



UNIVERSAL PERIODIC REVIEW
SUBMISSION FOR THE KINGDOM OF
CAMBODIA

NGO Submission

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Prepared and submitted by:
The Human Rights Foundation
Center for Law and Democracy

Human Rights Foundation
350 Fifth Avenue, Suite 4202
New York, NY 10118
www.hrf.org

ABOUT HRF

The Human Rights Foundation (HRF) is a nonpartisan nonprofit organization that promotes and protects human rights globally, with a focus on closed societies. HRF unites people in the common cause of defending human rights and promoting liberal democracy. Our mission is to ensure that freedom is both preserved and promoted around the world.

We focus our work on the founding ideals of the human rights movement, those which are most purely enshrined in the 1948 Universal Declaration of Human Rights and the 1976 International Covenant on Civil and Political Rights (ICCPR).

HRF's Center for Law and Democracy (HRF-CLD) is a program of HRF. HRF-CLD promotes legal scholarship in the areas of comparative constitutional law and international law, with a focus on international human rights law and international democracy law.

INTRODUCTION

This submission was prepared by HRF for the Universal Periodic Review (UPR) of the Kingdom of Cambodia ("Cambodia"). In this submission, HRF evaluates Cambodia's implementation of recommendations made during its previous UPR as it relates to the current human rights situation in the country, which is characterized by systematic, widespread, and gross violations of human rights, including restrictions on the freedoms of the press, assembly, association, and expression, and arbitrary arrests, detentions, and violations of due process.

FOLLOW-UP ON THE PREVIOUS REVIEW

1. The most recent UPR of Cambodia by the United Nations (UN) Human Rights

Council took place on January 30, 2019.¹ A total of 198 recommendations were made to Cambodia, with the government accepting 173 recommendations and noting 25.² However, Cambodia has not made significant progress in implementing these recommendations.

2. One of the most common recommendations was that Cambodia should ratify international conventions. Primarily, Cambodia has yet to ratify, among others, the:³
 - a. Optional Protocol to the International Covenant on Civil and Political Rights;
 - b. Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; and
 - c. Optional Protocol to the International to the International Covenant on Economic, Social, and Cultural Rights.
3. As a Member State of the United Nations, Cambodia has committed to protect, promote, and respect the individual rights and fundamental freedoms laid out in the Universal Declaration of Human Rights (UDHR). Notably, Cambodia has also ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention for the Protection of all Persons from Enforced Disappearance.⁴
4. The 1993 Constitution of Cambodia (*hereafter* Constitution), formally guarantees the protection of several human rights (*see infra* Cambodia's National Framework for Protecting Human Rights). However, despite these constitutional guarantees, individuals in Cambodia are routinely subjected to human rights violations, not least by the very existence of laws that criminalize and impinge upon their fundamental freedoms.

¹ U.N. Human Rights Council, Working Grp. on the Universal Periodic Review of the Forty-First Session, *Report of the Working Group on the Universal Periodic Review: Cambodia*, U.N. Doc. A/HRC/41/17 (Apr. 5, 2019), <https://www.ohchr.org/en/documents/reports/report-working-group-universal-periodic-review-cambodia>.

² *Cambodia: Responses to Recommendations 41/117/Add.1 —Forty-First session*, Human Rights Council (Apr. 2019), <https://www.ohchr.org/en/documents/reports/ahrc4117add1-addendum-views-conclusions-andor-recommendations-voluntary>.

³ *Ratification status for Cambodia*, OHCHR https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=29&Lang=en.

⁴ *Id.*

CAMBODIA'S NATIONAL FRAMEWORK FOR PROTECTING HUMAN RIGHTS

5. Cambodia's Constitution⁵ contains several key provisions relating to the protection of the fundamental rights and freedoms of its citizens.
6. In relation to the equal protection of individuals under the law, the Constitution states in *Article 31*:

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

Khmer citizens shall be equal before the law, enjoying the same rights and freedom and obligations regardless of race, color, sex, language, religious belief, political tendency, national origin, social status, wealth or other status. The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and freedom shall be in accordance with the law.

