



DEMOCRACY

ELECTIONS AND REFORM IN CAMBODIA 2023



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**Democracy,
Elections And
Reform
in Cambodia
2023**

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Executive Summary

The 2023 Democracy Report on Cambodia paints a complex picture of the nation's democratic health. As evidenced through extensive monitoring and analysis, significant concerns have arisen regarding the free and fair electoral processes, the curtailment of political pluralism, governance issues, labor rights constraints, and media freedom restrictions. These elements are crucial in evaluating the broader socio-political landscape in Cambodia, which has shown signs of regression in democratic norms despite governmental claims to the contrary.

The Cambodian government posits that its governance model has ensured stability and economic growth, which it claims indicates a functioning democratic state. The government also highlights its electoral processes involving multiple parties and high voter turnout as evidence of its democratic legitimacy.

While Cambodia has experienced economic growth, this growth has not necessarily translated into broader societal benefits. Economic disparities, lack of equitable resource distribution, and persistent poverty raise questions about the inclusivity and sustainability of the growth model.

The analysis reveals that while stability and economic growth are essential, they do not constitute a democracy alone. Proper democratic health is measured by more than economic indicators; it requires adherence to principles of inclusiveness, fairness, and freedom—values currently at risk in Cambodia. The high voter turnout cited by the government does not address the underlying issues of voter intimidation, lack of genuine choice, and manipulative practices that challenge the essence of democratic elections.

The report highlights several key issues affecting Cambodia's democratic state:

Elections: The 2023 elections were marked by a lack of genuine competition. The dominance of the Cambodian People's Party (CPP), facilitated by legal and extrajudicial measures to suppress opposition, has raised serious questions about the fairness and freedom of Cambodia's electoral environment.

Political Pluralism: The political landscape in Cambodia has become increasingly constricted. The dissolution of major opposition parties and the use of legal warfare to silence dissent have significantly undermined the prospects for a competitive political arena conducive to democratic health.

Democratic Governance: the governance is characterized by increasing centralization of power, nepotism, and a lack of transparency, moving further away from democratic ideals and toward a more autocratic governance model.

Labor Rights: Workers in Cambodia continue to face significant challenges, including inadequate legal protections and constraints on union activities, which undermine their rights and welfare.

Media Freedom: Media freedom in Cambodia has deteriorated, with the government imposing strict controls on press activities and curtailing independent journalism, crucial for informed public discourse and accountability.

Since the end of the civil war in 1993, Cambodia has faced challenges in establishing a stable democratic system. Recent years have seen concerns raised regarding the state of democracy, highlighted by reports of human rights abuses, the suppression of political opposition, and constraints on freedom of expression. This report provides an objective overview of Cambodia's democratic status in 2023, including the challenges and efforts towards improvement.

Cambodia has a long history of political turmoil, including a period of colonization by France, the rule of the Khmer Rouge, the period of civil war, and the violent factionalism that has characterized the CPP period. The Paris Peace Agreements were signed in 1991, which paved the way for free and fair elections and established Cambodia as a constitutional monarchy. In the period following the United Nations Transitional Authority for Cambodia, the country's transition to democracy has been fraught with challenges, including corruption, violence, and political instability. Democracy in Cambodia was first diminished following the 1993 elections in which the current ruling party (the CPP) refused to accept its electoral loss and threatened secession and violence. Since then, the ruling party has presented itself as the guarantor of peace while continually demonstrating its fundamental capacity to wage violence on political opposition as well as the society if its rule is challenged. Over the lengthy period of its dominance, the CPP has won every national election without a climate of political competition and respect for pluralism. The CPP has been accused of rigging elections, suppressing political opposition, and violating human rights. A brief increase in democracy following opposition gains in the 2013 elections was undone when the opposition party, the Cambodia National Rescue Party (CNRP), was dissolved by the Supreme Court in 2017, leaving the CPP as the sole political force in the country.

The parliament became a single-party body after the 2018 elections, where the opposition was disqualified from participation. This situation has contributed to increased centralization of power under the Prime Minister and a shift in societal norms away from liberal pluralism and competitive elections. Despite these conditions, elections continue to function as a legitimating tool for the current regime, albeit under more constrained accountability measures.

This is demonstrated in the 2023 polls, which lacked competition but were trumpeted as proof of a vibrant multiparty democratic polity. Democratic demand remains despite the attempts to expunge it from the social psyche. Such demand is evident in the resurgence of a competitive opposition despite repeated bans on its participation in elections and prolonged lawfare against opposition party members, citizens exercising fundamental rights, elimination of independent media, restrictions on labor organizing, and increased surveillance of online space. Civil society in Cambodia faces significant challenges in promoting democratic ideals and protecting human rights. The government has imposed restrictions on freedom of expression, including the closure of independent media outlets and the imprisonment of journalists and political dissidents. Non-governmental organizations (NGOs) that work on issues such as human rights, democracy, and the environment have also been targeted, with many facing increased scrutiny and harassment from the government. Moreover, workers suffer from a lack of institutional redress and support in a context where employer mistreatment is combined with detrimental macroeconomic trends. A substantial acceleration in democratic decline occurred in 2023 with the establishment of political dynasties, most notably in the position of the Head of Government, but some of the most powerful ministries as well. The citizenry has been sidelined from influencing the choice of and behavior of political authorities to a degree unprecedented in the period following the Paris Peace Agreements.

In personalist systems, power is concentrated in the hands of a single leader or a small elite group. This creates an environment in which loyalty and personal connections trump merit and institutional norms. Power dynamics rely heavily on informal rules and personal networks based on patronage and reciprocal exchanges. This creates an opaque and unpredictable environment for businesses and discourages long-term investments in technology or bureaucratic procedures. Patrimonial regimes prioritize short-term gains and personal enrichment over long-term development goals. This leads to underinvestment in research and development, education, and infrastructure, crucial for technological advancement. The vested interests of those benefiting from the existing system fiercely resist reforms that could threaten their privileges and control. This includes bureaucrats entrenched in inefficient systems and elites profiting from corruption. Holding officials accountable for inefficiency or corruption becomes difficult with concentrated power and weak checks and balances. This fosters a culture of impunity and discourages efforts to improve bureaucratic processes. Lack of public participation and civil society engagement in policymaking weakens the pressure for reform and reinforces the elite's power.

As part of its activities, COMFREL conducts monitoring of elections and the quality of the electoral system in place, the role of women in politics in support of gender equality, the performance and responsiveness of the parliament, and ongoing news and current events in various areas pertaining to good governance.

The report has the following chapters: Chapter 1, Elections; Chapter 2, Political Pluralism and Rights; Chapter 3, democratic governance; Chapter 4, Labor Sector; and chapter 5, Media Space. Chapter one focuses on the 2023 National Assembly or parliamentary elections. The main focus is on how competition was limited in the polls through the blocking of the main opposition party. Although a semblance of pluralism was maintained through the participation of many parties, there was no real competition. Legal maneuvers were conducted in the form of prosecutions against individuals, harassment of party supporters, and changing the election law or rules. This occurred in a climate of preexisting radical asymmetry in access to campaign resources and media and where the ruling party mobilizes the entire state bureaucracy for campaigning. The chapter looks at the legal framework for the elections, the pre-election climate, election results, the role of international observers, and the responses of different stakeholders. It also summarizes COMFREL's findings from monitoring the electoral process.

Chapter 2 focuses on political pluralism and political rights, detailing the processes of the deployment of lawfare to contain and debilitate the main opposition party. It begins by detailing how the process occurred in crucial case studies of prosecutions of opposition leadership. Then, the chapter looks at the conditions of violence faced by opposition supporters without judicial remedy. This contributes to a further discussion elucidating a pattern of politically motivated prosecution. Then, the chapter discusses the changing party landscape in terms of party registrations, defections, and coalitions. After that, the chapter takes up the topic of the Supreme Consultative Council and addresses its potential to serve as an extra-parliamentary forum for pluralistic participation. Then, the situation of civil society groups and actors is taken up to elucidate the obstacles and challenges they face. Finally, the chapter concludes with an examination of the problem of women's participation in Cambodian politics.

Chapter 3 turns to the issue of democratic governance by looking at developments in the three branches of the state—executive, legislative, and judicial. The section on the executive branch looks at the issues of the composition of the executive and elaborates on the potential limitations

on democracy resulting from the appearance of nepotism, dynasticism, personalization, and oligarchy. The legislative branch is examined in terms of some key laws passed by the legislature or through decree by the executive (either enacted or in draft form), but then the bulk of the analysis looks at responsiveness and accountability by way of COMFREL monitoring findings regarding legislature performance for 2023 and then for the entirety of the 6th mandate of the National Assembly. Given that the politicization of the judiciary is treated in-depth in relation to specific sectors (elections, political rights, labor, media), the treatment of the judicial branch in this chapter centers on the topics of judicial reform and legal aid.

Chapter 4 addresses the labor sector and worker's rights. It examines events in 2023 in terms of the adequacy of the institutional framework to protect workers' rights, noting a myriad of challenges for labor and the process of wage negotiation to set a minimum wage in light of workers' pursuit of a 'living wage'. This is followed by an analysis of the limitations on compliance with labor laws by authorities and employers and compounded by macroeconomic trends. The chapter then turns to restrictions on unionization and collective mobilization. Finally, the chapter explores the abovementioned issues further by elaborating on two case studies on workers' rights.

Chapter 5 discusses the situation of media pluralism and independence in 2023. The chapter begins by providing a background that addresses the media landscape or situation and provides key statistics. It then turns to an examination of media matters in terms of closures and harassment of journalists. This is followed by a case study analysis of Voice of Democracy News and the events of its closure. At that point, the chapter turns to the topic of online space, and after providing some discussion of online freedom in Cambodia in terms of limitations on expression, website blockages, and the issue of ISPs, it discusses the case study of Facebook and the (former) PM's page in relation to the use of social media for online threats and incitement to violence.

I. Elections – Lots of Parties, Little Choice

Introduction

In Cambodia, the 2023 General Election was held to elect members of the National Assembly. This election marked the seventh quinquennial election in Cambodia since democratic elections were restored in 1993. Voter turnout on election day was nearly 85%, up from around 83% in 2018, according to the National Election Committee (NEC). Prior to the elections, the Cambodian People's Party (CPP) held all seats in parliament. Expectedly, the election results brought a landslide victory for the CPP, securing 120 out of 125 seats. The remaining five seats were won by FUNCINPEC, which achieved its best result since 2003. The Cambodian People's Party (CPP), led by Prime Minister Hun Sen, obtained 82.30% of the votes, winning 120 out of 125 seats. The FUNCINPEC Party, led by Norodom Chakravuth, received 9.22%, winning five seats. FUNCINPEC won seats from the following provinces: Kampong Cham, Kampong Thom, Kandal, Phnom Penh, and Prey Veng. The ruling Cambodian People's Party (CPP) dominated the polls with around 78% of votes, while the FUNCINPEC Party received about 9%. The Khmer National United Party received less than 2% of the votes and did not obtain any MP positions, and the gains of other opposition parties were negligible, as they were unable to get any seats in the parliament.

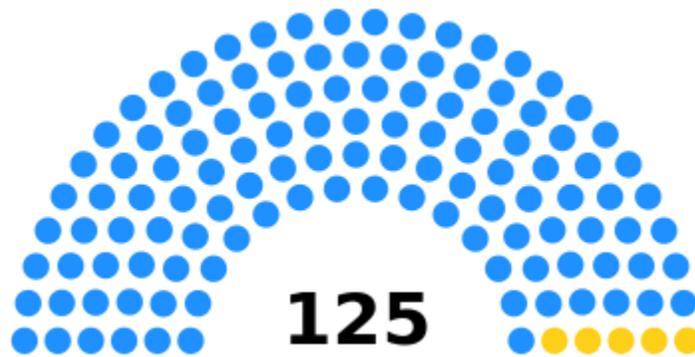
The new parliament's first sitting was scheduled for August 21, 2023, with the new cabinet being sworn in one day later on August 22. During this transition, Prime Minister Hun Sen announced that he would be stepping down, and his son, Hun Manet, would take over as the new prime minister. The elections were closely watched, and the results reflected the political landscape in Cambodia, where the CPP has dominated elections, beginning with its refusal to accept the election results in 1993 and its return as the ruling hegemonic party through 1997 factional fighting, which most analysts and historians see as a CPP coup, followed by disbanding its only challenger in 2017 and sweeping all seats in the lower house of the legislature in 2018.

The National Assembly elections in 2023 in Cambodia were a pivotal event that will shape the country's political trajectory for years to come. However, rather than serving as a beacon of democratic progress, the elections were mired in controversy and criticism due to significant challenges that undermined their legitimacy. The systematic elimination of opposition voices through prosecution, harassment, and violence, alongside a formal ban on their participation, has raised serious concerns about the fairness and freedom of the electoral process. Despite the glaring flaws and controversies surrounding these elections, their significance cannot be underestimated. For the ruling regime, these elections are a crucial tool to maintain a semblance of domestic and international legitimacy. By holding elections, even if flawed, the government creates a facade of public accountability and democratic governance, portraying itself as a legitimate authority chosen by the people. The elimination of opposition candidates and parties through legal prosecutions, harassment, and even violent tactics has severely restricted political pluralism and competition in the electoral arena. Many prominent opposition figures have been sidelined or imprisoned on dubious charges, depriving voters of a meaningful choice and skewing the electoral playing field in favor of the ruling party. Adding to the challenges, a formal ban on the participation of certain

opposition parties or candidates has further limited the diversity of voices and perspectives in the electoral process. This ban, often justified on legal or national security grounds, has been criticized as a tactic to consolidate power rather than uphold democratic principles of inclusivity and representation. Despite widespread criticism and international scrutiny, the regime sees these elections as an opportunity to legitimize its hold on power. By showcasing a semblance of electoral democracy, the government aims to bolster its domestic legitimacy among the population and present a narrative of stability and continuity to the international community.

In conclusion, the National Assembly elections of 2023 in Cambodia represent a critical juncture in the nation's political landscape. While they are marred by challenges to freedom and fairness, including eliminating opposition voices and a formal ban on participation, these elections remain vital for the regime's quest to maintain legitimacy and create a veneer of accountability. Moreover, they have historical significance in terms of providing a narrative of a democratic mandate to the succession or transfer of power from PM Hun Sen, the highest-ranking officer in the Cambodian military and longest-serving ruler, to his son Hun Manet. However, the true test of democracy lies not in the mere act of holding elections but in ensuring that they are free, fair, and inclusive, allowing for genuine political competition and representation.

A Visual Representation of the Existing Pluralism in the Cambodian Legislature



Legal Framework for Democratic Participation

To grasp the legal underpinnings of 'liberal democracy', it is crucial to examine how the legal reforms initiated by the United Nations Transitional Authority for Cambodia (UNTAC) have influenced political competition and party pluralism, particularly in shaping the competitive elections of 1993.

