

Cambodia- Low Risk -Situation to watch

The deteriorating political situation surrounding the July 2018 in Cambodia increased the risk of violence, including atrocity crimes, from low to moderate. Although the election was neither free nor fair, it was largely peaceful and the country has remained calm, reducing the risk of atrocity crimes back to low.

Concerned about its loss of public support, the government adopted a host of measures to ensure its victory in an election that was neither free nor fair – storing up potential trouble for the future. In particular, the government: (1) banned the principal opposition party, the Cambodia National Rescue Party (CNRP), and the imprisoned opposition leader, Kem Sokha; (2) intimidated and sometimes closed independent media outlets, both news agencies and radio stations, and civil society groups; (3) restricted freedom of speech by passing a ‘lèse Majesteté law’¹ and changing Cambodia’s constitution; making it illegal and punishable, with up to five years imprisonment, to insult the king or the government. These were a direct challenge to the country’s democratic process and to uphold Human Rights. Moreover, Cambodia can become indicted by the International Criminal Court (ICC), as they have signed the Rome Statute. The Cambodian government can, therefore, be prosecuted in the case of any atrocity crimes committed within the nation.

Particularly concerning has been the increase in the use of hate speech and threats by the government and directed towards the opposition and some groups of foreigners. Prime Minister Hun Sen, from the Cambodians Peoples Party (CPP), has for example used provocative language by calling Australian protesters “dogs” and threatening to “beat” them.² Hun Sen warned of a civil war if he lost power,³ a threat made real by his claim to have purchased new weapons stocks from China.⁴ A ruling party spokesman warned that the army would not stay neutral in the election and that it would side with the government if violent clashes ensue over 2018 election results.

The international community responded by trying to persuade the government to change and putting pressure on it to do so. The US reduced its aid programs, and the EU threatened to do the same. Both the EU and the US refused to provide funds or monitors for the election as both judged there to be no chance of it being free or fair.⁵ UN Human Rights experts expressed concern about the situation.⁶ A 2018 UN Human Rights report expressed concern about the intimidation of opposition supporters and civil society organizations.⁷

¹ Niem Chhang and Andrew Nachemson. “Lèse majesté law now in effect”. Phnom Penh Post, 5 March 2018.

² Ben Sokhean. “PM walks back threat to ‘beat’ Australia protesters, while calling them ‘dogs’” Phnom Penh Post, 28 February 2018. From <http://www.phnompenhpost.com/national/pm-walks-back-threat-beat-australia-protesters-while-calling-them-dogs>, accessed on 5 March 2018.

³ Michael Peel and Jamil Anderlini, “Cambodia’s Hun Sen warns of ‘civil war’ as election looms,” The Financial Times online, 1 June 2017, from <https://www.ft.com/content/3894454c-4681-11e7-8519-9f94ee97d996>, accessed on 25 July 2017.

⁴ Ben Sokhean. “‘Thousands of tonnes’ of weapons imported: PM” Phnom Penh Post, 1 March 2018.

⁵ BBC. “US cuts Cambodia aid over democracy concerns”. 27 February 2018.

⁶ United Nations Human Rights, office of the high commission. 20 February 2018.

⁷ Erin Handley “Cambodian ambassador to UN criticises human rights report”. Phnom Penh Post.09 March 2018.

By and large, protests have remained peaceful but some protests over land disputes, such as a conflict in Kratie in March 2018, have turned violent, with security officials opening fire on the protesters, allegedly killing two and hurting multiple individuals. The government denied that anyone was killed and blocked access to UN Human Rights officials.⁸

Recommendations:

The Government of Cambodia should:

1. Take steps to prevent incitement and hate speech. In particular, it should immediately end the use of incendiary language and threatens that inhibit the likelihood of free and fair elections and risk escalating tensions.
2. Ensure that those responsible for political violence and other acts of violence are held accountable for their actions and ensure that there is no impunity.
3. Take steps to ensure the more consistent application of international human rights law in domestic settings.
4. Implement, in full, the measures proposed by Prime Minister Hun Sen in his 2015 speech on the Responsibility to Protect.
5. Work with partners, including civil society, to develop a national action plan that would address atrocity crime risk factors in order to prevent potential future atrocities.

The international community should:

1. Underline to the government of Cambodia the importance of fulfilling its international human rights obligations, including those related to freedom of speech and the media, and consider the application of targeted economic measures against those responsible for violations.
2. Review development partnerships to ensure that they do not exacerbate the risks of violence or human rights abuse and, wherever possible, help build national resilience to the threat of atrocity crimes.

From <http://www.phnompenhpost.com/national/cambodian-ambassador-un-criticises-human-rights-report>, accessed on 13 March 2018.

⁸ Kong Meta and Ananth Baliga “Questions remain after clash in Kratie” Phnom Penh Post. 12 March 2018.

From <http://www.phnompenhpost.com/national/questions-remain-after-clash-kratie>, accessed on 13 March 2018.