7. In relation to arbitrary detention and due process rights, the Constitution states in *Article 38*:

The law prohibits all physical abuse of any individual.

The law protects the life, honor and dignity of citizens.

No person shall be accused, arrested, or detained except in accordance with the law.

The coercion, physical ill-treatment or any other mistreatment which imposes additional punishment on a detainee or prisoner is prohibited. Persons who commit, participate in or conspire in such acts shall be punished according to the law.

⁵ Cambodia Constitution, 1993 with Amendments through 2008, Const. Project (2008), https://www.constituteproject.org/constitution/Cambodia_2008.pdf?lang=en.

Confessions obtained by physical or mental force shall not be admissible as evidence of guilt.

The accused shall have the benefit of any reasonable doubt. Any accused shall be presumed to be innocent until they are finally convicted by the court.

Everybody shall have the rights to defend him/herself through the judicial system.

8. In relation to the freedoms of expression and assembly, the Constitution states in Article 41:

Khmer citizens shall have freedom of expression of their ideas, freedom of information, freedom of publication and freedom of assembly. No one shall exercise these rights to infringe upon the honor of others, or to affect the good customs of society, public order and national security.

9. In relation to freedom of association, the Constitution states in Article 42:

Khmer Citizens have the rights to establish associations and political parties. These rights shall be determined by law.

Khmer citizens may take part in mass organizations to work together to protect national achievement and social order.

POLITICAL BACKGROUND

10. Cambodia is formally a constitutional monarchy, with a population of approximately 16.4 million people.⁶ In 1863, Cambodia became a protectorate of France.⁷ During World War II, Japan occupied Cambodia,⁸ but France re-occupied its protectorate⁹ following World War II, and Cambodia became an

⁶ Cambodia Summary, Britannica, <https://www.britannica.com/summary/Cambodia>.

⁷ Cambodia profile - Timeline, BBC (Jul. 20, 2018), <https://www.bbc.com/news/world-asia-pacific-13006828>.

⁸ Nickii Wantakan Arcado, *Southeast Asian Countries and the Imperial Takeover (Part II)*, Pacific Atrocities Education (Apr. 2, 2019), <https://www.pacificatrocities.org/blog/southeast-asian-countries-and-the-imperial-takeover-part-ii>.

⁹ BBC, *supra* note 7.

“autonomous state within the French Union.”¹⁰ In 1946, communist guerillas began an armed campaign against French colonialism.¹¹ France relinquished control over Cambodia seven years later, and King Norodom Sihanouk declared independence.¹²

11. In 1970, former Prime Minister and military general Lon Nol seized power in a coup and declared Cambodia the Khmer Republic.¹³ Throughout his five-year reign, the Cambodian army lost battles and territories against the North Vietnamese and communist forces, known as the Khmer Rouge, or red Khmers.¹⁴
12. In 1975, the Khmer Rouge, led by Pol Pot, eventually overthrew Lon Nol¹⁵ and re-named the country Kampuchea.¹⁶ Pol Pot adopted agrarian-socialist ideology and a strong sense of nationalism, resulting in widespread discrimination against racial minorities in Cambodia.¹⁷ Under Pol Pot’s brutal communist rule, at least 1.2 million people died of starvation, disease, and exhaustion from hard labor¹⁸ during the Cambodian Genocide.¹⁹ Religious groups, educated people, and those associated with the prior government were also targeted, with thousands murdered.²⁰
13. In 1979, Vietnamese forces invaded Cambodia and established a protectorate in Cambodia that lasted for a decade.²¹ Many Cambodians welcomed the

¹⁰ *World War II and its aftermath*, Britannica, <https://www.britannica.com/place/Cambodia/World-War-II-and-its-aftermath>.

¹¹ BBC, *supra* note 7.