In 2023, before the legislature's elections (National Assembly or lower house), the Law on Political Parties was amended again. Constitutional amendments were floated by the (former) PM Hun Sen. The legal framework for democratic participation has consistently been undermined and altered so as to aid in maintaining an autocratic system with the absence of liberal pluralism wherein efforts to advance liberal rights and democratic procedures can be contained and repressed through a process which enables a façade of the rule of law and proceduralism found in consolidated democratic states.

This process began with the 7th amendment to the Cambodian Constitution, which occurred in 2014. Given the political competition that had emerged after the 2013 elections, this amendment at first supported an advancement in democracy by giving the National Election Committee a

constitutionally inscribed standing. Its contribution to democratization depended, however, on the absence of partisanship of the NEC, which itself has come into doubt following the ban on the opposition CNRP party, which occurred in 2017. is chaired by a ranking member of the ruling CPPAt, and the NEC is chaired by a ranking member of the ruling CPP. No opposition party supporters hold seats on the committee.

The legal framework was altered further in 2017 with the changes to the Law on Political Parties. The CPP amended the law, granting the Ministry of Interior the authority to dissolve political parties. The amendments allowed dissolution based on vague grounds such as “serious mistakes,” “threats to national unity,” or “security of the state”. These changes restricted democratic space and affected political opposition. On November 16, 2017, Cambodia’s Supreme Court dissolved the CNRP. The court cited allegations that the CNRP was plotting to overthrow the government with US assistance. Kem Sokha, the CNRP leader, was arrested on these charges. Sokha was eventually sentenced to 27 years of incarceration at the beginning of March 2023 (see chapter on Civil and Political Rights). The court’s decision effectively banned 118 CNRP members from participating in any political activity for five years.

The changes to the law also prohibit political parties from using the voice, image, written documents, or activities of a convicted criminal for the party's interests. Additionally, parties are banned from accepting or conspiring with a convicted criminal to engage in activities in the party's interests. These amendments were part of a broader set of repressive changes to the law. They allowed authorities to dissolve political parties and ban party leaders from political activity without fair or transparent procedures or an appeals process. For example, the amended law compelled the opposition party to sever links to its leader, Sam Rainsy, who has been convicted of multiple crimes for criticisms of the ruling party.

In 2018, the Cambodian National Assembly enacted significant changes to the constitution, impacting citizens' rights in several ways. Firstly, amendments to Article 34 allow the government to impose new limitations on voting rights. Secondly, changes to Article 42 grant authorities the power to target opposition parties by taking action against those that don't prioritize "the country and nation's interest." Additionally, the constitution now mandates all Cambodians to "respect the constitution" and "defend the motherland."

Another amendment to Article 53 prohibits Cambodia from interfering in other countries' affairs, mirroring its stance against foreign interference. This seemed to target the Cambodia National Rescue Party (CNRP), which had previously sought international pressure for fair elections and sanctions. Finally, additional amendments restrict the Constitutional Council's ability to handle complaints from political parties denied registration by the Ministry of Interior, limiting legal avenues to challenge such decisions. Overall, these amendments consolidate government control by restricting voting rights, limiting political party activities, and potentially hindering challenges to election processes.

In November 2021, Cambodia's Constitution underwent its ninth series of amendments, encompassing modifications to articles 19, 82, 106, 119, and 137. Among these revisions, a significant change was the prohibition of holders of the country's four highest offices, including the prime minister and presidents of constitutional bodies, from possessing dual citizenship. Specifically, amendments passed in October 2021 explicitly barred the Prime Minister and presidents of the National Assembly, Senate, and Constitutional Council from holding any citizenship other than Cambodian.

The stated objective behind this measure was to ensure unwavering allegiance to the nation from individuals occupying key positions of authority, but at the same time, it ensured the prevention of former leaders of the opposition Cambodian National Rescue Party (CNRP) who have sought refuge abroad from participating in elections or current opposition figures from seeking asylum overseas.

Subsequently, in July 2022, Cambodia's Constitution saw its tenth round of amendments, focusing on six constitutional articles (19, 89, 98, 102, 119, and 125), as well as two articles (3 and 4) of the Additional Constitutional Law. The alterations played a pivotal role in further solidifying the ruling Cambodian People's Party's (CPP) dominance over political institutions. These amendments signaled a potential transition in leadership as Prime Minister Hun Sen prepares to transfer power to his eldest son, Hun Manet, in the foreseeable future. The extensive changes to the Constitution in 2022 are as follows:

The 2022 amendments to the Cambodian Constitution targeted several articles to solidify the ruling party's control and restrict the opposition. Here's a breakdown of the specific changes:

- **Article 3 (Additional Constitutional Law):** This article previously outlined the composition of a caretaker government formed when parliament is dissolved before its term ends. The 2021 amendment's specifics haven't been widely publicized, but concerns lie in the potential for granting the CPP undue control over the caretaker government's composition. This could give them an unfair advantage in the subsequent elections.
- **Article 4 (Additional Constitutional Law):** This article addressed the situation where the Prime Minister dies or resigns. Previously, the remaining members of the Council of Ministers would continue basic functions until a new government is formed. The amendment introduced the concept of a designated Deputy Prime Minister who would automatically become the interim head in such scenarios. While this seems like a smooth transition plan, critics argue it weakens the incoming government as power remains concentrated with the CPP appointee.
- **Article 19 (Political Parties):** This article directly impacted opposition parties by raising the minimum number of members required for a party to maintain registration. This seemingly technical change has a significant impact. Maintaining a larger membership base requires more resources and organization, which can be incredibly challenging for smaller opposition parties. As a result, this amendment makes it harder for opposition parties to function effectively and potentially reduces political competition in Cambodia.
- **Article 89 (National Assembly):** This article outlines the procedures for forming a new government after an election. The 2021 amendment didn't directly change Article 89, but the limitations placed on the caretaker government by amendments to Articles 3 & 4 (mentioned above) could potentially affect the smooth transition to a new government, especially if it's not led by the CPP.
- **Article 98 (Vote of No Confidence):** This article remained unchanged in 2021. However, it's important to note that proposed amendments in 2018 aimed to make it more difficult for the National Assembly to hold a vote of no confidence against the government. While those proposals weren't implemented, they highlight the ongoing attempts to limit checks on the ruling party.

- **Article 102 (King's Role):** Similar to Article 98, this article wasn't directly amended in 2021. However, the amendments to Articles 3 & 4 regarding caretaker governments could potentially affect the King's role during these transitional periods. The lack of transparency surrounding these changes raises concerns about the King's ability to ensure a smooth transition if the CPP attempts to manipulate the caretaker government.
- **Article 119 (Council of Ministers):** This article previously allowed the existing Council of Ministers (headed by the Prime Minister) to continue essential functions until a new Cabinet is formed after an election. The 2021 amendment limited their power only to handle basic daily tasks during this interim period. While presented as ensuring continuity, critics argue it weakens the new government's ability to take immediate control and implement its policies, mainly if it's not led by the CPP.
- **Article 125 (End of Government's Term):** This article addresses situations where a government's term ends due to unforeseen circumstances, such as the Prime Minister's death. Similar to Article 119, the amendment limits the power of the existing Council of Ministers during this transition, potentially hindering a new government's ability to function effectively.

Among the various amendments made, the revision of Article 119 concerning the nomination process for the prime minister emerged as the focal point of the government's attention. In the previous iteration of the article, it stipulated that, upon the recommendation of the president of the National Assembly and with the concurrence of the two vice-presidents, the king would appoint a member of the ruling party from the National Assembly to form the Royal Government. However, the updated version of Article 119 confers greater authority to the political party winning the national elections, without requiring a majority of seats. This amendment foreshadowed a leadership transition as Prime Minister Hun Sen sought to transfer power to his eldest son, Hun Manet.

The revised text specifies that upon "the recommendation of a party holding more seats than others in the National Assembly, the King appoints a member as Prime Minister to establish the Royal Government." The party with the highest number of seats in the National Assembly must provide a copy of the proposal to the President of the National Assembly. Furthermore, the individual appointed as Prime Minister must be a lawmaker with sole Khmer nationality and must be selected from a party holding more seats than others in the National Assembly.

In June 2023, the National Assembly of Cambodia enacted amendments to their election laws, introducing criminal liability for citizens who disrupt elections, as witnessed in the July election. Deputy Prime Minister Samdech Krolahom Sar Kheng clarified that the amendment mandates individuals to vote to qualify for candidacy. Additionally, it imposes criminal liability on those who interfere with the voter registration process or impede the election. The amendment passed unanimously in the National Assembly, where all seats were held by the ruling CPP.

Preceding this, in March 2023, the Cambodian government introduced a new procedural prerequisite for political parties intending to contest the National Assembly election, necessitating them to acquire a certificate of registration from the Ministry of Interior. Although criticism arose accusing the government of altering procedures to exclude opposition parties, the National Election Committee (NEC) defended its actions, asserting compliance with existing laws. Notably, the Law on the Election of Members of the National Assembly did not previously mandate such

registration. On May 15, the NEC declined the registration of the Candlelight Party, citing non-adherence to registration procedures by failing to provide the required documentation from the Ministry of Interior. The Candlelight Party, a liberal opposition to the Cambodian People's Party, lodged an appeal with the Constitutional Council, yet on May 25, the Council ruled against them, upholding the NEC's decision.

According to the latest revisions to the national elections law, individuals aspiring for governmental positions are now required to have participated in at least two preceding elections to be considered eligible candidates across all electoral levels, encompassing communal, district, municipal, provincial, and national assembly elections. These amendments not only aim to bolster civic duty but also seek to diminish the occurrence of election boycotts. This is achieved by granting the National Election Committee the authority to levy fines ranging from 5 to 20 million riels (\$1,200 to \$4,800) on individuals or entities dissuading people from voting.

Moreover, individuals found guilty of instigating threats or violence against political candidates or party officials may face fines and disqualification from candidacy for a duration of five years. Parties failing to remove disqualified candidates are also penalized, ranging from 10 to 30 million riels (\$2,420 to \$7,270). These punitive measures against parties must be viewed in conjunction with previous alterations to the constitution and electoral statutes, which have streamlined the process for the dominant political party to ban opposition parties based on criminal convictions, including incitement or allegations such as neglecting the national interest.

The amendment was aimed at preventing a potential boycott of the July 23 election. Such a boycott could have undermined the planned handover of power from Prime Minister Hun Sen to his son. The was ensured by removing the political rights to participate in the future in the form of contesting in elections for those who did not vote in the 2023 national elections. It also removed the political right to contest in elections from those who had previously boycotted because it requires individuals to have voted in at least two previous elections at a given level (commune or national) in order to be a candidate at that given level.

(Former) Prime Minister Hun Sen defended this change, emphasizing that it applies to all political parties, not just the opposition. He claimed that He stated that encouraging people not to cast ballots is counterproductive, and those who abstain from voting waive their right to stand in future elections. However, the disqualification of non-voters will affect opposition figures living abroad who cannot vote in the upcoming election. It also serves as a deterrent against any coordinated boycott by the remaining opposition parties. Notably, the Candlelight Party (CLP), the country's significant opposition party, had already been barred from participating in the election when the law was changed.

The 2023 amendments to Cambodia's election law, which mandate the disqualification of candidates who fail to vote, have sparked concerns regarding their implications for democracy and liberal-pluralism. Firstly, democracy hinges on the principle of universal suffrage, granting citizens the freedom to vote. However, by disqualifying candidates who abstain from voting, the revised law curtails this fundamental democratic right. Moreover, democracy thrives on inclusivity, welcoming broad participation even from those who choose not to vote. Yet, disqualifying non-voters undermines this principle, potentially excluding marginalized or disenfranchised groups. Additionally, voting serves as a crucial form of political expression. Penalizing non-voters stifles dissenting voices and restricts the diversity of political opinions. Moreover, disqualifying non-

voters may erode public trust in the electoral process, as citizens may perceive it as an unjust restriction on their rights.

Second, liberal-pluralism emphasizes the coexistence of diverse political ideologies and parties. However, the amended law risks homogenizing the political landscape by excluding candidates with alternative views. Critics argue this disproportionately affects opposition parties, potentially silencing dissent and weakening their electoral prospects. Furthermore, the fear of disqualification may create a chilling effect, deterring potential candidates from freely expressing their opinions or engaging in the electoral process. These changes are considered in the context of the broader history of the law in Cambodia, beginning in 2014. These changes make clear the longer-term process of democratic backsliding or autocratization, where institutions and laws are manipulated to consolidate power rather than uphold democratic values. Thus, the 2023 amendments to Cambodia's election law are causing significant apprehension regarding their negative impact on democracy and liberal pluralism.

Pre-Election Climate: Mopping Up the Competition

The 2023 elections were characterized by the use of 'lawfare' to create the semblance of proceduralism, which legitimized the disqualification of the main opposition party, leaving the elections with 18 contesting parties but no actual opposition to the ruling party. The dominance of the ruling party regime is demonstrated in duration in power (31 years in power during the period of election-based authority)¹, and the personalism of the regime is demonstrated by the dynastic transfer of power (from Hun Sen to his son Hun Manet, following the 2023 elections). At the same time, the 2023 poll was used to symbolize the total absence of dissent, which would buttress the dynastic transfer of power from former PM Hun Sen to his son PM Hun Manet shortly after the formation of the new parliament. This was accomplished in two primary ways: the further personalization of power by former PM Hun Sen and the reproduction of the practice of dynastic succession at the level of individual ministries (see section on Democracy Governance).

Despite the mass trials with mass convictions based on little or no evidence in 2022, which were aimed at undermining grassroots and organic support for democracy through tactics of force and fear based on legal persecution, the ruling party determined it was still unable to win power through free and fair elections, and it took steps to ban the opposition party from contesting in the national elections of 2023. It, thereby, further entrenched and normalized its strategy of eliminating liberal pluralism on the basis of suspect and implausible legal grounds through a repetition of its 2018 strategy of eliminating the opposition party prior to the parliamentary elections, undermining the political rights of all Cambodians. As a result of the 2018 elections, the ruling party controlled all seats in the parliament.

The unconvincing façade of legal pluralism, an integral part of the regime's legitimation discourse, was maintained with the participation of many subservient or non-oppositional parties whose lack of authenticity is reflected in the almost total absence of popular support. While the landscape of

¹ The ruling CPP was founded in 1951, originally known as the Kampuchean People's Revolutionary Party (KPRP). After overthrowing the Khmer Rouge regime in 1979, the party became the official ruling party of the People's Republic of Cambodia. In 1989, the name was changed to the Cambodian People's Party (CPP). After losing the 1993 UNTAC organized elections, the CCP threatened civil war and secession if it was not allowed to hold on to power. Then, in 1997, through what most international observers see as a coup, the coalition government with FUNCIPPEC party (the victors in the 1993 election) was eliminated and dominant party rule was established.

political pluralism was eroded through the arbitrary elimination of political competition, legal persecutions of opposition politicians and supporters, which were taken to unprecedented heights in 2022, continued unabated in the leadup to the 2023 vote. COMFREL's 2022 Democracy Reports details the mass trials of the opposition characteristic of an authoritarian regime, resulting in the removal of political rights or incarceration of the accused, and prior to the July 2023 election. At least 39 opposition politicians were held in Cambodian prisons, according to Amnesty International.

