

Ministry of Foreign Affairs and International Cooperation

General Department of International Cooperation

Department of the United Nations

Aide Memoire on

Cambodia's Democracy and Human Rights

(updated 12 February 2018)

1. General Situation in Cambodia

- Overall, Cambodia has enjoyed a long period of good political stability and prosperity with the Royal Government of Cambodia (RGC) making steady efforts and commitments to promote democratic principles and fundamental freedoms and the rule of law.
- Generally, the opposition and civil society are functioning in a free and vibrant manner without any intimidation or harassment, with a few exceptions for those who have broken various laws of the Kingdom.
- The 4th mandate Communal elections last July 2017 was violent-free with an extremely high voters turn out and was held under the close scrutiny of EU election experts and other international observer teams, like ICAPP, CDI-International and CAPDI.
- Cambodia is committed to pursuing democracy in conformity with Cambodian Constitution and to holding the upcoming Senate Election and General Election on 25 February and 29 July 2018 respectively in a free, fair, and orderly manner which is acceptable to our Cambodian constituents. With many political parties thriving in Cambodia, the democratic space and multi-party system still prevail in spite of the dissolution of the CNRP.
- Samdech Techo Prime Minister Hun Sen confirmed on 18 January 2018 that the Senate election and general election would go ahead as scheduled.

Note:

- *Senate election is a non-universal election voted by on all members of parliament and commune councilors. There are 58 seats in the Senate election which are divided into eight regions. Four political parties are standing in the election: the ruling CPP, the Cambodia Youth Party, the Khmer National United Party and Funcinpec.*
- *For July's general election, the National Election Committee has released the official voter list, containing nearly 85 percent of eligible voters. The voter list contains 8,380,217 names out of 9,882,746 eligible voters, or 84.8 percent of those aged 18 and over. There will be 22,967 polling stations nationwide for the July 29 poll. 536,674 new voters were registered and 21,671 voters were deleted from the voter list because of duplicated names, deaths and address changes.*

2. Recent Domestic Political Development

- Domestic situation has been very calm and there aren't any heated or controversial activities that stir up confrontation between opposition and local authorities.
- On 28 January 2018, Sam Rainsy launched the Cambodia National Rescue Movement (CNRM) in California intending to secure the release of Kem Sokha and to unite opposition figures so that CNRP can re-engage with the election. CNRM members include Mr Rainsy, his wife Saumura Tioulong, and two former deputy presidents of the CNRP, Eang Chhay Eang and Mu Sochua.
- However, Kem Sokha reiterated his stance that he will neither join nor support the newly founded Cambodia National Rescue Movement (CNRM).
- CPP spokesman Sok Eysan said the CNRM would not last long because it was an illegal rebel group formed by a convict. "Any organisation led by Mr Rainsy is illegal. Encouraging people to rebel against the government is also a crime of terrorism, which is even more serious."
- Defense Minister Tea Banh, Interior Minister Sar Kheng and Sao Sokha, head of the military police, have also called the CNRM a terrorist group and said they will hunt down its members in Cambodia.

Note:

Senoir Minister's observation on 4 possible reasons to this calmness.

- *Firstly, the general public has not shown any negative reaction or backlash to government's legal measures. This showed the general public's understanding that such legal measures were legitimate providing the illegal nature and treacherous acts of those law-violating individuals/entities. Peoples understand that they can now enjoy peace, stability and enhanced economic development and that "Color Revolution" is not desired for its chaotic and destructive nature.*
- *Secondly, local members of the opposition also did not have any counter-arguments to contest the legal charges. Both general public and local members of the opposition cannot support the "selling of the nation."*
- *Thirdly, this can be attributed to the opposition's strategy to save the remaining manpower to contest the next election. They know that if they agitated in an illegal manner, their members will be punished according to the laws. They have not established a new party yet because if they do so, they will lose ground to advocate for international supports.*
- *Fourthly, this can possibly be due to the internal division of the CNRP. It is clear that while Sam Rainsy created the illegal movement, Kem Sokha did not support that.*

