press ; Cook, Alistair D.B., and Lina Gong. 2011. 'Cambodia's Legacy and the Responsibility to Protect in Asia', Peace Review, 23(4), pp. 447-455.
74. Cook, Alistair D.B., and Lina Gong. 2011. 'Cambodia's Legacy and the Responsibility to Protect in Asia', Peace Review, 23(4), pp. 447-455.
75. Ibid.; See also Chandler, 2008, p. 279.
76. Cook, Alistair D.B., and Lina Gong. 2011. 'Cambodia's Legacy and the Responsibility to Protect in Asia', Peace Review, 23(4), pp. 447-455.
77. Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea. NS/RKM/1004/006, 27 October 2004. [online] Available at <https://www.eccc.gov.kh/>

END NOTES

- [sites/default/files/legal-documents/KR_Law_as_amended_27_Oct_2004_Eng.pdf](#), accessed 5 May 2018.
78. Ibid, Chapter III and V. See also: Ly, Ratana. 2017. 'Prosecuting the Khmer Rouge. Views from the Inside', in: Susanne Buckley-Zistel, Friederika Mieth and Marjana Papa. (eds.) After Nuremberg. Exploring Multiple Dimensions of the Acceptance of International Criminal Justice. Nuremberg: International Nuremberg Principles Academy, 2017, p. 4.
79. Sokha, Cheang and James O'Toole. 2010. 'Hun Sen to Ban Ki-moon: Case 002 last trial at ECCC'. The Phnom Penh Post, 27 October 2010. [online] Available at <https://www.phnompenhpost.com/national/hun-sen-ban-ki-moon-case-002-last-trial-eccc>, accessed 5 May 2018. See also: Ly, Ratana. 2017. 'Prosecuting the Khmer Rouge. Views from the Inside', in: Susanne Buckley-Zistel, Friederika Mieth and Marjana Papa. (eds.) After Nuremberg. Exploring Multiple Dimensions of the Acceptance of International Criminal Justice. Nuremberg: International Nuremberg Principles Academy, 2017, p. 6.
80. Cook, Alistair D.B., and Lina Gong. 2011. 'Cambodia's Legacy and the Responsibility to Protect in Asia', Peace Review, 23(4), pp. 447-455.
81. Ibid. See also United Nations International Covenant on Civil and Political Rights, Human Rights Committee. 2015. Concluding observations on the second periodic report of Cambodia. CCPR/C/KHM/CO/2, 27 April 2015, p. 6.
82. Cook, Alistair D.B., and Lina Gong. 2011. 'Cambodia's Legacy and the Responsibility to Protect in Asia', Peace Review, 23(4), pp. 447-455.
83. International Center for Transitional Justice. 2014. 'After Guilty Verdict in Khmer Rouge Tribunal, Broader Struggle for Accountability Continues in Cambodia'. 21 August 2014. [online] Available at <https://www.ictj.org/news/verdict-khmer-rouge-tribunal-struggle-accountability-cambodia>, accessed 5 May 2018.
84. Chandler, David. 2008. A History of Cambodia. Fourth edition. Boulder: Westview Press, 2008, p. 280. Chandler, 2008, p. 280.
85. Johnson, Constance. 2013. 'Cambodia: Criminalizing Denial of Atrocities'. The Law Library of Congress, 12 June 2013. [online] Available at <http://www.loc.gov/law/foreign-news/article/cambodia-criminalizing-denial-of-atrocities/>, accessed 5 May 2018.
86. International Criminal Court. n.d. 'States Parties to the Rome Statute. Cambodia'. [online] Available at https://asp.icc-cpi.int/en_menus/asp/states%20parties/asian%20states/Pages/Cambodia.aspx, accessed 5 May 2018
87. Asia-Pacific Centre for the Responsibility to Protect. 2015. 'His Excellency Samdech Hun Sen: Key Note Address at the International Conference on the Responsibility to Protect at 10'. Brisbane, 26 February 2015. [online] Available at <https://r2pasiapacific.org/article/2016/05/his-excellency-samdech-hun-sen-key-note-address-international-conference>, accessed 6 May 2018. See also: Sovachana, Pou. 2015. 'Cambodia can lead on R2P'. The Phnom Penh Post, 3 March 2015. [online] Available at <https://www.phnompenhpost.com/opinion/cambodia-can-lead-r2p>, accessed 6 May 2018.