¹² *French Indochina/Cambodia (1945-1954)*, University of Central Arkansas, <https://uca.edu/politicalscience/home/research-projects/dadm-project/asiapacific-region/french-indochinacambodia-1945-1954/>.

¹³ Andrew Nachemson, *Remembering Cambodia’s 1970 Coup: A look back at a significant development in the country with implications that continue to play out today*, *The Diplomat* (Mar. 20, 2020), <https://thediplomat.com/2020/03/remembering-cambodias-1970-coup/>.

¹⁴ BBC, *supra* note 7.

¹⁵ David Chandler, *Cambodia: A Historical Overview*, Asia Society, <https://asiasociety.org/education/cambodia-historical-overview>.

¹⁶ BBC, *supra* note 7.

¹⁷ Abby Coomes et al., *Racial Ideology and Implementation of the Khmer Rouge Genocide*, https://scholarworks.moreheadstate.edu/cgi/viewcontent.cgi?article=1011&context=student_scholarship_posters

¹⁸ David Chandler, *supra* note 15.

¹⁹ Abby Coomes et al., *supra* note 17.

²⁰ *The Cambodian Genocide*, *The Holocaust Explained* (n.d.), <https://www.theholocaustexplained.org/what-was-the-holocaust/what-was-genocide/the-cambodian-genocide/>

²¹ David Chandler, *supra* note 18.

Vietnamese as liberators from the atrocities under Pol Pot's rule.²²

14. In 1985, Hun Sen rose to power when the one-party National Assembly appointed him to succeed the former prime minister.²³ He has been in power since,²⁴ making him one of the world's longest-serving rulers.²⁵ In 1993, a royalist party, the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia, won the election but was forced to share power with Hun Sen.²⁶ From 1993 to 1997, Prince Norodom Ranariddh and Hun Sen served as co-prime ministers,²⁷ but in 1997, Hun Sen staged a coup to remove Ranariddh from office; he took complete control of the country, including the National Election Committee (NEC) and the media.²⁸ Since then, Hun Sen and the ruling Cambodian People's Party (CPP) have systematically cracked down on all forms of opposition, escalating suppressive tactics ahead of election seasons.²⁹

15. In July 2023, Hun Sen declared a "landslide" victory for the CPP in an election widely considered unfree and unfair.³⁰ After the election, he announced his decision to step down and hand over power to his oldest son, Hun Manet.³¹

FREEDOM OF THE PRESS

16. Although freedom of the press is formally enshrined in Cambodia's Constitution,

²² SD Pradhan, Vietnam's role in Cambodia 1978-1989: Elimination of Khmer Rouge, The Time of India ((Jun. 27, 2022), <https://timesofindia.indiatimes.com/blogs/ChanakyaCode/vietnams-role-in-cambodia-1978-1989-elimination-of-khmer-rouge/>).

²³ Ung Chamroen, *Greetings to the Press: Journalists Allowed to Question Hun Sen for the First Time*, Cambodianess (Jan. 9, 2023), <https://cambodianess.com/article/greetings-to-the-press-journalists-allowed-to-question-hun-sen-for-the-first-time>.

²⁴ *Id.*

²⁵ *Hun Sen, prime minister of Cambodia*, Britannica, <https://www.britannica.com/biography/Hun-Sen>.

²⁶ Cambodia: July 1997: Shock and Aftermath, Human Rights Watch (Jul. 27, 2007), <https://www.hrw.org/news/2007/07/27/cambodia-july-1997-shock-and-aftermath>.

²⁷ *Id.*

²⁸ Brad Adams, *PM's history of electoral manipulation, intimidation and violence shows he has no desire to cede power to democracy* (Aug. 20, 2013), <https://www.hrw.org/news/2013/08/20/pms-history-electoral-manipulation-intimidation-and-violence-shows-he-has-no-desire>.

²⁹ *Id.*

³⁰ Rebecca Ratcliffe and Vutha Srey, *Hun Sen issues threat to Cambodians who spoiled ballots*, The Guardian (Jul. 23, 2023), <https://www.theguardian.com/world/2023/jul/23/cambodia-election-results-hun-sen-spoiled-ballots>.