3. Mounting International Pressure

- Mounting international pressures are being led by the US and EU.
- On 12 December 2017, EU suspended electoral support to the NEC. EU pledged \$12 million for election preparations in 2017 and 2018. The EU had already provided about \$5 million in funding. Japan, China, South Korea and Russia would continue to support.
- On 14 December 2017, the European Parliament passed a resolution calling on the European Commission and European External Action Service to impose visa restrictions on Cambodian officials and freeze their assets, and to review the human rights clauses of the Everything But Arms (EBA) agreement for a potential temporary suspension. The Resolution called on the commission to “review Cambodia’s obligations under conventions in Article 19 of the EBA regulation”, and asserted that “if Cambodia is acting in violation of its obligation under the EBA regulation, the tariff preferences it currently enjoys must be temporarily withdrawn”. The adoption of the European Parliament resolution is not binding. This is the fifth resolution on Cambodia adopted by the European Parliament in its legislative term since 2014.
- On 19 December 2017, the missions of the United States and European Union to the UN co-hosted a panel discussion organized by Kem Monovithya, Cambodian Center for Independent Media (CCIM) head Pa Nguon Teang; and Human Rights Watch Asia Advocacy Director John Sifton. In the panel, Monovithya asked the signatories of the 1991 Paris Peace Accords to ask the UN to review Cambodia’s membership.
- On 25 January 2018, U.S. Senator Ben Cardin led seven of his bipartisan colleagues in a letter to UN Ambassador Nikki Haley, requesting that she use the influence of her office and the tools within the international organization, to isolate and pressure the Cambodian government. The other 7 senators included Senators Lindsey Graham, Dick Durbin, John McCain, Ed Markey, Cory Gardner, Patrick Leahy, and Marco Rubio.
- On 9 February 2018, a bill titled “Cambodia Accountability and Return on Investment Act of 2018” was introduced in the US Senate to seek to impose an array of sanctions on Cambodia and postpone any discussion of forgiving the country’s \$506 million in war-era debt. The bill, drafted by Republican Senator Lindsay Graham and cosponsored by senators Dick Durbin, Ted Cruz, Ben Cardin and Patrick Leahy. The bill also supports visa bans for high-ranking officials “involved in undermining democracy”, a measure already approved by the Trump administration in December. It would also freeze the US assets of officials covered by the visa ban and require financial institutions to declare all property those officials own in the US. The legislation would oblige US representatives of international financial institutions to oppose any loans or financial assistance to the Cambodian government, “other than to meet basic human needs”.

- In a rare move, in early February 2018, a motion was raised by Australian lawmaker Mark Butler, Federal President of the Australian Labor Party, to press the Australian government to take action to defend Cambodia's "fledgling democracy".

4. Cambodia's Cooperation in UN's Human Rights Mechanism

- The approval from the RGC to allow renewed mandate of the OHCHR's field office in Phnom Penh in December 2016 indicated a strong commitment of the RGC in upholding and respecting the principles of democracy and fundamental freedoms.
- On 29 September 2017, the Human Rights Council adopted without a vote on the Resolution on Advisory Services and Technical Assistance for Cambodia on whether to extend the mandate of the Special Rapporteur, currently being Prof. Rhona Smith.
- While this Resolution was adopted in 1993, the situation in Cambodia has since improved significantly to the point that at present there is neither justification nor necessity for such mandate to continue.
- According to the Resolution, the Special Rapporteur has to report to the Human Rights Council (HRC) on 39th Session of HRC on September 2018 and the 42nd Session on September 2019 respectively. Therefore, the report of the Office of the High Commissioner for Human Rights (OHCHR) has to be submitted to HRC in March 2018 and in March 2019.
- On 29 January 2018, inter-ministerial meeting was co-chaired by MFAIC and Cambodian Human Rights Committee to discuss about the possibility of the visit by Prof. Rhona Smith from 5-14 March 2018.
- In principle, Cambodia expects the Special Rapporteur to carry out her mandate to the highest standards and in full compliance with the "Code of Conduct for Special Procedures Mandate-holders" and "Manual of Operations of the Special Procedures of the Human Rights Council". The Special Rapporteur should conduct herself in the manner deemed as impartial, neutral and independent, and should refrain from acting as a "mouthpiece" for particular interest groups with a political agenda or for foreign governments that seek to interfere in Cambodia's domestic affairs.