88. Cook, Alistair D.B., and Lina Gong. 2011. 'Cambodia's Legacy and the Responsibility to Protect in Asia', Peace Review, 23(4), pp. 447-455.
89. See Ly, Ratana. 2017. 'Prosecuting the Khmer Rouge. Views from the Inside', in: Susanne Buckley-Zistel, Friederika Mieth and Marjana Papa (eds.) After Nuremberg. Exploring Multiple Dimensions of the Acceptance of International Criminal Justice. Nuremberg: International Nuremberg Principles Academy, 2017, p. 4.
90. Note that the indicator includes the potential violation of Humanitarian Law which, as there is no international or non-international conflict existent, shall be of no relevance here.
91. Office of the United Nations High Commissioner for Human Rights in Cambodia. 2017. A Human Rights Analysis of the Amended Law on Political Parties (2017). 28 March 2017, p. 7.
92. Ibid., p. 2.
93. Ibid.
94. Ibid., p. 7.
95. Ibid., pp. 2-3. See also: United Nations Office of the High Commissioner for Human Rights. 2018. "'Cambodia at a crossroads': UN expert calls on Government to choose path of human rights'. Phnom Penh, 14 March 2018. [online] Available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22820&LangID=E>, accessed 12 June 2018.
96. Cambodian Center for Human Rights. 2014. 'Applicability of International Human Rights Law in Cambodia'. CCHR Rule of Law Series. Special Edition, Volume 9. January 2014, p. 9. [online] Available at https://cchrcambodia.org/admin/media/factsheet/factsheet/english/2014_01_09_CCHR_Fact_sheet_Applicability_of_international_law_in_Cambodia_ENG.pdf, accessed 30 May 2018.
97. United Nations Office of the High Commissioner for Human Rights. 2017. 'Special Rapporteur on the situation of Human Rights in Cambodia'. Interactive Dialogue with the Human Rights Council, 27 September 2017. Initial statement. 27 September 2017. [online] Available at <http://cambodia.ohchr.org/sites/default/files/Rhona%20Smith%20Statement%20HRC36%2027%20September%202017%20-%20FINAL.pdf>, accessed 16 June 2018.
98. United Nations Office of the High Commissioner for Human Rights. 2018. 'End of mission statement by United Nations Special Rapporteur on the situation of human rights in Cambodia', Professor Rhona Smith. Phnom Penh, 14 March 2018. [online] Available at <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22819&LangID=E>, accessed 18 June 2018.
99. United Nations General Assembly. 2017. 'Report of the Special Rapporteur on the situation of human rights in Cambodia'. A/HRC/36/61, Human Rights Council Thirty-sixth session, 27 July 2017, p. 7.
100. Ibid.
101. United Nations Office of the High Commissioner for Human Rights. 2018. 'Press briefing note on Yemen, Cambodia, Cuba, Nicaragua and Montenegro'. Geneva, 11 May 2018. [online] Available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23071&LangID=E>, accessed 30 May 2018. See also: Anon. 2018. 'U.N. urges Cambodia to free opposition leader, calls detention "arbitrary"'. Reuters, 9 May 2018. [online] Available at <https://www.reuters.com/article/us-cambodia-politics-un/un-urges-cambodia-to-free-opposition-leader-calls-detention-arbitrary-idUSKBN1A18V>, accessed 30 May 2018.
102. Human Rights Watch. 2017. 'World Report 2017: Cambodia. Events of 2016', January 2017. [online] Available at <https://www.hrw.org/world-report/2017/country-chapters/cambodia>, accessed 28 May 2018.
103. Anon. 2018. 'UN Seeks Details on Land Shooting as Cambodia Silences Witness. Radio Free Asia, 9 March 2018. [online] Available at <https://www.rfa.org/english/news/cambodia/shooting-03092018154857.html>, accessed 30 May 2018.