³¹ *Cambodia leader Hun Sen to step down, hand over power to son*, Al Jazeera (Jul. 26, 2023), <https://www.aljazeera.com/news/2023/7/26/cambodia-leader-hun-sen-to-step-down-hand-over-power-to-son>.

Cambodian media and journalists continue to be subjected to intimidation, censorship, and arbitrary practices by the regime, and the concept of an independent media is far from being recognized.

17. In April 2020, Sovann Rithy, founder of online news outlet *TVFB*, was arrested and charged for “incitement to cause chaos,” after quoting comments made by Prime Minister Hun Sen at a press conference.³² Rithy was released in October 2020, after almost six months in detention.³³
18. In May 2020, Sok Oudom, the owner of local radio station and online media outlet *Rithysen*, was arrested for live-streaming villagers trying to defend the land assigned to them within a wildlife sanctuary.³⁴ In December, Oudom was sentenced to 20 months in prison and fined an equivalent of USD 4,950 on a charge of inciting villagers to “cause chaos.”³⁵
19. In November 2020, Ros Sokhet, journalist and publisher of the privately owned *Cheat Khmer* (Khmer Nation) newspaper, was sentenced to 18 months in prison for criticizing Prime Minister Hun Sen and his response to the COVID-19 pandemic on Facebook.³⁶
20. The oppression, harassment, and crackdown on journalists and media continued in 2021. In August 2021, the Ministry of Information announced the establishment of the “Monitoring Committee for Journalism Ethics Practice”³⁷ to “examine complaints by the public against journalists and media outlets” and “evaluate the practice of journalism in Cambodia.”³⁸ However, the Committee

³² Cambodia: Journalist Sovann Rithy released from prison, DW (Oct. 07, 2020), <https://www.dw.com/en/cambodia-dw-freedom-of-speech-award-laureate-sovann-rithy-released-from-prison/a-55186750>.

³³ *Id.*

³⁴ Cambodian journalist gets 20 months in jail for livestream, Reporters without Borders (Dec. 28, 2020), <https://rsf.org/en/cambodian-journalist-gets-20-months-jail-livestream>.

³⁵ *Id.*

³⁶ Cambodia jails journalist Ros Sokhet for criticizing Prime Minister Hun Sen, Committee to Protect Journalists (Nov. 13, 2020), <https://cpj.org/2020/11/cambodia-jails-journalist-ros-sokhet-for-criticizing-prime-minister-hun-sen/>.

³⁷ Cambodia: Concerns over government arbiter on media ethics, International federation of Journalists (Aug. 9, 2021), <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/cambodia-concerns-over-government-created-artbiter-on-media-ethics>.

³⁸ Cambodia to use “ethics committee” to censor journalists, Reporters without Borders (Aug. 11, 2021), <https://rsf.org/en/cambodia-use-ethics-committee-censor-journalists>.

has been criticized by NGOs, activists, and journalists for its lack of transparency and independence, as it is run by senior government officials.³⁹

21. In the same month, Phnom Penh police and security agents confiscated the press cards, required by the Cambodian Ministry of Information, of two journalists, An Vichet and Lors Liblib,⁴⁰ who were covering a land dispute between officials and residents along the Boeng Tompun lake.⁴¹ Officials threatened the journalists with legal action if they did not delete photos of the protests.⁴² The Phnom Penh deputy governor, Keut Chhe, defended the officials, stating that their actions were legally permitted.⁴³
22. The Cambodian regime also cracks down on independent media platforms by revoking their licenses. In March 2022 alone, officials revoked the licenses of three independent media outlets: *Bayong Times*, *Khmer Cover TV*, and *Cambodia Today*, for “violating journalistic ethics and their contracts with the ministry” after they reported on government corruption.⁴⁴
23. In February 2023, ahead of the national election, Prime Minister Hun Sen shut down⁴⁵ one of the country’s last remaining independent media outlets, *Voice of Democracy (VOD)*, for reporting that his son, Hun Manet, had overstepped his authority by signing an agreement to donate USD 100,000 in humanitarian aid to Turkey, following the 7.8 magnitude earthquake.⁴⁶

³⁹ International federation of Journalists, *supra* note 37.