Appendix: Aide-Memoire

on Issues related to Human Rights and Democracy

The Dissolution of Cambodia National Rescue Party (CNRP)

- On 16 November 2017, the Cambodian Supreme Court released a decision to dissolve the CNRP and ban 118 of its senior officials from engaging in political activities for five years, in accordance with Articles 6, 7 and 44 of the Law on Political Party.
- This is the result of the CNRP's conspiracy with foreign power to overthrow the legitimate government in violation of the "Law on Political Parties", which would jeopardize peace, stability, and the development of the country.
- On 24 October 2017, King Norodom Sihamoni signed on four sets of amendments to Cambodia's electoral laws, approving provisions that will allow the opposition CNRP's seats to be redistributed in the event of its dissolution.
- The amendments allowed the redistribution of the CNRP's 55 National Assembly seats among minor parties. Funcinpec received 41 seats, the Cambodian National Party (CNP) took two and the Khmer Economic Development Party (KEDP) got one. Two other political parties, the League for Democracy Party and Khmer Anti-Poverty Party, were supposed to get the CNRP's remaining 11 seats but they refused. The remaining 11 went to the CPP, which now holds 79 seats in the 123 seat assembly.
- CPP now controls all but one of the country's 1,646 communes and claims 95 percent of all councillors.

Arrest of Mr. Kem Sokha

- Mr. Kem Sokha, the CNRP opposition leader, was arrested by judicial police officers on September 3, 2017 at 00:35am for act of treason as stipulated and punished under the Cambodian Criminal Code, Chapter 2 (Infringements on Security of the State), Part 1 (Treason and Espionage), Article 443 (Conspiracy with Foreign Power). Despite his parliamentary immunity, his arrest is deemed constitutional and in line with Cambodian relevant laws, namely Article 80 of the Constitution, Articles 87 and 91 of the Criminal Procedure Code, and Article 12 of the Law on Parliamentarians.
- Clear and convincing evidence as freely and publicly confessed in the video clip broadcasted on CBN (Cambodian Broadcasting Network) in Australia indicated a conspiracy between Mr. Kem Sokha with some elements of the US to harm the national security of Cambodia.
- Mr. Kem Sokha was moved to Correctional Centre 3 (Trapaing Plong prison) in Tbueung Khmum Province, some 130 kilometres east of Phnom Penh.
- On 5 September, the prosecutor of the Phnom Penh Municipal Court officially charged Mr. Kem Sokha under Article 443 of the Criminal Code for "conspiring with foreign power".

- The Court of Appeal on 1 February 2018 denied bail for jailed former opposition CNRP leader Kem Sokha citing concerns for Mr Sokha's safety outside prison and noting that his case was still being investigated.
- In various statements issued by Western States regarding the arrest, there were no rebuttal arguments on charges related treason and espionage. There are 3 common concerns raised: 1) restriction on democratic space; 2) parliamentary immunity and due process; and 3) legitimacy of the 2018 election.
- Samdech Prime Minister Hun Sen has stated in his public remarks on Monday 4 September 2017 that he would not "let foreigners use Cambodians to kill Cambodians anymore."
- The act of treason, espionage and conspiracy with foreign power that advocate the overthrow of legitimate government is subject to severe punishment under the law of every country. In the US, there are multiple laws governing such acts, among others, the Espionage Act, the Foreign Agents Registration Act, the Crime and Criminal Procedures Code Chapter 115 on Treason, Sedition, and Subversive Activities.