END NOTES

104. Royal Kingdom of Cambodia, Ministry of Foreign Affairs & International Cooperation. 2017. Cambodia, Democracy and Human Rights: To tell the truth. Phnom Penh, April 2017, p. 10.
105. Royal Kingdom of Cambodia, Ministry of Foreign Affairs & International Cooperation. 2018. Cambodia, Stability and Development First. To Tell The Truth. Version 2. Phnom Penh, February 2018, p. 6.
106. Ibid., p. 7.
107. Kijewski, Leonie. 2017. 'UN urges government to protect rights'. The Phnom Penh Post, 12 September 2017. [online] Available at <https://www.phnompenhpost.com/national/un-urges-government-protect-rights>, accessed 30 May 2018.
108. See for example Sokhean, Ben. 2018. "'Colour revolution seriously failed': Hun Sen praises Cambodia's political crackdown in Khmer New Year message". The Phnom Penh Post, 10 April 2018. [online] Available at <https://www.phnompenhpost.com/national-politics/colour-revolution-seriously-failed-hun-sen-praises-cambodias-political-crackdown>, accessed 30 May 2018.
109. Royal Kingdom of Cambodia, Ministry of Foreign Affairs & International Cooperation. 2017. Cambodia, Democracy and Human Rights: To tell the truth. Phnom Penh, April 2017, pp. 3-4.
110. Royal Kingdom of Cambodia, Ministry of Foreign Affairs & International Cooperation. 2018. Cambodia, Stability and Development First. To Tell The Truth. Version 2. Phnom Penh, February 2018, p. 11.
111. Ibid., pp. 8-9.
112. Ibid., pp. 8-11.
113. Royal Kingdom of Cambodia, Ministry of Foreign Affairs & International Cooperation. 2017. Cambodia, Democracy and Human Rights: To tell the truth. Phnom Penh, April 2017, p. 6.
114. Royal Kingdom of Cambodia, Ministry of Foreign Affairs & International Cooperation. 2018. Cambodia, Stability and Development First. To Tell The Truth. Version 2. Phnom Penh, February 2018, p. 11.
115. Royal Kingdom of Cambodia, Ministry of Foreign Affairs & International Cooperation. 2017. Cambodia, Democracy and Human Rights: To tell the truth. Phnom Penh, April 2017, p. 7.
116. Royal Kingdom of Cambodia, Ministry of Foreign Affairs & International Cooperation. 2018. Cambodia, Stability and Development First. To Tell The Truth. Version 2. Phnom Penh, February 2018, p. 11.
117. Royal Kingdom of Cambodia, Ministry of Foreign Affairs & International Cooperation. 2017. Cambodia, Democracy and Human Rights: To tell the truth. Phnom Penh, April 2017, p. 5.
118. Ibid., p. 4.
119. Human Rights Watch. 2018. 'World Report 2018: Cambodia. Events of 2017', January 2018. [online] Available at <https://www.hrw.org/world-report/2018/country-chapters/cambodia>, accessed 9 June 2018.
120. Tithara, May. 2017. 'King urges people to vote without fear'. Khmer Times, 21 March 2017. [online] Available at <http://www.khmertimeskh.com/news/36701/king-urges-people-to-vote-without-fear/>, accessed 30 May 2018.
121. United Nations General Assembly. 2018. 'Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights'. Report of the Secretary-General. A/HRC/37/64, Human Rights Council Thirty-seventh session, 2 February 2018, pp. 4-5.
122. Ibid., p. 6.
123. Constitution of the Kingdom of Cambodia. 21 September 1993. [online] Available at <http://pressocm.gov.kh/en/archives/9539>, accessed 6 June 2018.
124. Agreement on a Comprehensive Political Settlement of the Cambodia Conflict and Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia. United Nations Treaty Series No. 111 (1991). Paris, 23 October 1991. [online] Available at <http://treaties.fco.gov.uk/docs/pdf/1991/TS0111.pdf>, accessed 6 June 2018.
125. See all treaties Cambodia is a party to: Cambodian Center for Human Rights. 2014. 'Applicability of International Human Rights Law in Cambodia'. CCHR Rule of Law Series. Special Edition, Volume 9. January 2014, pp. 1-2. [online] Available at https://cchrcambodia.org/admin/media/factsheet/factsheet/english/2014_01_09_CCHR_Fact_sheet_Applicability_of_international_law_in_Cambodia_ENG.pdf, accessed 30 May 2018.
126. Association of Southeast Asian Nations (ASEAN), ASEAN Human Rights Declaration, 18 November 2012. [online] Available at <http://asean.org/asean-human-rights-declaration/>, accessed 30 May 2018.
127. Bora, Meas. 2010. 'International Human Rights Law in Cambodia', In: Cambodian Society of Comparative Law, Cambodian Yearbook of Comparative Legal Studies. Volume 1. Phnom Penh: IL Virtue Unions, March 2010, pp. 129-146.
128. Human Rights Watch. 2015. 'World Report 2015: Cambodia. Events of 2014', January 2015. [online] Available at <https://www.hrw.org/world-report/2015/country-chapters/cambodia>, accessed 29 May 2018.
129. See for example: United Nations General Assembly. 2017. 'Report of the Special Rapporteur on the situation of human rights in Cambodia'. A/HRC/36/61, Human Rights Council Thirty-sixth session, 27 July 2017, p. 7.
130. Hunt, Luke. 2015. 'Cambodia's Well-Heeled Military Patrons'. The Diplomat, 10 August 2015. [online] Available at <https://thediplomat.com/2015/08/cambodias-well-heeled-military-patrons/>, accessed 29 May 2018. See also Soenthrith, Saing and Julia Wallace. 2010. 'Military, Business Chiefs To Attend Bonding Event'. The Cambodia Daily, 24 February 2010. [online] Available at <https://www.cambodiadaily.com/news/military-business-chiefs-to-attend-bonding-event-93465/>, accessed 29 May 2018.
131. Hunt, Luke. 2015. 'Cambodia's Well-Heeled Military Patrons'. The Diplomat, 10 August 2015. [online] Available at <https://thediplomat.com/2015/08/cambodias-well-heeled-military-patrons/>, accessed 29 May 2018.
132. Dara, Mech. 2017. 'Military will support the CPP: commander'. The Phnom Penh Post, 1 June 2017. [online] Available at <https://www.phnompenhpost.com/national/military-will-support-cpp-commander>, accessed 29 May 2018.
133. Cambodian Center for Human Rights. 2014. 'Applicability of International Human Rights Law in Cambodia'. CCHR Rule of Law Series. Special Edition, vol. 9. January 2014, p. 11. [online] Available at https://cchrcambodia.org/admin/media/factsheet/factsheet/english/2014_01_09_CCHR_Fact_sheet_Applicability_of_international_law_in_Cambodia_ENG.pdf, accessed 30 May 2018.
134. Sovuthy, Khy and Alex Willemyns. 2015. 'Officials Reject Claim That Army Belongs to CPP'. The Cambodia Daily, 31 July 2015. [online] Available at <https://www.cambodiadaily.com/news/officials-reject-claim-that-army-belongs-to-cpp-90200/>, accessed 30