Following years of continual harassment, intimidation, and prosecution (exemplified in the huge number of legal charges pending against former CNRP leader Sam Rainsy and lengthy sentence for opposition leader Kem Sokha—effectively a life sentence given his incarceration in house arrest for 27 years at the age of 71), the general appetite for real democratic participation and representation was made evident in 2023 through the rising tide of support that the Candlelight Party has generated despite repression, a radical asymmetry in party funding and resources, and a media landscape almost totally controlled by the ruling party.

In early April, the opposition Candlelight Party held a party conference. Cambodia's newly formed Candlelight Party, seen as the main challenger to the long-ruling Cambodian People's Party (CPP), held its first national congress, drawing 7,000 supporters who chanted for change. While the party lacks the exiled opposition leader and may not replicate the previous opposition's success, it aims to gain seats in parliament and potentially become the main opposition force, challenging the CPP's dominance. At this time, the party leadership was confident that it could effectively compete in the 2023 National Assembly election. Teav Vannol, its president and a former opposition senator, asserted that the party was confident of achieving results comparable to the 22% percent of the vote it garnered in the 2022 local or commune elections. However, irrespective of its capacity to appeal to voters, by April, the 'no-win' situation for the opposition party became clear. The party navigated a delicate balance. To attract voters, it needed to present itself as a democratic alternative to the ruling CPP yet avoid overly critical stances that could invite legal repercussions.

Additionally, the party sought electoral gains despite concerns raised by exiled opposition leader Sam Rainsy and others regarding the fairness of the upcoming elections. This complex scenario left the Candlelight Party navigating the narrow path between political aspirations and potential legal pitfalls. Increases in popularity corresponded with an increased risk of being outlawed under the amended (2017) law on political parties (which was used as the legal grounds to disband the former opposition party CNRP), which empowers courts to dissolve parties linked to convicted criminals. This threat materialized in January when Candlelight Party Vice President Thach Setha was imprisoned on three-year-old accusations of writing fraudulent checks (see section on Political and Civil Rights). Despite the disbanding of the CNRP, prosecutions of leaders who have been exiled or incarcerated, mass trials convicting essential party figures, the radical inequality in access to campaign finances and to media, and the general practice of the ruling party mobilizing the entirety of the state bureaucracy for campaigning, the ability of the opposition party to survive and even succeed is testament to the demand for democracy by the population. For

By April 2023, analysts were divided in the likelihood of different scenarios playing out. Sebastian Strangio, author of a book on Cambodian politics and former journalist in Cambodia, argued that the Candlelight Party was being allowed to compete to maintain the illusion of pluralism and public choice. Sopal Ear, an academic based in the US and also the author of a book on Cambodian politics, predicted the party would be expunged prior to the election. Astrid Norén-Nilsson, an

academic specializing in Cambodian politics and history, indicated that both options were equally possible and that neither one would substantially affect ruling party dominance. Cases of CP activists exemplify the broader public demand for genuine democratization. Korng Det, a party official, exemplified this unwavering spirit, declaring his defiance in the face of intimidation, even threats of death. He emphasized that the Candlelight Party was a beacon of hope for many Cambodians who have lost faith in the current government. Ly Kimheang, a commune council member, shed light on a crucial aspect of the party's support: the silent voters. While fearing public expression due to intimidation, these individuals privately express their intention to vote for the Candlelight Party, hinting at the potential for a closer race than anticipated.

As of mid-February, in anticipation of contesting in the election, Candlelight Party increased its party vice-presidents from 2 to 5 and held a congress in Siem Reap with 7000 supporters amassed. It adopted a party platform that included universal health care and treatment at public hospitals, 50 USD monthly stipends for elderly citizens, a 300 USD minimum wage for wage laborers, and a 500 USD minimum monthly salary for civil servants.

The CPP's campaign platform was disclosed in a statement released at its extraordinary party congress on 29 January 2023. The statement from the CPP said that, in the last five years, peace and political stability have been firmly protected, and democracy has taken root deeply in society while the country was also able to make it through the Covid-19 pandemic smoothly while saving people's lives, followed by the successful hosting of the ASEAN Summit and related meetings. The congress set five strategic goals for the next five years, which it said are based on 'the wishes of the people' and reflect the actual situation both locally and internationally, taking into account the expected achievement of higher-middle income country status in 2030.

According to the statement, the five strategic goals include maintaining peace, independence, sovereignty, and territorial integrity while protecting and expanding on all of the development achieved to date, considered collectively as the first. The second is to make Cambodia an "advanced multi-party democratic state" with a strong rule of law, a sustainable and growing economy, and equality among its citizenry, with all people leading prosperous lives and being able to live with dignity and full respect for human rights. "[The CPP] will build a social protection system that is inclusive, effective and financially sustainable to protect people in response to economic risks, public health risks and other vulnerabilities born from evolving trends in the nature of the labor force and livelihood conditions," the statement said of the third goal. The fourth goal is to push for the implementation of a mine-free Cambodia by 2025, a project that is already funded and well on track to be completed on time. "The CPP will continue to implement an independent foreign policy based on laws while building friendships and good cooperation with all countries and international organizations and actively taking part in all diplomacy for the sake of peace, stability, security, and prosperity in the region and in the world," it said as part of the fifth goal.

With full knowledge that the CP lacked original paperwork (based on the CP's participation in the 2022 elections), in April 2023, the NEC created a new rule requiring all parties to submit original paperwork in order to register to contest in the election. On 15 May 2023, the National Election Commission (NEC)—the national electoral body controlled by adherents of the ruling party²—issued a decision banning the participation of the Candlelight Party in the parliamentary elections. The NEC disqualified the party due to missing documentation, precisely the original proof of their

² For example, the current NEC chairman, H.E Mr. Prach Chan, belongs to the CPP.

registration with the Ministry of Interior. While the NEC validated registration documents for 18 other parties, the CP remains the sole exception. Despite filing an appeal to the Constitutional Council, the CP held little hope for a favorable outcome, given that the Constitutional Council is also controlled by the ruling party and is perceived as beholden to the PM. With the documentation that the CP did have, it was allowed to register for the 2022 commune elections and the district council by-election of April 2023. Based on the results of the 2022 commune elections, a high-ranking ruling party figure, Sous Yara, announced that the opposition party was expected to take at least 20 seats in the National Assembly elections.

This disqualification effectively ensured that the elections would not be competitive and that the legislative branch would lack pluralist discussion and debate. The Constitutional Council ruled that the disqualification of the opposition party was ‘constitutional’. The council’s deputy secretary-general, Prom Vicheth Akara, stated: “On a legal basis, we looked at the facts. The NEC decision has complied with the constitution.” According to reports, the NEC had disqualified the Candlelight Party from registering for the election because it had submitted a photocopied document rather than an original copy. However, according to the Candlelight Party, the original documents had been seized by the police when they raided the party’s offices. Moreover, this claim initially seemed to be accepted and corroborated by the actions of the Ministry of Interior, which issued the Candlelight Party documentation for registration to participate in the election. On May 6, the Ministry of Interior announced that it had recognized the party and registered it in accordance with the Law on Political Parties.

Despite being issued by the Ministry of Interior for the purposes of registration with the NEC, the NEC rejected the documentation. Following the NEC’s decision, General Sok Phal, the Ministry’s spokesperson, denied that the Ministry’s police forces had confiscated the documents when raiding the opposition’s offices in 2017. Following the disqualification of the CP, the NEC granted the opposition party a period of five days, in accordance with election regulations, a period of five days to resolve problems or errors with the documentation submitted, but the Ministry of Interior refused the CP’s new documentation. Candlelight Party had requested a copy of its registration document from the Ministry of Interior on May 12, but the Ministry rejected the request. The Ministry issued an official letter verifying the Candlelight Party’s status as a political party on May 5, but the letter was rejected by the NEC. Ministry of Interior spokesperson Khieu Sopheak actually made the following comment to the media: “The original document was already given. How can we make a copy? I don’t understand. Maybe they hid the original document or pawned it at a bank in exchange for money.”

The context for this ban demonstrates a long-term, intensifying, and expansive pattern of repression of democracy in Cambodia. Prior to the May 2023 CP disqualification and the July 2023 elections, the Candlelight Party faced a harsh crackdown. Members reported a series of public assaults by masked men throughout the year, some targeting them after party meetings and even following a visit to the UN’s human rights office in Phnom Penh. These attacks coincided with Prime Minister Hun Sen’s efforts to neutralize potential opposition. In March, he permanently sidelined the already incarcerated (arrested in 2017) leader of the former CNRP, Kem Sokha, by sentencing him to house arrest on questionable charges for 27 years, effectively barring him from all future political participation. This harsh judgment drew international condemnation from rights groups and Western nations, who accused Hun Sen’s government of suppressing political opposition and independent media. Further tightening his grip, Hun Sen ordered the closure of the country’s only popular independent news outlet in February, effectively silencing critical voices.

This followed the 2018 election, where the politically controlled Supreme Court, under his influence, dissolved the main opposition party, the Cambodian National Rescue Party, a year prior to the vote. These actions cast a shadow over the upcoming elections, raising concerns about their fairness and inclusivity.

It is important to note that the decision was framed through a pro-regime narrative in the form of ruling party ideologues. For example, Seun Sam, the Royal Academy of Cambodia (a government-funded and controlled 'academic' institution) policy analyst, stated in pro-government news: "The country's democratic system, which continues to evolve and solidify as the government and people of Cambodia strive to ensure fair and transparent election processes, should be recognized and respected for its considerable successes."³ This is an example of how autocracy is reframed and packaged as democratic development, and repression is repackaged as political liberties in the case of Cambodia. Hun Sen and his government, rather than fostering Cambodia's democratic system, have systematically dismantled it to preserve the Prime Minister's long-held grip on power.

As noted, this process can be traced back to the refusal of the ruling party to accept the results of the 1993 poll and the 1997 coup in which the then- opposition FUCNIPEC was removed from power through military action. More recently, in a move that effectively cleared the path for his uncontested victory, Cambodia's Supreme Court dissolved the oppositional Cambodia National Rescue Party (CNRP) in late 2017, just before the 2018 general elections. Described by analysts as the "reincarnation" of the CNRP, the Candlelight Party, formed in 1995, reemerged in October 2021 after a period of inactivity since 2012. In October 2022, former PM Hun Sen threatened to dissolve any party associated with Sam Rainsy, the CNRP's co-founder. He further escalated his tactics in January 2023, threatening physical violence and lawsuits against opposition members who dared to criticize his government. "There are only two options," Hun Sen declared. "One is to use legal means, and the other is to use a stick. Which of these two do you prefer?" These threats translated into concrete actions, as Candlelight Party officials and activists faced both legal persecution and physical assaults. The autocratization of the Cambodian political system has coupled such violent repression with frequent attempts to cultivate the illusion of legalism.⁴

Ultimately, the Cambodian election commission disqualified the Candlelight Party from participating in the upcoming elections, citing missing registration documents. The opposition party, as well as the Asian Network for Free Elections, countered this claim, stating that the original registration certificate was lost during police raids on the CNRP's headquarters in 2017. This was at first accepted by the Ministry of Interior, which subsequently changed its position and refused to recognize this legitimate excuse by the opposition party. ANFREL further emphasized the "arbitrary and politically motivated nature" of the disqualification by highlighting the party's participation in the 2022 Commune and Sangkat Council Elections.⁵ In its May 15 notice, the NEC said it had validated the party and candidate registration documents of 18 parties. CP, the only viable opposition party, was the only party that failed to gain registration. Putting short-term gains over policies that underpin a fair playing field in the longer term, at least ten registered 'opposition parties', including FUNCIPPEC, announced that they supported the NEC's decision to

ban the Candlelight Party. Grassroots Democracy Party was the only opposition party to object to the NEC's decision.

Korn Savang, election monitor Comfrel, said the NEC should accept the Interior Ministry's notification that Candlelight is a registered party and not limit the participation of parties on the basis of any additional documentation requirement: "NEC should take a look at the requirements and procedures to make sure the upcoming election is free, fair and equal, and that no party is rejected because of unnecessary requirements." It is important to note that the NEC permitted the Candlelight Party to contest the commune election in 2022 and the recently concluded district council elections in April 2023. In Cambodian elections, a multiplicity of competing parties cannot be considered an indicator of liberal pluralism. In the 2018 parliamentary elections, there were 20 contesting parties, and the ruling party took all 125 seats in the National Assembly.⁶

Former opposition leader Mu Sochua, who is now compelled to reside in exile or be imprisoned in Cambodia, claimed that "the time to express concern and hope to reform the [Hun Sen] regime is over". She posited that governments wishing to support democracy should not recognize the Hun Sen government unless credible elections are held, particularly signatory nations to the 1991 Paris Accords. Lee Morgenbesser, a professor at Griffith University in Australia, said Hun Sen's party needed to remove the Candlelight Party as an electoral threat before it had the chance to gain widespread support. He opined that an opposition party was only "allowed to participate to the extent they didn't become a threat or popular enough, or sufficiently popular." Also, "It's a one-party state with very little political rights and civil liberties, no independent media. At this stage, it's closer to the North Korea of the world than democracy. That's how far along the spectrum it is."⁷

According to a US State Department Human Rights report released before the 2023 election, independent Cambodian political parties were subjected to "legalized discrimination, selective enforcement of the law, intimidation, and biased media coverage. These factors contributed significantly to the [Cambodian People's Party] effective monopolization of political power." State Department spokesperson Matthew Miller asserted: "Contrived legal actions, threats, harassment, and politically motivated criminal charges targeting opposition parties, independent media, and civil society undermine Cambodia's international commitments to develop as a multiparty democracy. Accordingly, the United States does not plan to send official observers to the July elections, part of an electoral process that many independent Cambodian and international experts assess is neither free nor fair."⁸

Yong Kim Eng, president of the People Centre for Development and Peace, said that people and parties are free to have their own views on the quality of the poll but emphasized that all should look into the general situation surrounding the process. "Which foundation the evaluation is based is their choice. But the general mechanism is that the evaluation must start from registration until solving complaints regarding the election."⁹

On 25 May 2023, the Constitutional Council made a final ruling in support of the NEC's decision, effectively ending the appeals process of the Candlelight Party. In addition to the ban on the CP,

the Constitutional Council upheld the exclusion of the Khmer United Great Nation Party on the same grounds. The Interior Ministry, the NEC, and the Constitutional Council are all headed by ruling party members. Due to safety concerns, COMFREL staff was not able to respond to media requests for commentary on the Constitutional Council's decision. Constitutional Council President Im Chhun, a member of the ruling CPP party, said the CP's appeal was rejected for being "illegitimate and contrary to the law". For several weeks the NEC and the Ministry of Interior would not respond to media inquiries about why the CP was allowed to compete in the 2022 commune elections using the photocopy of their registration documents.