Article 443 of the Criminal Code: Conspiracy with Foreign Power

The acts of entering into secret agreement with a foreign state or with its agents in order to create hostilities or aggression against Cambodia is punishable by imprisonment from 15 (fifteen) years to 30 (thirty) years.

Closure of the Cambodia Daily

- On 4 September 2017, the Cambodia Daily declared its closure after 24 years of operation. The closure came after the RGC demanded a tax payment arrears of 6.3 million dollars covering a 10 years period from 2007 to 2017.
- The closure of the Cambodia Daily is entirely a tax compliance issue and is neither related to the suppression of freedom of expression nor is it politically motivated as wrongfully accused by some Western countries and their affiliated media. A self-proclaimed 'independent' and 'charitable' newspaper like the Cambodia Daily with paid commercial advertisements and subscriptions does not relieve the publisher from meeting their tax obligations.
- The Cambodia Daily is one of the three local English newspapers for expats. The other two newspapers, the Khmer Times and the Phnom Penh Post, both of which are critical of the government, comply with country's tax regulation, thereby continuing their operation freely. The Cambodia Daily circulated 3,000 copies in an A4-size bulletin format. It was not designed to cover Cambodian readers and cannot be compared to Le Monde or local Khmer newspapers with a far larger coverage of general public. Thus, its self-closure should not be seen as government's restriction on media freedom or restriction on people's rights to information access.

Excerpt from Khmer Times, "Paper's closure a sad day for journalism" 5 September 2017

- *Minister for Information Khieu Kanharith pointed out on August 24 that "There were many foreign newspapers that filed complaints about the Cambodia Daily." Some of those complaints came from Japanese and Chinese publications. "So there were many complaints from foreign newspapers to demand equal treatment for fair competition because all those newspapers paid taxes, except the Cambodia Daily," the minister added.*
- *Apart from the Cambodia Daily not paying its taxes, there is another issue that should also be mentioned. For most of its 25 years of operation as a non-profit NGO, it has never paid for the use of stories from news agencies like Reuters or Agence France Presse nor had it paid for the right to reprint stories from major newspapers in the United States.*
- *This free access to wire services and lifting rights from other papers was done under the guise of a charitable NGO set up to train local journalists.*

The closure of some twenty radio stations

- The closure of some twenty radio stations solely resulted from their violation of the airtime memorandum signed with the Information Ministry. About 300 radio stations are still operating freely. Cambodian people still have access to online and short wave broadcast of VOA and RFA everywhere.

Ban of NDI

- NDI was banned pursuant to the Note Verbale of the Ministry of Foreign Affairs and International Cooperation (MFAIC) on 23 August 2017 on the basis that NDI did not have a signed MOU with the MFAIC either prior and after the entering into force of the 2015 Law on the Associations and Non-Governmental Organizations (LANGO). The MOU entered with NEC is only a partial fulfilment of the registration process and as such does not provide adequate legal ground for NDI's legal operation in Cambodia.
- NDI has failed to comply with Article 34 of the LANGO, which stipulates that: "The competent authorities shall take measures to immediately stop any foreign association or non-governmental organization that conducts its activities without registration or which validity of memorandum of understanding is terminated by the MFAIC. Additional measures related to the expulsion under the Law on Immigration may be undertaken against any foreigner who works for a foreign association or non-governmental organization for committing the above offense regardless of other criminal punishments.
- The filing of an application by NDI one year post adoption of LANGO is sufficient proof of NDI's contempt of the law inasmuch as it is tantamount to an

illegal conduct of its operation in Cambodia. Submission of an application to the MFAIC does not automatically equate to an approval of application just as when an individual applies for an US visa, there is a guarantee or an assumption that the visa will be granted. As such a no-response on the part of the MFAIC is as well tantamount to a rejection. According to Article 14 of the LANGO, the MFAIC is not duty bound to provide an explanation for its decision regarding the approval or non-approval of the MOU application.