END NOTES

May 2018.

135. Cambodian Center for Human Rights. 2016. 'Democracy Under Threat 2016: Fulfilling the Promise of the Paris Agreements, 25 Years On'. CCHR Briefing Note, Phnom Penh, September 2016, p. 11. [online] Available at https://cchrcambodia.org/admin/media/analysis/analysis/english/CCHR%20Briefing%20Note%20-%20Democracy%20Under%20Threat%202016_ENG.pdf, accessed 9 June 2018.

136. Sovuthy, Khy and Alex Willemyns. 2015. 'Officials Reject Claim That Army Belongs to CPP'. The Cambodia Daily, 31 July 2015. [online] Available at <https://www.cambodiadaily.com/news/officials-reject-claim-that-army-belongs-to-cpp-90200/>, accessed 30 May 2018.

137. Rathavong, Ven. 2016. 'UN Agency to Assist With Human Rights'. Khmer Times, 5 October 2016. [online] Available at <https://www.khmertimeskh.com/news/30398/un-agency-to-assist-with-human-rights/>, accessed 17 May 2018.

138. Sokha, Touch. 2017. 'Government deflects blame over lack of human rights committee'. The Phnom Penh Post, 24 May 2017. [online] Available at <https://www.phnompenhpost.com/national/government-deflects-blame-over-lack-human-rights-committee>, accessed 17 May 2018.

139. Un, Kheang. 2009. 'The Judicial System and Democratization in Post-Conflict Cambodia', In Oejendal, Joakim and Mona Lilja (eds.) Beyond Democracy in Cambodia. Political Reconstruction in a Post-Conflict Society. Copenhagen: NIAS Press, pp. 70-100.

140. Ibid.

141. United Nations General Assembly. 2017. 'Report of the Special Rapporteur on the situation of human rights in Cambodia'. A/HRC/36/61, Human Rights Council Thirty-sixth session, 27 July 2017, p. p. 14.

142. United Nations General Assembly. 2018. 'Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights'. Report of the Secretary-General. A/HRC/37/64, Human Rights Council Thirty-seventh session, 2 February 2018, pp. 4-5.

143. Cambodian Center for Human Rights. 2014. 'Applicability of International Human Rights Law in Cambodia'. CCHR Rule of Law Series. Special Edition, Volume 9. January 2014, p. 10. [online] Available at https://cchrcambodia.org/admin/media/factsheet/factsheet/english/2014_01_09_CCHR_Fact_sheet_Applicability_of_international_law_in_Cambodia_ENG.pdf, accessed 30 May 2018. See also: Amnesty International. 2017. 'Courts of Injustice. Suppressing activism through the criminal justice system in Cambodia'. 30 May 2017, p. 4. [online] Available at <https://www.amnesty.org/download/Documents/ASA2360592017ENGLISH.PDF>, accessed 30 May 2018.