Eventually, Hang Puthea provided an explanation for the decision, which was not based on any law or existing policy, stating: "The National Election Committee (NEC) requested only photocopies and confirmation of the party's name from the Interior Ministry for the commune elections because of the difficulty of registering at the each of the communes with the original document. He asserted for the national elections, Puthea mentioned that parties registered directly with the NEC at the national level, necessitating the submission of original paperwork. He emphasized the significance of this process, particularly for parliamentary elections aimed at forming a government. Puthea claimed that the NEC was not aware that Candlelight did not possess the original declaration earlier in the year when this condition was established. However, Kong Monika of the CP noted that the party had submitted a request to the Ministry of Interior for new documentation on April 3, 2023, and the NEC established the new requirement for party registration on April 5. Moreover, this seems to run counter to the claim that photocopies of registration documents were allowed for commune council elections in 2022 for practical reasons since no such policy existed in 2022 and because the new requirement for party registration would seem to apply to all levels of elections occurring after its enactment on 5 April 2023.

Yang Peou, secretary-general of the Royal Academy of Cambodia, claimed: "We anticipated that this would be the conclusion, as they were careless in the attention they paid to legal requirements – they were also late in submitting their documentation to the NEC. They seemed arrogant and often accused the government of not respecting the law, even suggesting that the laws were somehow unfair or unjust. Then they themselves were careless in respecting the laws." Such statements seem to disregard the facts that the original documentation was confiscated by police in 2017, that the CP had requested new documentation from the Ministry of Interior, which denied the request, and that the Ministry of Interior had provided the CP with an official letter stating that they were a registered political party and that the new requirement was only passed in April 2023.

On May 23, PM (former) Hun Sen cautioned foreign embassies against interfering in Cambodia's internal affairs, asserting, "You have the right to trust me or not, but I have the right not to trust you. Don't interfere in foreign affairs; these are Cambodia's affairs, and please do not connect Cambodia's relations with your countries."

UN experts emphasized on May 25 the importance of ensuring an inclusive, genuine, and peaceful electoral process in Cambodia, stressing the full respect of human rights, including freedoms of assembly, association, and expression for all political actors, civil society, and voters. In March, the European Union parliament adopted a resolution cautioning that further democratic deterioration in Cambodia could result in targeted sanctions. The delegation of the European Union expressed strong objection to Candlelight's disqualification following the NEC's initial decision on May 15. On May 21, Ambassador W. Patrick Murphy tweeted on behalf of the US Embassy in Phnom Penh, stating that "the decision to reject the Candlelight Party's registration...

undermines Cambodia's democracy ahead of the July 2023 national elections." The French Embassy, in a statement on May 17, lamented the exclusion of the Candlelight Party from the elections, noting that it undermines the democratic essence of the vote. British Ambassador Dominic Williams voiced disappointment on May 16, stating, "This is a disappointing development which weakens the choice available to the Cambodian people and appears to contradict the Ministry of Interior's recent confirmation of the Candlelight Party's status as a recognized political party." The Japanese government stressed the importance of an environment where people's opinions, whether from the ruling party or opposition parties, are widely considered in the political process.

By the beginning of June 2023, the US State Department released a human rights report which found that opposition political parties are subjected to: "“legalized discrimination, selective enforcement of the law, intimidation, and biased media coverage. These factors contributed significantly to the [Cambodian People’s Party] effective monopolization of political power.”” State Department spokesperson Matthew Miller stated: “Contrived legal actions, threats, harassment, and politically motivated criminal charges targeting opposition parties, independent media, and civil society undermine Cambodia’s international commitments to develop as a multiparty democracy. Accordingly, the United States does not plan to send official observers to the July elections, part of an electoral process that many independent Cambodian and international experts assess is neither free nor fair. We strongly urge Cambodian authorities to reverse course to ensure their citizens can participate in a fair, multiparty democracy consistent with the Cambodian constitution and freely exercise their human rights, including freedoms of association, peaceful assembly, and expression without fear of reprisal.””

However, as of the first week of June 2023, the RGC National Election Committee announced that there would be fines and prison sentences for anyone advocating for an election boycott. Given that established democracies have different practices regarding this issue, it is impossible to designate enforced voting as decidedly undemocratic. However, analysts such as Cambodia expert Sebastian Strangio, the author of the book *Hun Sen’s Cambodia*, have argued that the practice was designed to remove the last strategic option of electoral boycott for opposition parties in Cambodia suffering from harassment, legal prosecution, and huge inequalities in access to funding and media coverage. Shortly after the NEC’s announcement, Hun Sen announced there would be changes to the election law, which penalized failure to exercise the right to vote through future disqualification from the ability to contest.

The change to the Law on the Election of National Assembly Members (see above section on the law in this chapter of the report) Article 142, which was enacted by the National Assembly where the ruling CPP party held all 125 seats, is a severe concern for civil society groups as well as political parties. More than 20 civil society groups issued a joint statement noting the potential detrimental impacts of the law on political rights. Am Sam Ath, operations director at rights group LICADHO, said: “If we look at the law on election, it is not clearly stipulated that they can interpret [calls to spoil the ballot] to be considered as an offense. We are concerned that if there is no clear interpretation, it will affect voters' rights.” The law sets out that any individual seeking to compete in an election must have voted in two consecutive prior elections or be disqualified from candidacy. Further, the amendments to the law enable the election committee to fine any individual found to coax others to not vote from 5 million to 10 million riels (1,200 – 4,800 USD), and to fine those that incite or enact threats or harassment of candidates from 10 million to 30 million riels (2,420 – 7,270 USD). For those outside Cambodia, as is the case for much of the leadership of the former

CNRP party, the law effectively blocks them from future participation automatically, as they are not given the opportunity to vote abroad under the current voting system.

Notably, no changes were made to the law to address the sharp imbalance between parties in relation to political organizing capacity, personnel, finances, and media access. The NEC official statement released in the first week of July 2023 also mentioned that those found guilty of such infractions could be imprisoned, although sentencing guidelines were not disclosed. At that time, the NEC specifically mentioned social media-related campaigns that encouraged people not to vote or to destroy ballots.

Campaign and Election Day

2023 National Assembly Election Results for Contesting Parties

| Party | Votes | % | Seats | +/- |
|--|-----------|-------|-------|-----|
| <u>Cambodian People's Party</u> | 6,398,311 | 82.30 | 120 | -5 |
| <u>FUNCINPEC</u> | 716,490 | 9.22 | 5 | +5 |
| <u>Khmer National United Party</u> | 134,285 | 1.73 | 0 | 0 |
| <u>Cambodian Youth Party</u> | 97,412 | 1.25 | 0 | 0 |
| <u>Dharmacracy Party</u> | 84,030 | 1.08 | 0 | 0 |
| <u>Cambodia Indigenous Peoples Democracy Party</u> | 52,817 | 0.68 | 0 | 0 |
| <u>Khmer Anti-Poverty Party</u> | 40,096 | 0.52 | 0 | 0 |
| <u>Khmer United Party</u> | 36,526 | 0.47 | 0 | 0 |
| <u>Grassroots Democratic Party</u> | 35,416 | 0.46 | 0 | 0 |

| Party | Votes | % | Seats | +/- |
|--|------------------|---------------|------------|----------|
| Khmer Economic Development Party | 26,093 | 0.34 | 0 | 0 |
| Ekpheap Cheat Khmer Party | 25,261 | 0.32 | 0 | New |
| Cambodian Nationality Party | 23,197 | 0.30 | 0 | 0 |
| Women for Women Party | 22,843 | 0.29 | 0 | New |
| Khmer Conservative Party | 20,968 | 0.27 | 0 | New |
| <u>Beehive Social Democratic Party</u> | 20,210 | 0.26 | 0 | 0 |
| People Purpose Party | 13,831 | 0.18 | 0 | New |
| Democracy Power Party | 13,704 | 0.18 | 0 | New |
| Farmer's Party | 12,786 | 0.16 | 0 | New |
| Total | 7,774,276 | 100.00 | 125 | 0 |
| Valid votes | 7,774,276 | 94.64 | | |
| Invalid/blank votes | 440,154 | 5.36 | | |
| Total votes | 8,214,430 | 100.00 | | |

| Party | Votes | % | Seats | +/- |
|---------------------------|-----------|-------|-------|-----|
| Registered voters/turnout | 9,710,655 | 84.59 | | |

Source: National Election Committee, Royal Government of Cambodia

The voter turnout was 84.59%, which was an increase of 1.57% from the 2018 election's 83.02% and the 2022 Communal election's turnout of 80.3%. The provinces with the lowest voter turnout for the election were Banteay Meanchey, Battambang, and Oddar Meanchey. The NEC reported that Banteay Meanchey, with 431,775 voters, had only 312,313 or 72.33% turnout rate. Oddar Meanchey had 151,168 registered voters, but only 115,413 people voted. The third province that saw low voter turnout was Battambang, which had 661,970 registered voters, but only 515,454 voters were voting on Election Day.

The national election campaign commenced on July 1, 2023, and according to NEC spokesperson Hang Puthea, no violence or irregularities were reported to the NEC. The NEC is overseen by Prach Chan, a central committee member of the ruling CPP. Following the disqualification of the Candlelight Party, the ruling Cambodian People's Party (CPP) was the only party with sufficient resources to conduct extensive election campaigns, including door-to-door visits and guidance for voters on marking the ballot by selecting the CPP's rank number 18.

Regarding the CPP's practice of guiding voters on ballot marking, Pich Sros, president of the Cambodian Youth Party, noted that his party lacks the manpower to do the same: "They have taught their party's members... and it has become a habit that we find difficult to speak out against." Sek Soka, from the Grassroot Democratic Party's steering committee, criticized the CPP's ballot guidance, saying, "For my personal opinion, they should not do this [instruct people on how to tick the ballot] because it has shown an image of unfairness for other political parties." Sok Eysan, the CPP spokesperson, defended the practice, stating, "We have instructed our party members to vote for our party, so it is not improper." Sam Kuntheamy, executive director at the election watchdog NICFEC, noted: "It doesn't violate the law to instruct voters correctly how to tick on the ballot, unless [they are using] threats or intimidation, that is wrong." However, he attributed the absence of irregularities during the campaign period to the CPP's capacity to conduct large-scale campaigns.

By July 11, NEC spokesperson Hang Puthea informed media that the NEC was actively seeking to identify groups who have attempted to 'destroy' the electoral process. Prior to the election, four members of the Candlelight party were arrested and charged with incitement to spoil ballots, and 17 opposition figures living in exile were found guilty by the election committee, fined, and banned from politics for 20 to 25 years. By this time, internet service providers had been ordered to block access to several news and information websites on the basis that they fomented 'confusion' and detracted from the 'prestige and honor' of the government. The four arrested included Candlelight Party steering committee member Ly Ry, acting Phnom Penh party chief Bun Kat, Tbong Khmum province party chief Eng Sroy, and the head of the party's women's movement, Vong Runy.

The documents published by PEC show that the opposition members included seven former CNRP lawmakers — Sam Rainsy, Mu Sochua, Long Ry, Nuth Romdul, Hou Vann, Kong Saphea, Eng Chhai Eang — and eleven activists, including Seng Mengbunrong and Chham Chhany. PEC director Sim Dony stated, PEC director Sim Dony told media: “The committee fined the 74-year-old Sam Rainy 20 million riel (\$4,845) and banned him from elected office for the next 25 years, while the rest of the opposition members were fined 10 million riels (\$2,422) and banned from running as candidates for the next 20 years. We have tried them in absentia because they are all living abroad.”

By 7 pm on election day (23 July 2023), Chao Veasna, an opposition activist, was arrested. The authorities released a list of more than 30 names of persons alleged to ‘incite’ the spoiling of ballots. That evening, Hun Sen released the following statement on his telegram channel: “I would like to inform the opposition last night that you all talked on the Sbai Telegram channel to encourage crossing ballots and sending the ballot to the leaders in Paris [referring to Sam Rainsy]. Now, we know the faces of those people but do not be afraid. Please come out to confess to the authorities and the National Election Commission because the destruction of the ballot is a crime that must be punished. If you don’t come to confess, there will be legal action against all of you.” However, citizens unhappy with the lack of competition and the clear institutional advantages that favor the ruling party were left with the only option of withdrawing from political participation and accepting that they would not be able to enter politics in the future if they chose not to vote.

Other incidents of arrests included: At Polling Station 0079, Wat Mohamandrey Primary School, located in Sangkat Olympic, Khan Boeung Keng Kang, Phnom Penh, a man was arrested by the Police in collaboration with NEC officials. His arrest occurred when, instead of placing his ballot in the ballot box, he held onto the ballot and exited the polling station. Similarly, at polling station No. 303, Kbal Sneng Primary School, in Choam Kravien Commune, Memot District, Tbong Khmum Province, another man was arrested. Tbong Khmum provincial police reported that the man, identified as Kly Pheak, refused to put his hand in the ink can after coming to vote. Upon his arrest, police discovered narcotics in the suspect's urine. In another incident, a man was apprehended for spoiling his ballot and taking a picture of it at polling station 0804 in Stung Meanchey II at 9:30 am yesterday. The head of the polling office became suspicious and requested to check the man's mobile phone. Upon finding a picture of the spoiled ballot on the man's phone, the suspect, identified as Sat Oun, a 35-year-old male, was detained.

Following the election, Hun Sen addressed the public: “Your participation has thwarted the extremist groups who aimed to undermine democracy in Cambodia. To all radicals: Understand the political maturity of the Cambodian people. Our citizens’ strength will not allow you to damage our country.”

Hun Sen publicly asserted the existence of a telegram group called ‘Sabay’, which allegedly provided evidence of spoiled ballots to leaders of the former opposition party CNRP. He stated: “Those who have shared spoiled ballot papers, we are aware of you. Nonetheless, I urge you not to live in fear. You have the opportunity to admit your mistakes to the authorities or NEC. Despite your actions being unlawful, if you recognize your error, it is in your best interest to come forward promptly, or legal proceedings will commence.” He urged them to admit their guilt rather than attempt to flee the country. 44 chat group members were identified publicly by the government and ordered to apologize.