“The Situation Room”

- Both COMFREL and NECFEC have registered their respective organization at the Ministry of Interior (MOI). However, the combination of the two entities into “the Situation Room” is tantamount to the forming of a separate new organization structure, which is as well subject to the same registration process with the MOI. While COMFREL has a working cooperation framework with the MOI the same cannot be said about the Situation Room. Failure of the Situation Room to comply with the registration process as stipulated under the law is an adequate ground for the MOI to take legal action.
- On the neutrality of COMFREL, the RGC is challenging this view based on the events surrounding the 2013 election. First, Mr. Koul Panha has provoked chaos right before the election by falsely claiming the delibility of the ink; during the election, a group of voters created chaos by surrounding a polling station in Steung Meanchey and even chased away the polling station supervisor; in a polling station in Kdeung Reay Commune in Prey Veng Province, some voters were expelled from the polling station by a group of people who claimed that those eligible voters are “youn” (derogatory term for Vietnamese). If COMFREL is really neutral, they should at least issue a statement condemning such illegal acts but they chose not to.

Preparation for the 2018 General Elections (Issuance of ID Card)

- The RGC has paid much attention well before the 2013 election on the issue of ID card.
- We have established a new General Department of Identification to take over the responsibility on ID card issuance from the General Commissariat of National Police and set a target to provide 10,090,000 ID cards by the end of 2018. Currently we have issued successfully more than 9.5 million new ID cards.
- The new ID card registration system is a sophisticated state-of-the-art European design, which makes ID card duplication an impossibility because it requires all 10 fingerprints to be scanned along with a portrait photo.
- To ensure timely provision of the new ID cards for eligible voters, the RGC has reduced the requirement age for ID provision from 18 to 15 year olds. For those who cannot renew their old ID on time, the RGC will also allow them to use their old ID cards until 31 December 2018. For those eligible voters who have neither

type of ID card, the Election Law also provides for the issuance of ID certification paper to enable them to vote.

- The RGC does not restrict the actual location for the vote. Voters can vote at their hometown or cities/provinces of their work providing that they can certify their residence with the length of at least 6 months.

Amendments to the Law on Political Parties

First Amendment

- The amendment process has undergone and met all the proper constitutional requirements.
- The first amendment came into effect on 7 March 2017 some 20 years after the Law on Political Parties had been promulgated in 1997. During the same period, the Constitution and the Internal Regulations of the National Assembly have been amended several times. As such it is equally necessary that the Law on Political Parties be revised to reflect the changes and evolution of the political and legal landscape related to national elections.
- However, the amendments do neither constitute a threat nor seek to target any particular party as all the provisions are applicable to all political parties in Cambodia.
- Nothing in the amended law is threatening the fabric of a multi-party system as envisaged in the Constitution. As in all democratic societies, the amended law is aimed at preventing abuses of fundamental democratic principles, namely incitement to racial hatred, defamation, and other acts deemed detrimental of the social fabric of the nation.
- Incitement to racial hatred, especially through anti-Vietnamese rhetoric or slur, can degenerate into violence. Some political parties have resorted to the use of such racial hatred speeches since 1993 till the present day to mobilize their support base. Yet, no Western countries nor their affiliated civil society organizations or media have ever uttered a single condemnation against such ominous practices.
- Incitement to racial hatred is dangerous for any democratic society. For Cambodia it is far worse as the rhetoric is elevated at a political level. That is why we have expressly stipulated such provisions in the Amended Law on Political Parties.
- Ironically, we are witnessing an opposite worrying trend in other parts of the world, in particularly in the United States, more recently in the case of violence in Charlottesville, Virginia, that condones the re-emergence of white supremacy and nationalist groups.