⁴⁰ Sorn Sarath, *Journalists harassed on the jobs as authorities clear homes for development at Boeng Tompun*, Cambodia News (Aug. 13, 2021), <https://cambojanews.com/journalists-harassed-on-the-job-as-authorities-clear-homes-for-development-at-boeng-tompun/>.

⁴¹ *Id.*

⁴² *The Cambodian Center for Human Rights and ARTICLE 19 Joint Submission to the UN Human Rights Committee in advance of its third review of the Kingdom of Cambodia*, Article 19 (Jan. 2022), https://www.article19.org/wp-content/uploads/2022/01/Cambodia-ICCPR-Joint-Submission_CCHR-and-ARTICLE-19.pdf.

⁴³ Sorn Sorath, *Cambodia: Local authorities harass journalists covering demolition of villagers' homes for a private development project in Phnom Penh*, Business & Human Rights Resource Centre (Aug. 13, 2021), <https://www.business-humanrights.org/en/latest-news/cambodia-local-authorities-harass-journalists-covering-demolishment-of-villagers-homes-for-a-private-development-project-in-phnom-penh/>.

⁴⁴ *Three Cambodian news sites stripped of their licence to publish*, Reporters without Borders (Mar. 28, 2022), <https://rsf.org/en/three-cambodian-news-sites-stripped-their-licence-publish>.

⁴⁵ Jack Brook and Phin Rathana, *Cambodia's Hun Sen shuts down independent media outlet*, Al Jazeera (Feb. 13, 2023), <https://www.aljazeera.com/news/2023/2/13/cambodias-hun-sen-shuts-down-independent-media-outlet>.

⁴⁶ Rebecca Ratcliffe, *Dictator Hun Sen shuts down Cambodia's VOD broadcaster*, The Guardian (Feb. 13, 2023), <https://www.theguardian.com/world/2023/feb/13/dictator-hun-sen-shuts-down-cambodias-vod-broadcaster>.

ARBITRARY ARRESTS, DETENTIONS, AND VIOLATIONS OF DUE PROCESS OF THE LAW

24. The Cambodian regime continues to use arbitrary arrests and detentions as a means of silencing political opposition, human rights activists, and journalists, despite being a party to the ICCPR.
25. In February 2021, Veourn Veasna, a supporter of the dissolved Cambodia National Rescue Party (CNRP), was charged with “incitement to commit felony” and sentenced to two years in prison, after he posted a poem on Facebook criticizing Prime Minister Hun Sen.⁴⁷ Veasna fled to Thailand but was deported back to Cambodia in November 2021, despite being registered as a refugee under UNHCR protection.⁴⁸
26. Since 2017, Kem Sokha, former leader of the dissolved CNRP, has been repeatedly subjected to arbitrary detention, mistreatment in custody, and suspension of political rights.⁴⁹ In 2017, Sokha was arrested without a warrant and charged with “conspiracy with a foreign power,” under Cambodia’s Criminal Code.⁵⁰ Following his arrest, Sokha spent a year in pre-trial detention in a remote prison, where he was denied his right to medical care and treatment.⁵¹ After an additional year under house arrest, he was eventually released in November 2019.⁵² In March 2023, ahead of the July 2023 elections, Sokha was sentenced to 27 years in prison for treason.⁵³

⁴⁷ *Cambodia 2022*, Amnesty International, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/cambodia/report-cambodia/>.

⁴⁸ Andrew Nachemson, *Thailand refugee deportations trigger condemnation, defiance*, Al Jazeera (Nov. 24, 2021), <https://www.aljazeera.com/news/2021/11/24/holdthailand-refugee-deportations-trigger-condemnation-defiance>.