Deputy National Police Chief and Phnom Penh Police Chief Sar Thet announced that no one group was arrested because they made a public apology. He characterized the group as directed by ‘outsiders’. Five members of the group issued a public apology, which was disseminated on Fresh News government-controlled media; for example, Candlelight Party activist Thach Chea Chantha stated: “I confess my guilt by believing in Sam Rainsy’s incitement abroad impetuously, calling on me to cross through the ballots. I acknowledge all these wrongdoings. I plead with Prime Minister Hun Sen to please give me a chance and forgive me. From now on, I promise to join the political affiliation with the Cambodian People’s Party (CPP) in perpetuity.” A video of Candlelight Party Phnom Penh chief Bun Kat was released by Fresh News in which Kat apologized to Hun Sen and asserted that Sam Rainsy ordered people to spoil ballots.

In addition to the 17 opposition members and activists banned from elected office for at least 20 years by the Phnom Penh Elector Committee (PEC) on July 17, another 21 opposition supporters were prohibited within the following week. Former opposition leader Sam Rainsy stated: “Given the secrecy of the ballot, there is no way that spoiling the ballot or incitement to spoil the ballot can be considered as crimes. The judicial complaint against me is simply intended to frighten the population.” He claimed that a spoiled ballot should be viewed as “a legitimate action on the part of protesting voters.” Former CNRP vice president Mu Sochua said, “Voters have the full right to express their will on election day...Spoiling the ballots is voters’ rejection of a sham election.”

According to the NEC, at least 440,000 ballots were spoiled in the elections that saw a voter turnout of some 85 percent. An article on the U.S.-based legal news website JURIST meanwhile said that the spoiled ballots represented some 5.35 percent of the votes cast, even as it noted that the global average rate of invalid votes is 3.80 percent. Spoiling one’s ballot in Cambodia is seen by authorities as destructive and leading to crime and unrest in the country.

Accusations by Cambodian authorities of inciting voters to spoil their ballots and “sabotage” the 23 July elections led to at least 44 people being targeted as of mid-August 2023. Among these individuals are members of the defunct “Sabai Sabay (Happy Happy)” Telegram group, believed to support the main opposition Candle Light Party (CLP). Six people, including three CLP members, have been arrested and detained in connection with the spoiled ballots issue. The National Election Committee (NEC) has found 21 people guilty of breaking the Election Law, resulting in their removal from the voter list and a 20-year disenfranchisement, alongside a KHR 10 million (US\$2,413) fine each. These individuals may also face additional criminal charges.”

Korn Savang, advocacy coordinator for the Committee for Free and Fair Elections in Cambodia (Comfrel), said that if people accidentally or carelessly spoil their ballots while voting, the police will not have the right to investigate them. He said, though, “I would like to emphasize that if another person acts by forcing or inciting the people to spoil ballot or to prevent the people from going to the polls, they will be punished according to the election law, Articles 142 and 143.”

In “free and fair elections in other countries,” said independent political analyst Meas Nee, it is the right of voters to express themselves however they want through the ballot. Some democracies have also had spoiled ballots in their elections, he said, but these were in small numbers, and authorities there considered these to be an exercise of the voters’ civil liberties. Meas Nee said that the large number of spoiled ballots in the recent elections only shows that the ruling party’s incessant threats are falling on deaf ears and that it may have difficulty in preventing people from going against it. He posited: “Spoiled ballots in such a large number also show the influence of the opposition party, as well as the people’s dissatisfaction with the national elections. They are more

courageous than ever to show their opposition to the election.” He noted the impact that Rainsy’s advice had on voters despite the fact that Rainsy lives in exile.

Sam Kuntheamy, executive director of the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC), also said that spoiling one’s own ballot is part of a voter’s freedom. This action is not against the law, he insisted, and merely shows that the voters dislike something about the election. He noted as well, “Even if the number of spoiled ballots is combined with the number of people who did not go to the polls, it will not be able to affect the election results. However, it is clear that the majority of the people are not happy with the national election.

Election Observers

Following the election, the Foreign Ministry of Cambodia emphasized respecting Cambodia’s “sovereign right to self-determination” by all external actors. At the same time, it turned to the presence of external observers as proof that the poll had been free and fair. The application deadline for registration as an international observer started on April 1, 2023, and ended on July 19, 2023. To begin with, Cambodia extended an invitation to the EU to dispatch observers to monitor the 2023 election, as no observers from a consortium of European states were present during the 2022 commune elections, and assistance has been suspended since 2017. The EU had emphasized the need for Cambodia to reinstate genuine democratic norms and guarantee free elections, following the withdrawal of election support following the dissolution of the opposition CNRP party.

At a meeting in Brussels on December 14, 2022, Foreign Minister Prak Sokhonn highlighted what he described as a noteworthy enhancement in Cambodia’s democratic practices. He urged the EU to send observers in the upcoming year, citing the widely acknowledged free and fair nature of the June commune election, which saw an 80 percent turnout and the participation of 17 parties. Sam Kuntheami, executive director of NECFEC — a civil society organization overseeing elections — expressed skepticism about the state of democracy and electoral processes in Cambodia. Consequently, he doubted the EU’s participation in next year’s election.

On July 14, Soreida, Deputy Secretary General and Spokesperson of the NEC, announced that more than 88,000 national observers from 121 institutions would be participating in monitoring the election and ballot counting process for the 7th National Assembly election in 2023. Out of these 88,000 observers, 15 are from ASEAN countries, comprising 2 from East Timor, 1 from Singapore, 2 from Myanmar, 5 from Vietnam, 1 from Indonesia, and 4 from other ASEAN member countries. Soreida further revealed that the NEC had invited special guests from three countries, including France, Japan, and Russia, totaling seven individuals, to observe the July 23 election. The NEC is also anticipating more special guests to join the observation efforts.

As of 23 July 2023, media reported that the NEC announced the election proceeded with oversight from 89,562 local observers from 134 NGOs and associations, 586 international observers from 52 institutions, and attendance by 18 special guests from 10 institutions. Additionally, extensive coverage was provided by 1,289 media professionals from 127 entities, which included 137 foreign journalists from 38 organizations.

However, on July 25, the media reported that the foreign ministry had stipulated that the voting process was conducted by 422 international observers from 65 nationalities and 61 institutions. These observers included representatives from international organizations, foreign governments, diplomatic circles, and Cambodian diaspora communities. The ministry also highlighted the close monitoring of the electoral process by nearly 60,000 political party agents and 90,000 independent

national observers. It asserted that such collective efforts attested to the fairness and transparency of the electoral proceedings. Among the international observers were high-ranking dignitaries such as the speaker of the Malaysian Parliament, the prime minister of the Republic of Guinea-Bissau, the former head of state, the head of government, the former chairman of the National Assembly, as well as chairman of the Thai Election Commission.

Election observers from Japan, Australia, France, and the U.S. did not send representatives to observe the polls. Moreover, Adhoc and Licadho, two prominent human rights organizations in the country, have also stated their intention not to engage with international observers.

Despite this, observers from France, the Philippines, Azerbaijan, and Korea were observed by reporters at polling stations. Jacques R. Marien, representing the International Association of Parliamentarians for Peace (IAPP), expressed that their mission was observation, while Patricia Marie Raynaud Lalonde of IAPP claimed to represent Europe. Pelita D. Zaraspe from the Philippines, representing the Universal Peace Federation (UPF), also observed the electoral process. The UPF is associated with the Unification Church, known as the Moonies, and is considered a cult in Western states. Notably, both the UPF and IAPP representatives mentioned their joint mission with the Cambodian think tank Asian Vision Institute (AVI). AVI's leadership has close ties to the Cambodian government, with chairman Sok Siphana serving as a senior advisor to the government. Additionally, AVI's president, Chheang Vannarith, has a background as a former advisor to Cambodia's defense minister, Tea Banh.

An Azerbaijani delegation of election observers also arrived at a polling location in Phnom Penh. Ramin Mammadov, a member of parliament from Azerbaijan and an international election observer with the Non-Aligned Movement Parliamentary Network, emphasized their focus on observing the voting process rather than the political situation. However, Mammadov refrained from commenting on recent arrests or harassment incidents related to the Candlelight Party. Media also encountered two Korean nationals with international observer IDs, indicating they were with the Civil Society Alliance Forum, a Cambodian government-affiliated institution. They told the media that they had no affiliation with Korean organizations and were invited by the Cambodian government.

Korn Savang, the monitoring and advocacy coordinator for the Committee for Free and Fair Elections in Cambodia (COMFREL), emphasized that each country follows distinct democratic principles when assessing an electoral process. Savang noted that the final statements of some international observers reflect the standards established by their respective countries. COMFREL has not yet evaluated the recent electoral process. Savang expressed concerns about certain deficiencies in the election: "There were instances of local village-commune authorities appearing at polling stations to register voters, and party agents were noted taking a roll call of their members." Savang also raised concerns about restricted practices observed at some polling stations during the vote count.

Prior to the election, a report by Human Rights Watch (HRW) surfaced, indicating potential instances of vote tampering and election fraud during the 2022 commune elections. This conclusion was drawn from examining publicly accessible polling station results forms from Phnom Penh. Noteworthy irregularities included miscounted votes in forms from 19% of polling stations and instances of corrections or sections being crossed out in forms from 15% of stations. Furthermore, 44% of polling stations had election observers exclusively present, aligned with the CPP. The National Election Committee (NEC), acknowledging "mistakes" and "flaws in the vote

counting operations," made this concession two days prior to election day. However, the NEC's position was that these errors were not "severe irregularities" and so did not impact the election results.

None of the 12 minor political parties reached by CamboJA said they had filed any complaints to the National Election Committee about Sunday's elections. Many did not have election observers at the vast majority of polling stations, which some parties said was due to a lack of resources and support for their party. Four parties — the Khmer Anti-Poverty Party, People's Purpose Party, Khmer Conservative Party, and Cambodia Indigenous Peoples Democracy Party — did not respond to requests for comment from the media on the topics of irregularities and the ability to submit complaints and the royalist Funcinpec party, which won five seats to the ruling CPP's 125, declined to comment.

However, some parties acknowledged they witnessed some irregularities during elections but chose not to submit complaints. Un Chim, president of the EkPheap Cheat Khmer party, which ran 47 candidates, said the party had observed local authorities covertly observing voters in some places. "The problem is that the authorities and the commune chief dress in civilian clothes and hide in front of the entrance to the polling station. We want them to abide by the NEC law." However, Chim said that the party preferred not to submit a complaint to the National Election Committee (NEC) and declined to elaborate further. Grassroots Democratic Party spokesperson Sek Sokha said his party, which ran 83 candidates and received around 34,000 votes, did not send any observers to monitor polling stations because there were not enough participants. This made it difficult to observe possible irregularities, he said. "We can look at the political environment. They [observers] get intimidated or threatened, and second, they may not have a clear understanding of political rights. We find too few agents, not enough of us. In general, if they are not afraid of politics and we can find them, we will put them [as observers]." Beehive Social Democratic Party president Mam Sonando, whose party contested 57 seats, said opposition parties are restricted. "If you do not agree, you must also agree because we cannot review little problems. If we review for no reason or if it is less, it makes the problem worse, especially for the opposition party like us, so only compromise keeps our country at peace."

Korn Savang, the monitor from the election watchdog Committee for Free and Fair Elections in Cambodia (Comfrel), stated that his organization is reviewing its reports from election day but has documented several irregularities. According to Savang, the irregularities recorded by Comfrel include local authorities being present at polling stations, voters' names being removed from the voter list, citizens holding photocopies of Khmer ID cards, village chiefs recording the names of voters in certain areas, and some polling stations not displaying the voting results 1102 form 1102. "These are irregularities that do not adhere to the [NEC's] principles," Savang emphasized.

COMFREL Monitoring Findings

I. Election Campaign

In the run-up to the Election of Members of the National Assembly for the 7th Legislature 2023, the Committee for Free and Fair Election in Cambodia (COMFREL) deployed its election observers in all Capital and provinces nationwide and at each stage of the election since the voter registration period. COMFREL observed each electoral phase with regard to the performance of

the National Election Committee (NEC) and its officials at lower levels, as well as conducted interviews with electoral stakeholders.

Pursuant to the official results on political party registration and the list of political party candidates released by the NEC, 20 political parties had registered with the NEC, of which two were rejected. Among the 18 registered political parties, 3,428 candidates, including 1,235 women, are running for the election. In addition, amendments to the Election Law during the election period severely undermined the rights to stand for election and vote. During the election, activists and leaders of political parties were also arrested, causing fear among officials/activists of other parties, including voters. Based on COMFREL's 21-day observation of the election campaign, it has found the following preliminary results:

a. Equality in conducting party campaign activities (location and security):

COMFREL did not receive or see any complaints from political parties on issues and irregularities relating to security during the campaign period. However, COMFREL observed that there was unequal access by the 18 political parties for their party campaign activities with regard to the posting of political party logos/banners in public areas, while the ruling party had posted excessive logos along the middle of the roadway and streets in all provincial towns and Capital.

b. The neutrality of or Interference by local authorities, armed forces, and court officials:

COMFREL has observed the following cases:

- Case 1: there was involvement by local authorities at all levels, officials of the Royal Cambodian Armed Forces and the National Police, as well as court officials and village chiefs in participating in election campaign activities as members of the Standing Committee on Information and Media, or the Election Campaign Committee of the ruling party for at least 65 cases in four provinces, namely Battambang, Oddar Meanchey, Ratanakiri, and Kampong Thom.
- Case 2: there was involvement by local authorities at all levels, officials of the Royal Cambodian Armed Forces and the National Police, as well as court officials and village chiefs in distributing materials (gifts) to voters in support of a particular political party and/or candidates for 175 cases.
- Case 3: three cases of party logos and propaganda materials were posted or displayed on the premises, government buildings, or offices (2 cases in Preah Vihear and 1 case in Svay Rieng). In the case of Svay Rieng province, a CPP flag was attached to the Chisara Rangsey Primary School fence.
- Case 4: there were 40 cases of vehicles suspected of being state vehicles with license plates removed, participating in campaigning activities for political parties (9 cases in Tbong Khmum, 5 cases in Preah Vihear, 19 cases in Kampong Thom, 3 cases in Oddar Meanchey, and 4 cases in Ratanakiri province).

c. Assurance of no conflict happening (conflict, obstruction, and disturbance):

For the Assurance of no conflict happening, which is one of the measures being taken to prevent conflict, obstructing activities or disruption aimed at candidates or representatives of political parties or political parties either directly or indirectly or in writing, COMFREL observed the following:

1. There were 2 cases of using loudspeakers to disturb other political party's campaigning activities or to disrupt other party procession (in Battambang province).

2. There were 10 cases of dismantling or destroying banners of political parties or propaganda materials (1 case in Kampong Cham and 9 cases in Tbong Khmum province).