Second Amendment

- The Parliament has made another amendment in July 2017, whereby the law introduces a ban on the involvement of convicted persons, for either a misdemeanor or a felony, in the leadership of a political party.
- Such restriction on the rights of convicted persons to be elected or to sit in the legislature is a generally recognised standards of conduct in democratic societies. The practices of disqualification and disenfranchisement of convicts from voting right and/or right to run for office are prevalent in the US, the UK, and many European countries.
- According to the “Report on Exclusion of Offenders from Parliament”, adopted by the Venice Commission in 2015, about one third of the Council of Europe countries have detailed constitutional provisions that set forth various restrictions that prevent convicted persons from running for elections.
- The rationale is quite obvious as those who break the law should not be in a position to make the law. The exercise of political power by people who seriously infringed the law puts at risk the implementation of the rule of law and endangers the democratic nature of the state.

Freedom of Expression

- Cambodia does not have any political prisoners, but only politicians and individuals who have committed flagrant violations of the law and who have been punished accordingly under the appropriate laws.
- Four NGO officers, one OHCHR field office’s staff and one NEC official were charged with suborning a witness to perjury according to Article 548 of the Criminal Code. They were not charged arbitrarily but in line with applicable laws. On 29 June 2017, the court has cleared the six detainees from wrongdoings and released them accordingly.
- We appreciate the genuine and good faith contribution of social, environmental and human rights workers to the development of the country. However, no matter how good their works are, they are not entitled to special rights nor be placed above the law. Moreover, we deplore civil society organizations which exploit social causes for politically motivated agenda or purposes.
- It is commonly reported that the freedom of expression in Cambodia is under threat. Nothing could be further from the truth. At present, Cambodia has some 553 printed media organizations, 70 online publications, 22 TV stations, 330 radio stations and up to 38 journalist associations.
- The RGC is striving to further increase the Internet penetration nationwide well and beyond the existing 50% use by the total population. This effort to improve the communication channels for sharing information and opinions is proof of the RGC’s commitment to enhance, not limit, freedom of expression.
- According to the Reporters Without Borders (RSF) 2016, World Press Freedom Index, Cambodia ranks first among the ten ASEAN countries.
- However, with freedom comes responsibility, with rights come obligations. Freedom of expression does not mean freedom to insult, to falsify information or

to defame someone. The right to express an opinion is not the same as the right to lie and discredit someone. All Western countries have laws punishing such practices. Statements promoting hatred and xenophobia are prohibited throughout Europe.

Kem Ley's Case

- The case of the death of Mr. Kem Ley is one of a homicide, which does not fall under the purview of the human rights mandate. Prosecution of such a case should be left to the Cambodian judicial system. There is neither place nor mandate in the UN human rights mechanism for outsiders to behave as self-appointed international prosecutors to investigate a crime of an individual nature and perpetrated in a sovereign state.
- This homicide case has been fully and conclusively adjudicated in the Cambodian court of law. In a democratic country where clear separation of powers exists, the RGC is bound to respect the court's judgment.
- Any attempt to single out only a particular victim is tantamount to admitting the principle selectivity, which goes contrary to the basic principles that law should be applied indiscriminately and equally to all individuals and entities. This fundamental contradiction is totally unacceptable in the context of the application of the universal principle of human rights.

Pending Cases concerning Activists/Opposition

Note: Released Cases

Hong Sok Hour

On 25 October 2017, After serving more than 800 days of a seven-year prison sentence on charges of "incitement" and "forgery", former opposition Senator Hong Sok Hour was released following a royal pardon. Sok Hour, at the time a senator from the then-Sam Rainsy Party, was arrested in August 2015 and sentenced in November 2016 for allegedly posting a "fake" border treaty between Cambodia and Vietnam on Facebook, which appeared to show National Assembly President Heng Samrin agreeing to "dissolve" Cambodia's border with Vietnam.

"ADHOC 5"

Adhoc officials Nai Vongda, Ny Sokha, Yi Soksan, Lim Mony and National Election Committee official Ny Chakrya, who was formerly with ADHOC, had been been released on bail in June 2017 after they were jailed since April 2016. The five were accused of bribing a witness and conspiracy to bribe witnesses in relation to an alleged affair between opposition leader Kem Sokha and his hairdresser Khom Chandaraty.