⁴⁹ *Cambodia: Opposition Leader Convicted on Bogus Charges*, Human Rights Watch (Mar. 3, 2023), <https://www.hrw.org/news/2023/03/03/cambodia-opposition-leader-convicted-bogus-charges>.

⁵⁰ Ouch Sony and Danielle Keeton-Olsen, *Cambodia opposition leader Kem Sokha sentenced to 27 years*, Reuters (Mar. 3, 2023), <https://www.aljazeera.com/news/2023/3/3/cambodia-opposition-leader-kem-sokha-sentenced-to-27-years>.

⁵¹ Human Rights Watch, *supra* note 49.

⁵² *Cambodia: Opposition leader Kem Sokha sentenced to 27 years on fabricated treason charge*, Amnesty International (Mar. 3, 2023), <https://www.amnesty.org/en/latest/news/2023/03/cambodia-kem-sokha-conviction/>.

⁵³ Prak Chan Thul, *Cambodian opposition figure Kem Sokha sentenced to 27 years of house arrest*, Reuters (Mar. 3, 2023), <https://www.reuters.com/world/asia-pacific/cambodian-opposition-figure-kem-sokha-sentenced-27-years-treason-2023-03-03/>.

27. In March 2021, Sam Rainsy, acting CNRP opposition leader, was sentenced to 25 years in prison for an alleged plot to overthrow the government in 2019.⁵⁴ The regime regarded Rainsy's planned return to Cambodia as a "coup attempt."⁵⁵ The court also sentenced CNRP deputy leaders Mu Sochua and Eng Chhay Eang to 22 years each, and CNRP leaders Tioulong Saumura, Men Sothavrin, Ou Chanrith, Ho Vann, Long Ry, and Nuth Romduol, to 20 years each.⁵⁶ The court imposed total combined fines of 1.8 billion riel (USD 440,000) and stripped all nine of their rights to vote, run for office, and serve as public officials.⁵⁷
28. In January 2022, Chhim Sithar, leader of the Labor Rights Supported Union of Khmer Employees of NagaWorld, was charged with "incitement" and detained for more than two months over a workers' strike,⁵⁸ after she led a strike against NagaWorld, Phnom Penh's only casino, which had laid off more than one thousand casino workers in April 2021.⁵⁹ In November 2022, she was again arrested after returning to Cambodia from the World Congress of the International Trade Union Confederation in Melbourne and was accused of violating bail conditions on international travel.⁶⁰ In May 2023, Sithar was sentenced to two years' imprisonment on an unsubstantiated charge of "incitement to commit a felony or disturb social security."⁶¹
29. In October 2022, Vice President of the Candlelight Party, Son Chhay, was charged with defaming the ruling CPP and NEC, after questioning the legitimacy of local elections.⁶² Chhay was ordered to pay a fine equivalent to USD 750,000 to

⁵⁴ 'Mockery of justice': Cambodia's Rainsy gets 25-year jail term, Al Jazeera (Mar. 2, 2021), <https://www.aljazeera.com/news/2021/3/2/mockery-of-justice-cambodias-rainsy-gets-25-year-jail-time>.

⁵⁵ *Id.*

⁵⁶ Cambodia: Quash Conviction of Opposition Leaders, Human Rights Watch (Mar. 3, 2021), <https://www.hrw.org/news/2021/03/03/cambodia-quash-conviction-opposition-leaders>.

⁵⁷ *Id.*

⁵⁸ Cambodia condemned after union leader jailed over casino strike, Al Jazeera (May 25 2023), <https://www.aljazeera.com/news/2023/5/25/cambodia-condemned-after-union-leader-jailed-over-casino-strike>.

⁵⁹ *Id.*

⁶⁰ Cambodia condemned after union leader jailed over casino strike, Al Jazeera (May 25 2023), <https://www.aljazeera.com/news/2023/5/25/cambodia-condemned-after-union-leader-jailed-over-casino-strike>.