144. Reaksmey, Hul and Lauren Crothers. 2014. 'UN Expert Calls on King to Block Judicial Laws'. The Cambodia Daily, 16 July 2014. [online] Available at www.cambodiadaily.com/archives/un-expert-calls-on-king-to-block-judicial-laws-64167/, accessed 30 May 2018.

145. Amnesty International. 2017. 'Courts of Injustice. Suppressing activism through the criminal justice system in Cambodia'. 30 May 2017, p. 4. [online] Available at <https://www.amnesty.org/download/Documents/ASA2360592017ENGLISH.PDF>, accessed 30 May 2018.

146. International Bar Association. 2015. 'Justice versus corruption: Challenges to the independence of the judiciary in Cambodia'. 17 September 2015. [online] Available at www.ibanet.org/Article/Detail.aspx?ArticleUid=fb11e885-5f1d-4c03-9c55-86ff42157ae1, accessed 30 May 2018.

147. Maza, Cristina. 2016. 'Cambodia worst in region for rule of law: report'. The Phnom Penh Post, 20 October 2016. [online] Available at <https://www.phnompenhpost.com/national/cambodia-worst-region-rule-law-report>, accessed 30 May 2018.

148. Amnesty International. 2018. 'Cambodia: Ongoing crackdowns on the political opposition, civil society and independent media must be addressed by the UN Human Rights Council'. 16 February 2018. [online] Available at <https://www.amnesty.org/download/Documents/ASA2379092018ENGLISH.pdf>, accessed 29 May 2018.

149. Rahman, Kaunain. 2018. 'Cambodia: Overview of corruption and anti-corruption'. Transparency International, 31 October 2016. [online] Available at <https://knowledgehub.transparency.org/helpdesk/cambodia-overview-of-corruption-and-anti-corruption>, accessed 30 May 2018.

150. Broadhurst, Roderic and Thierry and Brigitte Bouhours. 2015. Violence and the Civilising Process in Cambodia. Cambridge: Cambridge University Press, p. 260.

151. Rahman, Kaunain. 2018. 'Cambodia: Overview of corruption and anti-corruption'. Transparency International, 31 October 2016. [online] Available at <https://knowledgehub.transparency.org/helpdesk/cambodia-overview-of-corruption-and-anti-corruption>, accessed 30 May 2018.

152. Ibid. See also Rodan, Garry and Caroline Hughes. 2012. 'Ideological Coalitions and the International Promotion of Social Accountability: The Philippines and Cambodia Compared'. International Studies Quarterly, vol. 56, 2012, p. 375.

153. Rahman, Kaunain. 2018. 'Cambodia: Overview of corruption and anti-corruption'. Transparency International, 31 October 2016. [online] Available at <https://knowledgehub.transparency.org/helpdesk/cambodia-overview-of-corruption-and-anti-corruption>, accessed 30 May 2018.

154. Sokhean, Ben. 2016. 'Ruling CPP fields candidates from armed forces, police for elections'. The Phnom Penh Post, 22 May 2018. [online] Available at <https://www.phnompenhpost.com/national/ruling-cpp-fields-candidates-armed-forces-police-elections>, accessed 30 May 2018.

155. Rahman, Kaunain. 2018. 'Cambodia: Overview of corruption and anti-corruption'. Transparency International, 31 October 2016. [online] Available at <https://knowledgehub.transparency.org/helpdesk/cambodia-overview-of-corruption-and-anti-corruption>, accessed 30 May 2018.

156. Ibid.

157. Narim, Khuon. 2018. 'Prime Minister vows to rule the country for 10 more years'. Khmer Times, 5 June 2018. [online] Available at <https://www.khmertimeskh.com/50497247/prime-minister-vows-to-rule-the-country-for-10-more-years/>, accessed 12 June 2018.