3. There were 9 cases of tearing or destroying promotional materials or banners used for election campaigns (in Tbong Khmum province).

d. Assurance of no intimidation by threats, violence, and coercion:

Case 1, COMFREL observed that there was at least one threatening case to stop providing public services in Kampong Cham province. For instance, Ms. Chhun Si, a 58-year-old resident of Ta Ngil village, Chealea commune, Banteay district, is COMFREL's local observer in her area. She was asked to meet a Ta Ngil Village chief and then to further meet a commune chief. The commune chief told her that the commune would not provide or engage her in public services if she was still working for COMFREL or ADHOC. The case frightened her; consequently, she resigned from COMFREL and ADHOC.

Nevertheless, on the day of COMFREL's election observer training, she came to join it. She underscored that she no longer cared because she did not live depending on the money from joining a political party. More importantly, she was still worried about whether the commune would provide her with its public services. So far, she has not received any services from the commune because she did not need any yet.

e. Assurance of no vote-buying activities:

COMFREL's observation has discovered that activities at garnering voter support included:

1. There was a case of giving donations or gifts as a charity in Pailin province, in which money was given to those who agreed to become a political party member when they brought the party identity card when going to cast a ballot. In fact, village chiefs wore party shirts/hats and took part in the party processions. They visited villages to distribute party leaflets and gave 30,000 riels of money to those who had a party membership card.

2. In one village, after the Cambodian People's Party (CPP) procession on July 8, 2023, at around 5 pm, those who joined the party procession were to gather at the village chief's house.

3. There were 15 cases of giving gifts or other materials, of which 10 cases were in Kampong Cham, 1 in Pailin, and the other 4 in Ratanakiri.

4. There were 11 cases of provision of a poor identity card or public services in exchange for party membership or support, of which 1 case was in Pailin and the other 10 cases in Ratanakiri.

5. There were 4 cases of giving cash as an incentive, of which 1 case was in Pailin and the other 3 cases in Ratanakiri.

6. There were 2 cases of organizing a party ceremony or providing services free of charge to win voters' hearts, of which 1 case was in Oddar Meanchey, and the other case was in Pailin. For instance, on July 17, 2023, in Tapen village, Pong Ror commune, Chong Kal district, Oddar Meanchey province, there was a party ceremony organized by a party representative for local people (on a small scale).

7. Tbong Khmum: A CPP representative instructed voters to tick on a sample ballot paper number 18 (for the Cambodian People's Party), and those voters receive a budget of 20,000 Riels each.

f. Neutrality of village and commune authorities: COMFREL has observed the following irregularities:

1. There were 26 cases of Commune/Sangkat council members withholding election information (distribution of voter information cards) or discriminating in providing election-related services (verification of identity documents for voting) to people or supporters or political party candidates (1 case in Oddar Meanchey, and the other 25 cases in Ratanakiri).
2. There were 24 cases of village chiefs or assistant village chiefs withholding election information (distribution of voter information cards) to people, supporters, or political party candidates (1 case in Oddar Meanchey and the other 3 cases in Ratanakiri). In fact, on July 2, 2023, a person named Chea Eng Pros and his wife Yem Saro, in Kork Wat village, Chong Kal district, Oddar Meanchey province, were not given the voter information card by their village chief. When they asked for the voter information card, the village chief said that it had been deleted and that they had no voter information. Nevertheless, after checking the NEC website, I found that their names are still on the voter lists.

On a separate note, COMFREL also observed that the NEC had organized programs to disseminate each political party's policies through the state-run media and the NEC website. COMFREL, however, did not see any debate between candidates or political parties over a wide range of political programs in both public and private media outlets. Ensuring and promoting the right to participate in political activities during the election season by state authorities remains a challenge.

The Committee for Free and Fair Elections in Cambodia (COMFREL), in collaboration with six civil society organizations, deployed a total of 4,900 election observers to 4,900 polling and counting stations in 3,500 locations to monitor the progress of the 2023 National Election. COMFREL also deployed long-term election observers in all Capital and provinces nationwide and at each stage of the Election since the voter registration period, election campaign, and the performance of the National Election Committee (NEC) and its officials at lower levels, as well as conducted interviews with electoral stakeholders.

II. Polling and Counting

The Committee for Free and Fair Elections in Cambodia (COMFREL), in collaboration with six civil society organizations, deployed a total of 4,900 election observers to 4,900 polling stations in 3,500 locations to monitor the progress of the Election of Members of the National Assembly for the 7th Legislature held on 23 July 2023.

The preliminary observation results have discovered some irregularities as follows:

1. Village, commune/Sangkat authorities and police officers were present within the premises of the observed polling stations;
2. Some village authorities took note of the names of voters when they went to vote; 3. Political party agents stayed behind polling station secretary officers to record the ordinal numbers of voters. In this regard, they might have identified voters, causing them risk.

4. Some eligible voters still could not cast their ballot because they could not find their names on the voter lists, some of whom did not have identification documents (Khmer ID cards) or their ID cards expired, leading to the loss of their voting rights.
5. Some voters with a copy of their ID cards were allowed to cast their ballot, while others with a copy were allowed to vote.
6. Some polling stations were not adequately organized according to the guidelines, such as placing voting booths next to each other or failing to prepare convenient places for election observers.
7. There were cases of mobilizing and transporting voters who had not cast their ballot to vote.
8. Some voters had their names marked for already casting a ballot by other people while they had yet to cast a vote.

Some observed irregularities occurring during the vote-counting process are the following:

1. In some polling stations, election observers were not allowed to take pictures of vote counting, including the minutes of the ballot counting (Form 1102), during the vote-counting process.
2. During the vote-counting process, there were cases of closing gates, doors, and windows of many polling stations.
3. Officers in some polling stations did not post the minutes of the ballot counting (Form 1102) in front of their respective polling stations after completing the ballot counting.
4. Officers in some polling stations did not fill out the results of the ballot paper counting for each political party in the minute of ballot counting (Form 1102) to be posted in front of the polling stations.
5. Officers in some polling stations did not organize the distribution of Form 1102 according to the guidelines. Some polling stations distributed the completed Form 1102 to political party agents, while others did not allow any copy.

Response of the International Community

Prior to the election, several stakeholders from the international community criticized the quality of the poll. The United States released a statement saying that it was deeply troubled that Cambodian authorities are preventing the Candlelight Party – the Kingdom’s largest opposition party – from participating in the July 2023 national elections. In its view, contrived legal actions, threats, harassment, and politically motivated criminal charges targeting opposition parties, independent media, and civil society undermined Cambodia’s international commitments to develop as a multiparty democracy.

The U.N. Secretary-General Antonio Guterres also criticized the elections prior to the vote by way of a statement given by the UN spokesperson Stephane Dujarric: “The secretary-general reiterates that inclusive elections, in which a plurality of views and voter choices is represented, are important to engender confidence in the electoral process and underpin the ability of Cambodia’s people to exercise their democratic rights.”

The European Union asserted: “The refusal of the Cambodian National Election Committee to register the opposition Candlelight Party is another worrying sign of shrinking space for political parties to compete in the upcoming general election. The European Union strongly objects to the decision taken today by the Cambodia Electoral Authority, which adds to depriving Cambodia’s

citizens of the right to choose their representatives. Democratic elections demand open, inclusive, and credible political competition and citizens to be allowed to choose their representatives freely.”

The Asian Network for Free Elections (ANFREL) expressed deep worry about the Candlelight Party being disqualified from Cambodia's general election in July 2023 by the National Election Committee (NEC). ANFREL stated that the decision harms democracy in Cambodia and denies people their right to a fair election. They argued that the disqualification, based on paperwork issues, was unfair and didn't consider the circumstances of how the party's registration certificate was lost. ANFREL also criticized the government's lack of support for political diversity and genuine competition, which limits democratic participation. ANFREL also expressed concerns about ongoing attacks and harassment against Candlelight Party members and the sentencing of Kem Sokha. It considered that those actions created an atmosphere of fear, hindering people from freely expressing their political views.

Following the election, ASEAN Parliamentarians for Human Rights issued the following statement: “Following a systematic undermining and repression of political opponents, including by disqualifying the main opposition Candlelight Party, the 2023 General Election resulted in a landslide victory for the CPP, securing 120 of the 125 seats in the National Assembly. Shortly after the election, Hun Sen resigned, and his son and former chief of the Cambodian army, Hun Manet, took over as Prime Minister. Since then, Hun Manet has attempted to portray himself as a new start for Cambodia. However, Hun Sen’s continued dominance within the CPP and the continued attacks against political opposition clearly demonstrate that this is not the case...opposition leaders continue to be prosecuted and convicted on trumped-up and politically motivated charges...”

APHR Board Member and former member of the Indonesian House of Representatives Eva Kusuma Sundari declared: “These types of so-called ‘elections’ have increasingly become the tools of authoritarian leaders to consolidate their power, undermining elections as one of the core pillars of democracy. The international community must not fall into the trap of legitimizing this pantomime.”

Following Cambodia's recent elections, China's leadership announced its approval and categorized the election as free and fair. President Xi Jinping sent a personal letter to former Prime Minister Hun Sen, applauding the outcome and promising continued support for Cambodia's unique development trajectory. He committed to working closely with the ruling Cambodian People's Party (CPP) to bolster ties across various sectors, aiming to build an even stronger China-Cambodia "community of common destiny." Premier Li Qiang echoed President Xi's sentiments, highlighting the deep friendship between the two nations. He, too, expressed eagerness to collaborate with Hun Sen to enrich the existing cooperation framework and bring further benefits to both countries. The Chinese Ambassador to Cambodia gave a speech in which he stated: "China strongly supports the Cambodian people in choosing their own development path that suits their national conditions." Also: “The Communist Party of China is pleased to enhance the political leadership of bilateral relations with Prime Minister Hun Sen, deepen exchanges and cooperation between the parties and sectors, and work together to build a common destiny. Between China and Cambodia, the new era of high quality and high standards will provide greater benefits to the people and the two countries.”

The Embassy of Russia in Cambodia said, “officials of the Russian diplomatic mission observed the voting and visited the polling stations in Phnom Penh and Kandal” and found the elections to

be “peaceful”. The Ambassador congratulated Cambodia on its democratic achievement and categorized the elections as “free and independent.”

However, the response from established democratic nations like the US, UK, Germany, France, Canada, and Australia painted a different picture. These countries expressed doubts about the legitimacy of the elections, mainly due to the absence of a strong opposition party. France's Ministry for Europe and Foreign Affairs was particularly critical, pointing out the exclusion of opposition groups as violating a pluralistic election process. They called for the release of detained opposition members and urged Cambodia to uphold fundamental rights, emphasizing Cambodia's commitments under the Paris Peace Agreements and its own constitution. Similar concerns were voiced by other European nations, with Germany's Foreign Office stating: “Excessive restrictions on the right of all citizens to stand for elections and the closure of the media outlet ‘Voice of Democracy’ have further curtailed civic and political space ahead of the vote.”

UN experts stated: “The lead up to recent national elections in Cambodia and its results are extremely disconcerting,” the statement read. “Thirty years since peace was assured by the Paris Peace Agreements, a major obstacle remains the failure to ensure and protect human rights and the systemic undermining of democratic principles.”

Despite their misgivings, multiple Western nations expressed willingness to work with the newly elected CPP-led government. Germany's Federal Foreign Office urged the Cambodian government to restore conditions conducive to multi-party democracy and respect for human rights, aligning with Cambodia's constitution and international commitments. The European Union's Diplomatic Service echoed this sentiment, stressing the importance of political pluralism and offering continued support for genuine democratic efforts in Cambodia. They emphasized the need for Cambodian authorities to uphold fundamental rights, adhere to the constitution, and respect international standards. The EU also highlighted its long-standing partnership with Cambodia, particularly within the ASEAN context.

Cambodia's Ministry of Foreign Affairs and International Cooperation strongly defended the elections as a testament to a vibrant democracy, citing the high voter turnout. They dismissed criticism from Western nations as smear campaigns by “extremist” opposition factions seeking to undermine the government through undemocratic means. The Ministry portrayed the voting process as a fair and pluralistic exercise, offering equal opportunities to all political parties within the legal framework. This stance was supported by ASEAN, whose secretary-general, Kao Kim Horn, led a delegation to observe the elections. ASEAN's statement noted long queues of voters, interpreting this as evidence of the Cambodian people's commitment to democracy and their desire to choose their own leaders. They commended the peaceful and orderly nature of the voting process. Kim Horn further expressed his appreciation for witnessing Cambodia's “democratic journey” and congratulated the National Election Committee (NEC) for its professionalism, alongside the Cambodian people for their active participation.

Cambodian analysts weighed in on the situation, emphasizing the country's sovereign right to determine its own path. Seun Sam, a political analyst at the Royal Academy of Cambodia, highlighted the importance of international recognition of the election results, particularly from countries that import Cambodian goods. Yong Kim Eng, president of the People Centre for Development and Peace, acknowledged the right of various parties to evaluate the elections but stressed the need for a comprehensive assessment that considers the entire electoral process, from voter registration to handling complaints.

Prime Minister (former) Hun Sen publicly rebuked critics, stating: “Don’t present one or two countries as the international community; that is not correct. The majority, about 60 nationalities [of election observers] came to Cambodia. [They] have announced the election was legitimate.” He also claimed that the high voter turnout proved the legitimacy of the poll: “They [the international community] had thought it [the election] was not democratic, related to one or two parties that failed to join the election. You are wrong. Whether we are a democracy or not a democracy depends on people going to vote,” he said. “Finally, I can declare that democracy in Cambodia has won.” However, he stated that he would dissolve a political party that had called for people to spoil their ballots through the telegram group ‘Sabay’. He posited: “One political party should be aware of what its members have been doing. Some have confessed, and we forgave them, and some have been fined by the NEC and banned from doing politics.”

II. Political Rights and Pluralism: Criminalizing Dissent

Introduction

Political pluralism and political rights have been severely eroded. This deterioration is starkly visible through escalating violence, formal bans, and legal prosecutions targeting opposition party leaders and their supporters. The regime's crackdown has led to an oppressive environment for political dissent, pushing civil society into self-censorship under immense pressure. Despite a facade of liberal pluralism maintained through the presence of multiple political parties and extra-parliamentary forums, critics contend that the reality reveals a strategy of co-optation. The regime strategically employs these entities not for genuine inclusion but to consolidate power by co-opting potential opposition forces. This deceptive tactic further undermines the authenticity of political pluralism, creating a semblance of diversity while quashing genuine dissent.