The case of Mr. Sam Rainsy

- On 29 December 2017, former opposition leader Sam Rainsy, currently in exile in France, was found guilty of defamation by Phnom Penh Municipal Court and ordered to pay a fine of about \$1 million to the Prime Minister in compensation

for alleging that the Prime Minister bribed pro-government activist Thy Sovantha to attack the opposition.

- On 18 January 2018, Phnom Penh Municipal Court charged Sam Rainsy with inciting the military to rebel against the government. On December 7, the Royal Cambodian Armed Force's lawyer filed a lawsuit against him for treason after he called on the armed forces to disobey orders if they were ordered to shoot civilians. He posted the following on his Facebook page: "To soldiers and policemen, please don't obey orders from any dictator if they order you to shoot and kill innocent people."

The case of Mr. Kem Sokha

- The Court of Appeal on 1 February 2018 denied bail for jailed former opposition CNRP leader Kem Sokha citing concerns for Mr Sokha's safety outside prison and noting that his case was still being investigated.

The case of Pa Nguon Teang, Moeun Tola, Venerable But Buntenh

- On 4 January 2018, three civil society members have been charged with "breach of trust" by Phnom Penh Municipal Court for allegedly misappropriating funds raised for political activist Kem Ley's funeral. The three, who were members of the funeral commission for the murdered political analyst, include Pa Nguon Teang, executive director of the Cambodian Centre for Independent Media, Moeun Tola, head of labour rights group Central, and Venerable But Buntenh, head of the Independent Monk Network for Social Justice. The charges carry a punishment of one to three years in prison, and a fine of 2 million to 6 million riel (about \$500-\$1,500). Mr Nguon Teang and Ven Buntenh have fled the country, while Mr Tola remains in Cambodia.

The case of Mr. Um Sam An

- The Supreme Court on 9 February 2018 upheld the 30-month prison sentence against former opposition lawmaker Um Sam An. Mr Sam An, an American and Cambodian citizen, was sentenced to two years and six months in prison in October last year for Facebook posts in which he accused the government of ceding territory to Vietnam by using improperly demarcated maps at a time of heightened political sensitivity surrounding border issues.

The case of Mr. Kim Sok

- Political commentator Mr. Kim Sok was sentenced to 18 months in prison on 10 August 2017 on charges of incitement and defamation for insinuating that the ruling party was behind the killing of analyst Kem Ley. "The court issued a verdict to sentence Mr. Kim Sok to 18 months of imprisonment and a fine of 8 million riel [about \$2,000]. [It] also orders Mr. Kim Sok to pay a punitive damage of 800 million riel [around \$200,000] to the CPP".
- On 10 January 2018, he was rejected bail at the Supreme Court.

The case of Mrs. Thak Lany

- On 10 August 2017, the Appeal Court heard the case of self-exiled former opposition Senator Thak Lany and upheld the verdict of the Phnom Penh Municipal Court on a defamation case where she insinuated that Prime Minister Hun Sen was behind the killing of Mr. Kem Ley. In November she was sentenced in absentia to 18 months of imprisonment for defamation and incitement to cause chaos. Subsequently, she was granted political asylum in Sweden.

The case of Mrs. Tep Vanny

- The Supreme Court on 7 February 2018 upheld a 30-month sentence for land activist Tep Vanny on charges relating to a 2013 protest outside Prime Minister Hun Sen's house that turned violent, leaving the Boeung Kak resident to serve out more than a year of her remaining sentence.

The case of Mr. Soun Serey Ratha

- On 13 August 2017 Mr. Soun Serey Ratha, leader of the Khmer Power Party, was arrested and charged with inciting soldiers to disobey orders after he criticised the deployment of troops to the Lao border. Mr. Soun posted on his Facebook that conflict with Laos would only harm soldiers, while the generals enjoyed their "money" and "girls" in the comfort of air-conditioned rooms. He was charged under Articles 471, 472, 494 and 495 of the Criminal Code for "inciting military personnel to disobedience", "demoralisation of the army" and "incitement to commit a felony".