158. Sokchea, Meas and Andrew Nachemson. 2017. 'Opposition name smeared by ruling party'. The Phnom penh Post, 29 June

END NOTES

2017. [online] Available at <https://www.phnompenhpost.com/national/opposition-name-smeared-ruling-party>, accessed 12 June 2018.
159. Hunt, Luke. Cambodia's Well-Heeled Military Patrons. The Diplomat, 10 August 2015. [online] Available at <https://thediplomat.com/2015/08/cambodias-well-heeled-military-patrons/>, accessed 29 May 2018
160. Ibid.
161. Chhengpor, Aun. 2018. 'Cambodia-China Joint Army Drill Kicks Off, As US Military Relations Cool'. Voice of America Cambodia, 17 March 2018. [online] Available at <https://www.voacambodia.com/a/cambodia-china-joint-army-drill-kicks-off-as-us-military-relations-cool/4302302.html>, accessed 12 June 2018.
162. Parameswaran, Prashanth. 2018. 'What Does Hun Sen's New Cambodia Military Aid Boast Really Mean?' The Diplomat, 2 March 2018. [online] Available at <https://thediplomat.com/2018/03/what-does-hun-sens-new-cambodia-military-aid-boast-really-mean/>, accessed 12 June 2018.
163. Rathavong, Ven. 2018. 'Weapon shipment arrives in kingdom amid US aid cuts'. Khmer Times, 1 March 2018. [online] Available at <https://www.khmertimeskh.com/50111144/weapon-shipment-arrives-kingdom-amid-us-aid-cuts/>, accessed 12 June 2018.
164. Chhengpor, Aun. 2018. 'Cambodia-China Joint Army Drill Kicks Off, As US Military Relations Cool'. Voice of America Cambodia, 17 March 2018. [online] Available at <https://www.voacambodia.com/a/cambodia-china-joint-army-drill-kicks-off-as-us-military-relations-cool/4302302.html>, accessed 12 June 2018.
165. Parameswaran, Prashanth. 2018. 'What Will the Next China-Cambodia Military Exercise Look Like?' The Diplomat, 26 January 2018. [online] Available at <https://thediplomat.com/2018/01/what-will-the-next-china-cambodia-military-exercise-look-like/>, accessed 12 June 2018; Parameswaran, Prashanth. 2017. 'Who Loses When Cambodia Cuts US Military Drills?' The Diplomat, 10 February 2017. [online] Available at <https://thediplomat.com/2017/02/who-loses-when-cambodia-cuts-us-military-drills/>, accessed 12 June 2018.
166. Ibid.
167. United Nations General Assembly. 2017. 'Report of the Special Rapporteur on the situation of human rights in Cambodia'. A/HRC/36/61, Human Rights Council Thirty-sixth session, 27 July 2017, p. 8.
168. United Nations Committee on the Elimination of Discrimination Against Women (CEDAW). Concluding observations on the combined 4th and 5th periodic reports of Cambodia. CEDAW/C/KHM/CO/4-5, 29 October 2013, p. 7. See also: Australian Government, Department of Foreign Affairs and Trade. n.d. Development assistance in Cambodia. Inclusive participation and governance in Cambodia. [online] Available at <http://dfat.gov.au/geo/cambodia/development-assistance/Pages/law-justice-violence-against-women-assistance-cambodia.aspx>, accessed 1 June 2018.
169. Human Rights Watch. 2018. 'Cambodia: Reject Draft Amendments to the Constitution and Criminal Code'. Joint CSO Statement on Legislative Assault on Rights. 21 February 2018. [online] Available at <https://www.hrw.org/news/2018/02/21/cambodia-reject-draft-amendments-constitution-and-criminal-code>, accessed 1 June 2018.