The suppression of political pluralism and political rights has far-reaching implications, stifling democratic discourse and avenues for meaningful political participation. It not only undermines the democratic fabric of Cambodia but also raises concerns about the broader implications of autocratization on fundamental freedoms and democratic norms in the region. In addition to outright repression evidenced in political violence, the regime has increasingly normalized the use of lawfare to eliminate the opposition and stifle dissent. Most frequently, the charge is incitement, although cases show multiple other crimes that have been alleged as well. Under sections 494 and 495 of Cambodia's criminal code, incitement is expansively defined as committing harmful speech distributed to the public or in gatherings and has regularly been applied to activists and perceived dissidents.

This chapter looks at the practice of lawfare and details its workings through a discussion of four cases of opposition leadership prosecuted by the courts. The use of procedure provides for a face of legalism, which functions as a smokescreen for actual accountability to executive discretion. It then looks at the continued practice of extra-judicial violence against opposition party members and the lack of judicial redress. Next, it turns to the pattern of politically motivated prosecutions of opposition party members through documenting their arrests throughout the year. Then, the chapter turns to the changing party landscape and the impact of party registration limitations, defections, and coalitions on political pluralism. Finally, the report looks at the Supreme Consultative Council and assesses its potential to provide for the inclusivity and multiparty pluralism lacking in the legislature.

Lawfare – Persecution through Prosecution

Case 1 – Son Chhay

Opposition leader Son Chhay of the Candlelight Party faced legal repercussions, being charged and convicted of defamation against both the National Election Committee (NEC) and the ruling Cambodian People's Party (CPP). The Phnom Penh municipal court ruled to confiscate his land and two buildings located in Phnom Penh and Siem Reap. The NEC first accused him of

defamation on June 14, 2022, followed by a 1 million USD lawsuit filed by the CPP on August 9, alleging that Son Chhay's public statements dishonored the ruling party. Subsequently, on August 11, he faced another defamation charge filed by the NEC. He was ultimately found guilty on October 7 and was given a two-month period to issue a public apology to the NEC. The Appeals court upheld the lower court verdict on December 14, increasing the damages to approximately 1 million USD for the ruling party, 2,200 USD for the NEC, and 2,400 USD for the government. Finally, on February 23, 2023, he lost his final appeal at the Supreme Court.

The complaint against Son Chhay by the ruling party was filed by Ky Tech, who serves as the head of the Cambodian Government Lawyers Council and also acts as the lawyer for the Council of Ministers and (former) Prime Minister Hun Sen. The alleged violation took place during an interview with the US-based news organization The Cambodia Daily on June 7, 2022. In the interview, Son Chhay criticized the electoral process in Cambodia, stating that it was unfair and did not reflect the will of the people. He also pointed out that the head of the NEC in 2022 was linked to the ruling party, which had not been the case from 1993 until 2022. According to the lawsuit, these statements were deemed dishonest, exaggerated, provided false information, and were ill-intentioned.

Thach Sehtha, the vice president of the Candlelight Party, argued that such complaints should be addressed within the NEC rather than through legal avenues. He emphasized that it was normal for dissatisfied competitors to express their views and that treating such expressions as lawsuits was inappropriate. Following Son Chhay's remarks, Prime Minister Hun Sen publicly rebuked critics of the election process, challenging them to provide evidence of electoral wrongdoing. The NEC also issued a public statement threatening legal action against Son Chhay, claiming that his comments had caused public confusion and undermined confidence in the electoral process, stating that they damaged voter values.

In October 2022, Son Chhay was found guilty of defamation in two separate cases brought against him, one by the NEC and the other by the ruling CPP, for criticizing election irregularities in the June 2022 poll. He was fined 2,150 USD in the first case and 1,900 USD in the second, in addition to being ordered to pay 750,000 USD in damages to the ruling party. Furthermore, the court ordered the verdict to be publicized in the media, at the court's noticeboard, and at election centers across the country, with the publication costs borne by Son Chhay. During the trial, Son Chhay claimed that he did not intend to defame the CPP and argued that his criticisms were aimed at improving the performance of the NEC. However, ruling party lawyers contended that he intended to deceive the public. Defense attorney Choung Chou Ngy announced plans to appeal the verdict, stating that Son Chhay would not be required to issue a public apology. He asserted that the case was politically motivated and aimed at silencing him from political activities. Prosecutors accused him of illegality for his statement suggesting that the National Assembly was entirely composed of MPs from the ruling party, allowing them to act as they pleased. Following the appeals court hearing, defense attorney Choung Chou Ngy highlighted that no political prosecution had been overturned on appeal since Prime Minister Hun Sen initiated a crackdown on democratic pluralism in 2017.

After he lost his final appeal in the court, Chhay asked Prime Minister Hun Sen to revoke the demand for the \$1 million compensation sought from him. PM Hun Sen refused his request on March 1. Chhay, 66, was charged with public defamation under Article 305 of the Criminal Code. By March 2023, the assets of the Candlelight Party (CP) vice-president had been 'partially

confiscated'. Found guilty of defamation against both the ruling party and the NEC, he was ordered to pay the exorbitant amount of 1 million USD to the ruling party and the comparatively minor amount of 5,000 USD to the NEC. Ky Tech, the lawyer representing CPP and NEC, informed the media: "The court has already issued a foreclosure order, and we are allowing officials concerned to assess all these assets to pay off the defendants." He said that all the properties of Chhay had been seized, but he did not confirm the deadline for the compensation amount to be given to the ruling CPP and the National Election Committee or the date of the court order.

Case 2 – Thach Setha

On 16 January 2023, Candlelight Party Vice President Thach Setha was arrested and charged with issuing a bad check in 2019. Immediately following his arrest in the capital, he was sent to the Municipal Court of Legal Prosecution, where court spokesman Y Rin said that he was being questioned by the investigating judge. The court's arrest warrant was promptly posted on government-aligned Fresh News media. He is accused of violating Article 231 of the law on Negotiable Instruments and Payment Transactions. The charge carries a penalty of 5 years in prison and a fine of 10 million riel (approximately 2,437 USD). Candlelight Party leadership was initially unable to locate Thach Setha because the court was closed. Thach Setha had been remanded to Prey Sar prison.

Shortly afterward, the Candlelight party leadership announced it was negotiating with the government regarding the release of Thach Setha. Candlelight Party vice president Son Chhay stated: "We consider [the arrest of Thach Setha] politically motivated rather than due to his personal conduct." Thach Setha's defense attorney noted that the court had violated its procedures and the accused's rights by not allowing him access to a lawyer during questioning and following his arrest. Defense lawyer Sam Sokhong stated: "I think that the procedure for questioning a client without being accompanied by a lawyer violated the court's criminal code of procedure, especially interrogating the defendant at nighttime and after administrative hours." The charges were related to an accusation by pawn shop owner Rin Chhay, who claimed that Setha had issued five checks that could not be cashed in November 2019. The media could not contact Rin Chhay for comments. According to reporting by government-aligned FreshNews, in 2016, Thach Setha had borrowed 33,400 USD, using land titles for five properties as collateral. One of the titles belonged to the Khmer Kampuchea Krom Community, a CBO of which Setha is the president. Notably, at the time of his arrest, the company had long ago dropped the charges against Thach Setha, and he had already repaid the loan in full. This was not reported by FreshNews media. Defense attorney Sokhong noted: "There was a case that happened, but in the case of the person who filed a complaint related to fraud, the court has already acquitted the fraud charge," Sokhong said. The legal principle of *res judicata* established that a person cannot be prosecuted for the same crime after being acquitted.

Ultimately, independent media determined the true history of the case. Setha had taken a loan from the pawnshop in 2016 in the amount of 18,000 USD. Setha provided the lender with collateral in the form of land titles and intended to use the money to support the Khmer Kampuchea Krom community CBO. He left the checks blank to allow the lender to fill in the monthly amount. After the 2017 ban on the CNRP (main opposition party), he was removed from his position as a parliamentary MP and lost his monthly salary. With five checks still at the lender, he requested that the loan repayments be allowed to be made in cash. The owner of Rin Chhay pawnshop has

close ties to the ruling party. During the COVID pandemic, he could not continue to make payments. The pawnshop sued him in 2018 because he stopped payments, but the court dropped the case because he had provided collateral in the form of land titles. Despite that, in 2019, the shop filed a criminal complaint alleging that the five remaining checks were terrible checks. Political analyst Em Sovannara noted the case was likely politically motivated because of Thach Setha's position and role in the opposition Candlelight Party: "Although it seems like a personal issue, in this circumstance, we cannot avoid suspicion from the public that this is related to political suppression. The checks were issued long ago; why didn't they take legal action earlier, and why did they just carry out [the arrest] now?" Discussing the lack of democracy and rights in Cambodia, Setha met with representatives from the Constitutional Democratic Party and the Liberal Democratic Party in Japan in December. In January, he met with migrant workers, the Candlelight Party supporters in Korea, and the governor of Nosan city.

The pawnshop's lawyer, Ly Tith Bonamy, has asserted that Setha had signed a contract with the pawnshop guaranteeing repayment through checks and had committed two types of fraud: bad checks and using land titles as collateral when he was not the owner of the land. Setha's lawyer said his client is the owner of all five properties. Separating these two, Bonamy claims the 2018 charge and the 2019 charge do not refer to the same crime. Touch Than, secretary general at the Khmer Kampuchea Krom Community, confirmed that Setha pawned land titles for five properties used by the association and that all property titles were in Setha's name. Than said the community did not object to Setha's action and that if there was an actual crime, then Setha should have been detained following the original complaint in 2019. Moreover, he noted that the pawnshop had not been truly affected by any action since it could simply claim the land titles in order to complete the payment owed.

In September 2023, the Phnom Penh Municipal convicted Thach Setha of issuing bad checks and sentenced him to 18 months in prison. He also was questioned on incitement charges in a separate, ongoing trial based on critical statements about the January 7 anniversary of the fall of the Khmer Rouge regime. Judge Chhun Davy fined Setha 3 million riel and ordered him to pay the plaintiff \$33,400 in outstanding debt and an additional 5 million riel in compensation.

Allegedly, Thach Setha had issued five bad checks in 2019 and then failed to appear before an investigating judge in 2021 following a complaint filed by the recipient of the checks, Hay Vanrin, who owns the Rin Chhay pawn shop. Vanrin has business ties to the ruling CPP and is listed as the co-director of a company alongside the wife of Prime Minister Hun Manet's brother, Hun Manith. Setha was convicted under Article 231 of the Law on Negotiable Instruments and Payment Transactions.

Candlelight Party Co-Vice President Rong Chhun said Setha's conviction is an injustice and noted that the issue of the bad checks had already been resolved: "We have seen that the case is linked to politics rather than to the law enforcement." Human rights NGO Licadho's operations director Am Sam Ath said that Setha's conviction will lead to more criticism from national and international observers, who would view the case as politically motivated, and noted: "It is politically motivated because we have seen that this conviction does not seem strange compared to the previous outcomes for activists and politicians [facing court charges]."

In the same court appearance, Deputy Prosecutor Seng Heang interrogated Setha regarding the accusations of incitement he also faced. The prosecutor asserted: "[We] considered that the defendant has ill-intentioned propaganda as an image politician to burn the anger of people to hate

the government.” Regarding his statements discussing Cambodian history, Setha declared: “This is Khmer history, a politician can’t talk about it? And if I am in line with the CPP, I do not have to form a party. Why can’t we talk? Why can’t we learn?”

According to VOD news in September 2023, a Fresh News article from 2018 provides detailed information about the case, alleging that Setha pawned five pieces of land belonging to the Khmer Kampuchea Krom Association, of which Setha was the president. The loan amount was reported to be \$33,400. The Ministry of Commerce indicates that Rin Chhay Pawn Shop is owned by Hay Vanrin, who has close ties to the ruling Cambodian People’s Party. In addition to Rin Chhay Pawn Shop, Vanrin is also the owner of Dynith Commercial, where Dy Sokhey serves as a director. Sokhey is the daughter of the late police chief Hok Lundy and the wife of Hun Sen’s son, Hun Manith. Vanrin and his wife, Chhor Hong Chhay, made a donation of \$10,000 to the national Covid-19 committee in 2020, as noted on the Council of Ministers website. The Techo Voluntary Youth Doctor Association, with Hun Manet’s wife, Pich Chanmony, as the deputy chair, received a donation of \$50,000 from Vanrin and Hong Chhay. Fresh News also reported in 2021 that Vanrin’s son was marrying Chea Bora, the secretary of state at the Tourism Ministry, who is related to Tourism Minister Thong Khon.

During closing arguments, Setha denied all accusations and said he never issued the checks. He had initially received an \$18,000 loan from the pawnshop, collateralized with a land title under his name for a property belonging to the Khmer Kampuchea Krom Community, an association he runs as president.

Setha’s lawyers have previously said that he provided Vanrin with a series of signed checks with the date and amount left blank to allow the pawnshop owner to fill in later and complete monthly payments. But, when the CNRP was dissolved by court order in 2017, Setha, then an elected CNRP representative, lost his National Assembly position and salary. Setha claims he told Vanrin he would pay him in cash privately, but some checks remained in Vanrin’s possession. Deputy prosecutor Plang Sophal claimed Setha had written the checks and shared photocopies of the checks, which included Setha’s signature. Sophal also shared a letter from the institution issuing the checks, Foreign Trade Bank (FTB), stating that Setha’s account had “no funds” when the checks were written. “The checks were issued in 2019; why had they just arrested him in 2023?” asked Setha’s lawyer Sam Sokhong.

The court rejected Setha’s repeated requests to present the original checks throughout his trial. Setha’s defense lawyer, Son Chumchoun, said that five bad checks “were fake” and demanded the court and the plaintiff lawyers share the original checks: “The checks taken to accuse Thach Setha were fake checks, and for the sake of purity, the plaintiffs should bring the original checks back.” Another defense lawyer for Setha, Choung Choungy, argued that the five copies of the checks and bank statements unsigned by Setha could not be used as evidence: “The bank statement did not have his signature [Thach Setha] and a copy document could not be used as evidence,” he said. “Taking checks or photocopies of evidence to accuse my client is a fraudulent trick.”

In December 2023, Cambodia’s Supreme Court dismissed an appeal from Candlelight Party Vice President Thach Setha. The decision meant that he would serve the remaining period of his 18-month sentence for a bad check conviction. As noted, he was simultaneously serving a 3-year sentence related to two convictions for incitement following a public statement he made on the historical background of the ruling party. Thach Setha’s lawyer, Son Chum Choun, expressed disappointment, citing Thach Setha’s health issues and the lack of evidence in the initial trial as

reasons why Supreme Court Presiding Judge Nil Nonn should have ordered his release. The unrelated false check conviction has been widely criticized by human rights groups and party officials as politically motivated. Representatives from the European Union, the U.N. High Commissioner for Human Rights in Cambodia, and human rights NGO Licadho were present in the courtroom during Friday's verdict.