⁶¹ *Id.*

⁶² Luke Hunt, *Opposition Politician Found Guilty of Defaming Cambodian Ruling Party*, The Diplomat (Oct. 10, 2022), <https://thediplomat.com/2022/10/opposition-politician-found-guilty-of-defaming-cambodian-ruling-party/>.

the CPP, and USD 2,250 to the election committee.⁶³

FREEDOMS OF ASSEMBLY, ASSOCIATION, AND EXPRESSION

30. Cambodia has ratified the UDHR and the ICCPR, as well as the ASEAN Human Rights Declaration, all of which protect the freedoms of expression, assembly, and association.⁶⁴ At the national level, Articles 41 and 42 of the Constitution formally protect the freedoms of opinion, expression, assembly, and association.⁶⁵ However, the Cambodian regime continues to crack down on citizens, activists, and opposition leaders who criticize the regime, and dissent of any kind is met with severe consequences.

31. In 2018, the National Assembly of Cambodia passed a lèse-majesté law, which forbids insulting the monarchy.⁶⁶ Those found guilty face up to five years' imprisonment and a fine of between USD 500 and 2,500.⁶⁷ In March 2023, Yim Sinorn and Hun Kosal, former members of the CNRP, were arrested and charged under this law with insulting the king and "incitement to cause serious social unrest in the country," for Facebook posts about a photograph of King Norodom Sihamoni and Prime Minister Hun Sen attending a ceremony at Angkor Wat to light the torch for the upcoming Southeast Asian games in Cambodia.⁶⁸ Yim Sinorn was released only after he issued a public apology to the King and Hun

⁶³ Sopheng Cheang, *Cambodian court sets massive fine for top opposition figure*, AP News (Oct. 8, 2022), <https://apnews.com/article/elections-local-national-camsam-bodia-phnom-penh-2a9e4f8f9198f7cca44d312fbfb3dca5>.

⁶⁴ *ASEAN Human Rights Declaration*, Association of Southeast Asian Nations (Nov. 19, 2012), <https://asean.org/asean-human-rights-declaration/>.

⁶⁵ Const. Project, *supra* note 5.

⁶⁶ *Cambodia passes lese majeste law*, DW (Feb. 14, 2018), <https://www.dw.com/en/cambodia-passes-controversial-lese-majeste-law/a-42578367>.

⁶⁷ *Prak Chan Thul, Cambodia parliament adopts lese-majeste law, prompting rights concerns*, Reuters (Feb. 14, 2018), <https://www.reuters.com/article/us-cambodia-king-idUSKCN1FY0RV>.

⁶⁸ *Cambodian activists charged with insulting king on Facebook*, Al Jazeera (Mar. 23, 2023), <https://www.aljazeera.com/news/2023/3/23/cambodians-held-on-rare-royal-insults-charge-after-facebook-posts>.

⁶⁹ Samean Yun, Matt Read, and Malcom Foster, *Opposition activist released after apologizing for comments about king*, Radio Free Asia (Mar. 28, 2023) <https://www.rfa.org/english/news/cambodia/activist-released-03282023130507.html>.

Sen.⁶⁹ Hun Kosal was released on bail in April 2023.⁷⁰

32. The Cambodian regime used the COVID-19 pandemic as a pretext to curtail freedom of expression and peaceful assembly. In April 2020, Cambodia's National Assembly passed the State of Emergency law, which grants the regime extensive power to restrict the distribution of information⁷¹ and ban demonstrations.⁷² Between March and October 2021, at least 700 people were arrested based on allegations of having violated the measures, including for posting comments about the pandemic on social media.⁷³ In July 2021, activists Mey Sophorn and Thorn Chantha were convicted and sentenced to one year in prison and fined USD 500 over Facebook posts criticizing the regime's pandemic response and vaccine roll-out.⁷⁴

33. In February 2021, Prime Minister Hun Sen signed a sub-decree on the Establishment of the National Internet Gateway,⁷⁵ which allows the "blocking and disconnecting of [all] network connections that affect safety, national revenue, social order, dignity, culture, tradition, and customs."⁷⁶ Although Cambodia postponed the implementation of the National Internet gateway in February 2022, the plan remains in place.⁷⁷ Once fully operational, critics argue that it could allow the regime to block dissenting views online.⁷⁸

⁶⁹ Samean Yun, Matt Read, and Malcom Foster, *Opposition activist released after apologizing for comments about king*, Radio Free Asia (Mar. 28, 2023) <https://www.rfa.org/english/news/cambodia/activist-released-03282023130507.html>.