18 U.S. Code § 2387 - Activities affecting armed forces generally:

(a)Whoever, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military or naval forces of the United States:

(1) advises, counsels, urges, or in any manner causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States; or

(2) distributes or attempts to distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States –

Shall be fined under this title or imprisoned not more than ten years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

Commune Elections (2017)

- Recently, there are many positive developments in Cambodia's democracy and human rights, the most recent one is the violent-free and extremely high voters turn out at the 4th mandate Communal elections last July 2017, which was held

under the close scrutiny of EU election experts and other international observer teams, like ICAPP, CDI-International and CAPDI.¹

- Out of the total 7,865,033 eligible voters, 89.52 percent or 7,040,594 of them went to cast their votes, according to the National Election Commission (NEC).
- According to final result issued by NEC on 25 June 2017, the CPP won 1,156 communes, CNRP won 489 communes, and Khmer National United Party won a single commune. The CPP retains 6,503 council seats across the country's 1,646 communes, with the CNRP taking 5,007 seats. In terms of ballots, the CPP received 3,540,056 votes (50.76%) while CNRP received 3,056,824 (43.83%).
- We are pleased to welcome the statements issued by ICAPP, CAPDI and CDI recognizing the election as free, fair and peaceful. Civil society organizations have also claimed a 95 percent result count accuracy.

Excerpt from ICAPP Statement: (4 June 2017)

The ICAPP delegation considers this year commune/sangkat council election as free, fair, credible and transparent. Therefore, we strongly urge all the political parties and their supporters to respect the decision of the Cambodian people. Moreover, we are confident that all the political parties would be able to resolve their conflicts through peaceful, amicable and win-win manner. All the political parties must put national interest ahead of themselves and their parties.

Excerpt from CDI Statement:

We observed that people were free to vote for the political party of their choice. There was no sign of intimidation, coercion and violence at those polling stations. The Cambodian authorities guaranteed safety and security for voters, members of political parties, local and international observers and members of the media. We welcome that the use of multiparty, free, fair and regular election as a democratic means to compete for public offices has become Cambodia's destiny.

Excerpt from CAPDI Statement:

We were impressed by a large voter turnout and we observed that people were casting their vote in an open and free environment. More importantly, voters appeared to be more enthusiastic and happy to take part in the election process. There was no sign of intimidation, coercion and violence.

We were also grateful for the Cambodian government's efforts in ensuring safety and security for voters, members of political parties, the election staff, members of the media and local and international observers before, during and after the election.

Excerpt from the US Embassy's Statement: (5 June 2017)

In general, the polling stations observed by these teams were orderly and peaceful. Additional

¹ In 22,148 polling stations throughout the country, there were 74,670 local observers and 425 international observers and 105,348 agents from political parties. *Source: NEC Bulletin on 12 June 2017 and AKP's article 5 June 2017.*

reports from other domestic and international election observation teams support these initial findings.

We expect that the NEC will carry out this responsibility with the highest level of integrity and transparency, and that it will also investigate fully the concerns expressed by opposition parties and civil society organizations before and during the campaign.

Yesterday's election is an important milestone in Cambodia's continued democratic development. We call on Cambodian citizens, political parties, and institutions to accept the results of the election peacefully and in a spirit of reconciliation and cooperation.

- The RGC should be commended for its effort to ensure safety and security before and during election period.
- NEC should also be praised for its professionalism and integrity to ensure a free, fair and credible election.
- The RGC wishes to express its sincere appreciation to Japan for their support in the voter list digital registration process, which has contributed significantly to reducing missing and duplicate names. The integrity of the list is one of the core factors in ensuring this communal election's success.
- The RGC will continue to uphold a political system of pluralistic liberal democracy under the Constitution and we aspire to continue being "the Miracle on the Mekong River" and a role model of democracy in the region. We seek continued support from external partners in the upcoming national elections to be held on 29 July 2018 and we commit to hold it in the same orderly and peaceful manner as this year communal election.