170. United Nations Office of the High Commissioner for Human Rights (UNOHCHR), n.d. Late and non-reporting States, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/LateReporting.aspx.
171. United Nations General Assembly. 2018. 'Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights'. Report of the Secretary-General. A/HRC/37/64, Human Rights Council Thirty-seventh session, 2 February 2018, p. 8.
172. Naren, Kuch. 2015. 'Parties Agree to Code of Conduct for "Culture of Dialogue"'. The Cambodia Daily, 9 May 2015. [online] Available at <https://www.cambodiadaily.com/news/parties-agree-to-code-of-conduct-for-culture-of-dialogue-83445/>, accessed 1 June 2018.
173. Anon. 2016. 'Cambodia Moves Farther Away From Culture of Dialogue'. Radio Free Asia, 22 June 2016. [online] Available at <https://www.rfa.org/english/news/cambodia/cambodia-moves-farther-away-from-culture-of-dialogue-06222016145116.html>, accessed 1 June 2018.
174. Royal Kingdom of Cambodia, Ministry of Foreign Affairs & International Cooperation. 2018. Cambodia, Stability and Development First. To Tell The Truth. Version 2. Phnom Penh, February 2018, p. 4.
175. United Nations Secretary-General. Statement attributable to the Spokesman for the Secretary-General on Cambodia, New York, 17 November 2015. [online] Available at <https://www.un.org/sg/en/content/sg/statement/2015-11-17/statement-attributable-spokesman-secretary-general-cambodia>, accessed 1 June 2018.
176. Kijewski, Leonie. 2018. 'Cambodia, states clash at UN session'. The Phnom Penh Post, 23 March 2018. [online] Available at <https://www.phnompenhpost.com/national/cambodia-states-clash-un-session>, accessed 1 June 2018. See also the oral statement by the Cambodian representative: Ney, Samol. Oral Statement (Point of Order). Item: 10 General Debate. 52nd Meeting, 37th Regular Session Human Rights Council. 22 March 2018. [online] Available at <http://webtv.un.org/search/item10-general-debate-52nd-meeting-37th-regular-session-human-rights-council/5756929794001/?term=52nd%20meeting&sort=date>, accessed 1 June 2018.
177. Khemara, Sok and Say Mony. 2017. 'UN General Assembly Urged to Review Cambodia Membership'. Voice of America Cambodia, 22 December 2017. [online] Available at <https://www.voacambodia.com/a/un-general-assembly-urged-to-review-cambodia-membership/4173626.html>, accessed 1 June 2018.
178. See: High-Level Advisory Panel on the Responsibility to Protect in Southeast Asia. 2014. Mainstreaming the Responsibility to Protect in Southeast Asia: Pathway Towards a Caring ASEAN Community. New York, 9 September 2014, p. 13.
179. Asia-Pacific Centre for the Responsibility to Protect. 2017. 'Spotlight on R2P. High Level Advisory Panel on the Responsibility to Protect Public Seminars in Southeast Asian Capitals.' Issue 41. Brisbane, August 2017. [online] Available at <https://r2pasiapacific.org/filething/get/6327/Spotlight%20HLAP%20FINAL%20AUGUST%202017%20Issue%2041.pdf>, accessed 3 June 2018.
180. Sokhean, Ben and Mech Dara. 2018. "'Thousands of tonnes' of weapons imported: PM.. The Phnom Penh Post, 1 March 2018. [online] Available at <https://www.phnompenhpost.com/national/thousands-tonnes-weapons-imported-pm>, accessed 1 June 2018.
181. Parameswaran, Prashanth. 2018. 'What Does Hun Sen's New Cambodia Military Aid Boast Really Mean?' The Diplomat, 2