⁷⁰ *Hun Sen rewards man who apologised for royal insult*, Bangkok Post (Apr. 22, 2023), <https://www.bangkokpost.com/world/2554926/hun-sen-rewards-man-who-apologised-for-royal-insult>.

⁷¹ *Cambodia adopts law to allow for emergency powers to tackle coronavirus*, Reuters (Apr. 10, 2020), <https://www.reuters.com/article/us-health-coronavirus-cambodia-idUSKCN21S0IW>.

⁷² *UN experts urge Cambodia to review approach to COVID-19*, OHCHR (Apr. 12, 2021), <https://www.ohchr.org/en/press-releases/2021/04/un-experts-urge-cambodia-review-approach-covid-19>.

⁷³ Phorn Bopha, *Cambodia 'bleeding' as space for civil society shrinks*, Al Jazeera (Nov. 3, 2021), <https://www.aljazeera.com/news/2021/11/3/cambodia-bleeding-as-space-for-civil-society-shrinks>.

⁷⁴ Ouch Sony, CNRP Member, *Activist Question Incitement Convictions Over Covid-19 Comments*, VOD English (Dec. 21, 2021), <https://vodenglish.news/cnrp-member-activist-question-incitement-convictions-over-covid-19-comments/>.

⁷⁵ Prashanth Parameswaran, *What's in Cambodia's New Internet Gateway Decree?*, The Diplomat (Feb. 24, 2021), <https://thediplomat.com/2021/02/whats-in-cambodias-new-internet-gateway-decree/>.

⁷⁶ *Cambodia: Internet Censorship, Control Expanded*, Human Rights Watch (Feb. 18, 2021), <https://www.hrw.org/news/2021/02/18/cambodia-internet-censorship-control-expanded>.

⁷⁷ Sebastian Strangio, *Cambodia Puts Controversial National Internet Gateway Plan on Hold*, The Diplomat (Feb. 16, 2022), <https://thediplomat.com/2022/02/cambodia-puts-controversial-national-internet-gateway-plan-on-hold/>.

⁷⁸ *Cambodia delays controversial internet gateway*, France 24 (Feb. 15, 2022), <https://www.france24.com/en/live-news/20220215-cambodia-delays-controversial-internet-gateway>.

RECOMMENDATIONS

34. HRF calls on Cambodia to:

- a. Protect, respect, and promote, without reservation, the rights of all individuals to freedoms of expression and association, and ensure that activists, journalists, and opposition groups can operate peacefully and safely within Cambodia, without fear of retribution in the form of censorship, harassment, arbitrary arrest and detention, torture, ill-treatment, among other types of punishment;
- b. Commit to ratifying critical international human rights instruments, including, but not limited to: the Optional Protocol to the International Covenant on Civil and Political Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; and Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights;
- c. Harmonize the state's internal legislation to fully comply with all international human rights instruments it has signed or ratified;
- d. Guarantee the freedoms of expression, assembly, and association, as set out in *Articles 41 and 42* of the Cambodia Constitution. This requires that Cambodia:
 - i. Cease the harassment and repression of journalists and media, especially in the form of legal harassment;
 - ii. Grant media full access to protest sites and conflict areas; and
 - iii. Revoke the Sub-Decree on the Establishment of the National Internet gateway; and
- e. Immediately and unconditionally release all prisoners of conscience and end systematic violations of due process, including arbitrary arrests and detentions and deprivation of legal counsel.