END NOTES

- March 2018. [online] Available at <https://thedi diplomat.com/2018/03/what-does-hun-sens-new-cambodia-military-aid-boast-really-mean/>, accessed 12 June 2018.
182. Chhengpor, Aun. 2018. 'Cambodia-China Joint Army Drill Kicks Off, As US Military Relations Cool'. Voice of America Cambodia, 17 March 2018. [online] Available at <https://www.voacambodia.com/a/cambodia-china-joint-army-drill-kicks-off-as-us-military-relations-cool/4302302.html>, accessed 12 June 2018.
183. Cambodian League for the Promotion and Defense of Human Rights. 2016. New Law on Telecommunications: A Legislative Attack on Individuals' Rights and Freedoms. 31 March 2016. [online] Available at <http://www.licadho-cambodia.org/pressrelease.php?perm=401>, accessed 12 June 2018.
184. Freedom House. 2017. 'Freedom of the Press 2017. Cambodia Profile'. [online] Available at <https://freedomhouse.org/report/freedom-press/2017/cambodia>, accessed 30 May 2018.
185. See United Nations General Assembly. 2017. 'Report of the Special Rapporteur on the situation of human rights in Cambodia'. A/HRC/36/61, Human Rights Council Thirty-sixth session, 27 July 2017 ; United Nations Office of the High Commissioner for Human Rights. 2017. 'Special Rapporteur on the situation of Human Rights in Cambodia'. Interactive Dialogue with the Human Rights Council, 27 September 2017. Initial statement. 27 September 2017. [online] Available at <http://cambodia.ohchr.org/sites/default/files/Rhona%20Smith%20Statement%20HRC36%2027%20September%202017%20-%20FINAL.pdf>, accessed 16 June 2018.
186. United Nations Office of the High Commissioner for Human Rights. 2017. 'Special Rapporteur on the situation of Human Rights in Cambodia'. Interactive Dialogue with the Human Rights Council, 27 September 2017. Initial statement. 27 September 2017. [online] Available at <http://cambodia.ohchr.org/sites/default/files/Rhona%20Smith%20Statement%20HRC36%2027%20September%202017%20-%20FINAL.pdf>, accessed 16 June 2018.
187. Naren, Kuch. 2015. 'Parties Agree to Code of Conduct for "Culture of Dialogue"'. The Cambodia Daily, 9 May 2015. [online] Available at <https://www.cambodiadaily.com/news/parties-agree-to-code-of-conduct-for-culture-of-dialogue-83445/>, accessed 9 June 2018.
188. <https://www.hrw.org/world-report/2018/country-chapters/cambodia>
189. Human Rights Watch. 2018. 'World Report 2018: Cambodia. Events of 2017', January 2018. [online] Available at <https://www.hrw.org/world-report/2018/country-chapters/cambodia>, accessed 9 June 2018.
190. Naren, Kuch. 2015. 'Parties Agree to Code of Conduct for "Culture of Dialogue"'. The Cambodia Daily, 9 May 2015. [online] Available at <https://www.cambodiadaily.com/news/parties-agree-to-code-of-conduct-for-culture-of-dialogue-83445/>, accessed 9 June 2018.
191. Rahman, Kaunain. 2018. 'Cambodia: Overview of corruption and anti-corruption'. Transparency International, 31 October 2016. [online] Available at <https://knowledgehub.transparency.org/helpdesk/cambodia-overview-of-corruption-and-anti-corruption>, accessed 30 May 2018.
192. United Nations Secretary-General. 2015. 'Statement attributable to the Spokesman for the Secretary-General on Cambodia', New York, 17 November 2015. [online] Available at <https://www.un.org/sg/en/content/sg/statement/2015-11-17/statement-attributable-spokesman-secretary-general-cambodia>, accessed 1 June 2018.
193. United Nations Office of the High Commissioner for Human Rights. 2018. "'Cambodia at a crossroads": UN expert calls on Government to choose path of human rights'. Phnom Penh, 14 March 2018. [online] Available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22820&LangID=E>, accessed 12 June 2018.
194. Constitution of the Kingdom of Cambodia. 21 September 1993, Article 1. [online] Available at <http://pressocm.gov.kh/en/archives/9539>, accessed 6 June 2018.
195. Anon. 2018. 'Former CNRP Chief Says His Party Will Replicate Malaysia's Opposition Victory in Cambodia'. Radio Free Asia, 11 May 2018. [online] Available at <https://www.rfa.org/english/news/cambodia/malaysia-05112018162630.html>, accessed 6 June 2018.
196. Cambodian Center for Human Rights. 2016. 'Democracy Under Threat 2016: Fulfilling the Promise of the Paris Agreements, 25 Years On'. CCHR Briefing Note, Phnom Penh, September 2016, p. 12. [online] Available at https://cchrcambodia.org/admin/media/analysis/analysis/english/CCHR%20Briefing%20Note%20-%20Democracy%20Under%20Threat%202016_ENG.pdf, accessed 9 June 2018.
197. Human Rights Watch. 2017. 'Cambodia: Commune Elections Not Free or Fair'. 12 June 2017. [online] Available at <https://www.hrw.org/news/2017/06/12/cambodia-commune-elections-not-free-or-fair>, accessed 10 June 2018.
198. Kelleher, Gavin. 2018. 'Why There Won't Be a Cambodian Spring This Election Year'. The Diplomat, 13 April 2018. [online] Available at <https://thedi diplomat.com/2018/04/why-there-wont-be-a-cambodian-spring-this-election-year/>, accessed 10 June 2018.
199. See for example: Norén-Nilsson, Astrid. 2018. 'Cambodia drifts towards autocracy'. East Asia Forum, 4 February 2018. [online] Available at <http://www.eastasiaforum.org/2018/02/04/cambodia-drifts-towards-autocracy/>, accessed 10 June 2018.
200. Sony, Ouch and Hannah Hawkins. 2017. 'High Turnout'. The Cambodia Daily, 5 June 2017. [online] Available at <https://www.cambodiadaily.com/news/high-turnout-130976/>, accessed 10 June 2018.
201. Nachemson, Andrew and Yon Sineat. 2018. "'Middle way", outside shot: GDP members see victory in July election as a possibility'. The Phnom Penh Post, 7 May 2018. [online] Available at <https://www.phnompenhpost.com/national-post-depth-politics/middle-way-outside-shot-gdp-members-see-victory-july-election>, accessed 11 June 2018.
202. Dara, Mech. 2018. 'Nicfec opts not to observe, citing fears of volunteers, election watchdog will not field monitors'. The Phnom Penh Post, 17 May 2018. [online] Available at <https://www.phnompenhpost.com/national/nicfec-opts-not-observe-citing-fears-volunteers-election-watchdog-will-not-field-monitors>, accessed 11 June 2018.
203. United Nations Office of the High Commissioner for Human Rights. 2018. 'Cambodia: UN expert urges Government embrace final opportunity for "genuine" election'. Geneva, 30 April 2018. [online] Available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23009&LangID=E>, accessed 11 June 2018.
204. Look at the legal definitions of the three respective crimes under International Criminal Law: UN General Assembly, Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998.