In the third week of January 2024, the Appeal Court upheld Candlelight party leader Thach Setha's guilty verdict decision made by the Phnom Penh Municipal Court for issuing bad checks. In September 2023, Setha was convicted and sentenced to 18 months in prison by the Phnom Penh court for allegedly issuing five fake checks in 2019. He was fined three million riel and ordered to pay the plaintiff \$33,400 in outstanding debt and an additional five million riel in compensation. His lawyer, Em Chantha, also asked the plaintiff and judge to show the original checks and investigate, and not just claim that the copies of the checks are evidence. If they do not produce the original checks, it means that they do not have them, Setha's lawyers said. "We have asked to see the original checks in the Phnom Penh Municipal court, but we have never seen them, so the original one does not exist," another defense lawyer for Setha, Choung Choungy, said. Responding to Setha's request, the court prosecutor and the plaintiff's lawyer, Thim Sopheap, said Setha's request to see the original checks and wanting to re-investigate those checks are not necessary as the investigation has been closed since the inquiry phase.

In making a final judgment, Ly Sokleng, the Appeal Court judge, said, "The court has already checked, and it's unnecessary to investigate, as the accused actually committed [the crime]." Human rights NGO Licadho operation director Am Sam Ath said Setha's case is not much different from other political and human rights activists who were convicted. He opined that Setha's case happened after he became vice president of the Candlelight party. He asserted: "It is an attempt to increase the crime burden on Setha, something that might not allow him to return to politics."

At the end of February 2024, the Court of Appeals upheld the verdict against Thach Setha for a prior prosecution unrelated to the 'bad checks' case, which found him guilty of incitement to disturb social order and incitement to discriminate (violations of Articles 494, 495, and 496). The court upheld the 3-year prison sentence he had been given. On October 18, 2023, the Phnom Penh Municipal Court sentenced Setha to three years imprisonment and fined four million riel (for incitement to commit a felony and incitement to discriminate under Articles 494, 495, and 496 of the Criminal Code). At the lower court, Judge Chhun Davy found Setha to have committed the crime on the basis of a video of a speech posted on YouTube where he criticized the 44th-anniversary celebration of "January 7" in relation to the ruling party CPP.

Case 3 – Kong Korm

An opposition Candlelight Party high-level adviser, Kong Korm, was sued by the ruling CPP party after he made a speech in Tbong Khmum province, which discussed the origins of the ruling party. First, Korm was publicly lambasted by Hun Sen, and the ruling party's provincial committee submitted a lawsuit to the provincial court, alleging he violated the Law on Political Parties and committed incitement, demanding damages of 500,000 USD. Prior to the filing of the suit, PM Hun Sen publicly threatened all opposition politicians, saying that any party that criticized the ruling party would face either lawsuits or violence. He stated: "Now, you choose among two options: implementing through legal means through the courts or I have to gather CPP's people to hold demonstrations and go to beat you. Which one do you prefer among the two?" The lawsuit

by the ruling party was followed by a 1 million USD lawsuit by the Ministry of Foreign Affairs and an investigation by the Anti-Corruption Unit.

In the commentary made by Korm, he discussed the founding of the CPP and made a vague reference to the intervention of Vietnam. Korm, previously a member of the ruling party, served as foreign minister under the Vietnamese-controlled government of Cambodia during the 1980s. Korm stated: “I was told, when drinking water, to think about the source. The source is in the north, far away, to the east, and the one who planned it has a beard, a foreigner. Now, I will not recall anymore.” Korm contrasted the ruling party with the opposition Candlelight party and claimed the latter was founded (previously named the Sam Rainsy party) by “free Khmer democrats.” He asserted that the opposition party was aiming to win five of the eight national assembly seats from the province, campaigning on the idea of ‘change’. The ruling party has accused opposition politicians of expressing a desire to overthrow the government when publicly making a call for ‘change’ (for example, this became a point of the prosecution in the Kem Sokha trial, discussed below). Korm stated: ““So, does the Candlelight Party in Tbong Khmum commit to winning five out of eight seats or not? Change or not change? Take it or not take it? How many? Five! Commit, commit!”

According to the ruling party lawsuit, Korm was in violation of Art. 6 of the Law on Political Parties, which prohibits parties advocating or promoting secession, sabotaging Cambodia’s “liberal multi-party democracy”, and “inciting to break up the national unity.” It also accused him of violating Art. 42 of that law, as well as Arts. 494, 495, and 496 of the Criminal Code. If judged guilty, Korm faced up to three years in prison. CPP spokesman demonstrated the presumption of guilt that faces those who dissent or criticize the government when he stated that he was not aware of Korm’s statement or the complaint against him, but it must be valid, or else it would not have been submitted and asserted: “It never has smoke without fire. There has to be fire for there to be smoke.” The ruling party spokesman also posited any criticisms of the January 7 holiday ‘Victory over Genocide Day’ were insults to the entire nation, and stated: “This is not an act of oppression as alleged by some people, but rather a reminder to them. Prime Minister Hun Sen has repeatedly declared that all politicians should be careful of irresponsible speech which hurts the CPP’s honor.” Eng Sroy of the Candlelight provincial committee pointed out the double standard as ruling party officials frequently criticized opposition parties and their members.

In his threats against Korm, PM Hun Sen asserted that the government could revoke his land and home, claiming that they actually belonged to the government. This claim was echoed in an interview with government -aligned Fresh News media by former foreign minister Hor Namhong. Korm contends that he has resided there since 1982, when he returned from the post of ambassador to Vietnam. He noted that the Phnom Penh authorities gave him a certificate of residence in 1990, which was converted to a hard title in 2015. PM Hun Sen took it to Facebook, making the claim that he had given the land to Korm for a residence but had not given it to him to own. He asserted: “All of the documents prepared by Kong Korm to have ownership of that land is a forgery to get state land and the house as a private ownership. The house and land are still under the ownership of the Ministry of Foreign Affairs, and it is time for the Ministry of Foreign Affairs to take the house and land back if they have any requirements for the ministry's work.”

Hun Sen instructed all ruling party lawyers across the country to carefully scrutinize public remarks by opposition politicians and seek out rhetoric to be used in prosecutions. He asserted: I ask the CPP lawyers in all provinces to do this job. When you [lawyers] listen to their voice

recordings, you need to check if it is necessary to file a lawsuit.” Hun Sen also avered: “Hun Sen dares to handcuff the traitor (former opposition leader Kem Sokha) at midnight after we have the evidence. Hun Sen is not afraid of anything related to maintaining peace, I would like to warn you not to brag...”

After first expressing that he was not worried about the lawsuit, Kong Korm lost his land and residence as it was taken by the government and given to the National Election Committee for use. Korn forfeited the land after having been investigated by the Anti-Corruption Unit and being sued by the Ministry of Foreign Affairs for 1 million USD. He then announced he was quitting the Candlelight Party and issued a public apology to the ruling party. In that apology, he thanked PM Hun Sen for his forgiveness. Following his resignation from the opposition Candlelight Party, the ruling CPP dropped its lawsuit (seeking 500,000 USD in damages) against Korm. Korm stated: “I believe that there was intervention from the upper levels of the Cambodian People’s Party, and therefore, thank President Samdech Techo of the Cambodian People’s Party for deciding to withdraw the complaint in Tbong Khmum.” In a February 5 letter to the court by the ruling party, it was affirmed that the complaint was withdrawn because Korm had admitted his guilt and publicly apologized to PM Hun Sen. Korm stated that he and his family were saddened at the loss of their residence, and noted: “It is impossible not to want to have wealth and want to have the property for the family.” Vann Chanlot, the legal researcher and observer, said using the judiciary to intimidate political opponents was not good for the development of the country: “In this kind of political form, it does not bring benefits to national unity or internal unity. It only increases anger and revenge.” The house was also used as the party headquarters for the Khmer Will Party, which was debilitated by the loss of its organizational base. Moreover, this clear affront to liberal pluralism, through the use of or threat of legal prosecution, was subsequently presented in keeping with democratic elections as the house and land were granted to the National Election Committee.

Case 4 – Kem Sokha

At the beginning of March 2023, the trial of former opposition party leader Kem Sokha came to a conclusion. The trial began in early 2020 but took three years. He was found guilty as charged with the crime of treason, allegedly having attempted to overthrow the Cambodian government in a ‘color revolution’ backed by foreign powers. The sentencing came five years after his arrest and detention. He was sentenced to 27 years in prison. Following the sentencing, his house was occupied by the Cambodian security services, and all his aides and guards were kicked out. After his arrest, Kem Sokha was remanded to Trapeang Phlong Prison for about a year, then transferred to house arrest in Phnom Penh (October 2018). After another year, the court allowed him to travel within Cambodia while banning his participation in politics.

Cambodian opposition leader Kem Sokha was found guilty of treason on 3 March 2023 and sentenced to 27 years imprisonment. According to the court, collusion with foreign powers began in 2010. Kem Sokha’s lawyer, Meng Sopheary, told media that he would appeal the verdict. The court’s ruling also removed his right to vote or to participate in politics. The primary evidence against him was a 2013 video where he mentions his election strategy and the assistance of US elections experts.

The United States Embassy has repeatedly rejected the claim that the US government aided Sokha or attempted to foment a revolution in Cambodia. The court refused to provide public information or details about the actual foreign governments with which Sokha was alleged to have colluded.

It said in its statement that it omitted the alleged foreign countries from its decision for the sake of national interest and to maintain Cambodia's relationship with those countries. During the trial and again in the course of closing arguments, defense attorneys pointed out that there was no actual evidence of collusion or of Sokha's alleged desire to foment a 'color revolution'.

The judge claimed that Sokha was 'taking ideas' from other countries, implying that this was a criminal act, and also claimed that Kem Sokha had founded the human rights NGO Cambodian Center for Human Rights (CCHR) in order to further his revolutionary plans (despite the fact that the organization was founded in 2002). The judge declared: "The accused activity is an illegal act that affected the peace, national security, stability, and the happiness of the people." Defense lawyer Ang Udom argued that the court was not independent: "We all already knew that this is a political case and only the politicians can decide [it]."

Despite the fact that the 2013 video was the main piece of evidence in the prosecution's case, the defense claimed the video was edited. Notably, in 2020, Sokha requested that the court include the whole video in the trial rather than simply an edited section. Aside from the single statement made in a short segment of the speech, no other parts of his remarks were found to be evidence of guilt. Also, no video evidence experts took part in the trial.

Part of the prosecution's case was based on the testimony of former CCHR staff member Chhim Phal Virun, who now holds positions as ruling party spokesperson and adviser to Prime Minister Hun Sen. Chhim Phal Virun said that CCHR received 800,000 USD to for its establishment, implying that this was indicative of collusion by claiming that although other donors offered funds, they were refused by the NGO. He claimed only IRI was allowed to cooperate with CCHR. He stated: "I had seen that the nature of the leaders of the Cambodian Center for Human Rights was to favor foreigners, and [they] seemed like foreign agents rather than a local organization." He claimed that Sokha exhorted staff to replicate the popular revolutions of Yugoslavia and Serbia. Notably, there was no modern Serbian revolution as the Serbian revolution occurred in the 1800s, and the 'Orange Revolution' took place in the Ukraine in 2004. Thus, Virun's testimony seems to lack credibility, according to independent analysts, because it is unlikely that if Sokha had made those statements, he would have been so erroneous with regard to historical facts. Virun claimed about Sokha: "He was always encouraging volunteer staff not to be afraid because we had foreigners behind us." He contended that Sokha frequently had secret meetings with foreigners, but when defense attorneys asked how he knew the meetings were hidden, he said it was because he was not included in the meetings. He also claimed that the frequency of donor visits to the NGOs was indicative of suspicious activities. Virun conceded that he could not name or identify any of the visitors to the NGO but asserted: "The characteristics of CCHR and the activities of the officials are qualified as an agent rather than as a local NGO. Kem Sokha had political characteristics. He already said foreign organizations asked him to create it, and in reality, I have seen it like this."

Following that, the prosecutor's interrogation turned to environment activists Keo Srey Neang and Ma Chettra (neither had been affiliated with the CNRP, and were part of 'Social Breaking News' media), and Seng Sovanna (who previously served as the deputy head of the CNRP youth group for Phnom Penh). Both Neang and Sovanna attended training by the Serbia-based group CANVAS in 2016. The organization has been accused of playing a fundamental role in fomenting a color revolution in Cambodia. The witnesses stated that CANVAS training had focused on advocating for social and environmental issues, and there was no mention of revolution. The training also

imparted skills for election monitoring and observation. Sovanna noted that his participation was not organized or ordered by the CNRP. Prosecutors asked if the training was reflected in Sokha's speeches or public statements. . Sovanna replied: "I think they are not matching with each other", noting the differences between Sokha's speeches and the content of the training. Importantly, in 2017 prior to the accusations of treason against Sokha, the PM had already declared that the CCHR served foreign interests and must be shut down, although he would later change his mind and allow it to remain open.

According to a statement by the Phnom Penh Municipal Court: "promoting human rights and democracy is legitimate and is protected by the Constitution. But the court found out that promoting human rights and democracy with help and collusion in secret – and planning with foreign countries and foreign agents to topple the legal government through mass demonstration and color revolution – is illegal."

According to Soeung Sengkaruna, spokesman for the Cambodian Human Rights and Development Association, the outcome of the trial was predictable because of a lack of independence of the courts. He noted: "The verdict will affect younger politicians; they have a difficult time competing in Cambodia's political environment. I am concerned about human rights and democracy in Cambodia." Independent political analyst Seng Sary commented that the verdict was part of PM Hun Sen's strategy to ensure an unimpeded transfer of power to his son, and noted: "This is a one-party government hidden under pluralism. It is very sensitive during the transition to eliminate rivals for his successor to grow."

The U.S. Embassy in Cambodia rejected the verdict, calling the charges a "fabricated conspiracy". According to a statement by the US Department of State: "Kem Sokha's conviction is part of a larger pattern of threats, harassment, and other unacceptable actions by Cambodian authorities to target political opposition leaders, media, and civil society. These actions impede any chance for a free, transparent, and fair electoral process. Prosecuting and convicting individuals like Kem Sokha and many other political figures for exercising their freedoms of expression and association undermines Cambodia's constitution, international obligations, and past progress to develop as a peaceful, pluralist, and inclusive society."

Amnesty International Deputy Regional Director Ming Yu Hah said the verdict was yet another clear verification of the lack of independence of the Cambodian judiciary. She asserted: "Sokha is one of many opposition figures who has been put through a physically and psychologically taxing ordeal which will continue after today's unjust verdict. There can be no right to a fair trial when the courts have been co-opted by the heavy hand of the government. Sokha has spent years in detention, moved in and out of prison, and endured house arrest in a virtually ceaseless attempt to silence him. He has also been prevented from leaving the country due to unnecessary restrictions on his freedom of movement. The Cambodian government should drop these fabricated charges and immediately and unconditionally release Kem Sokha."

The UN's Human Rights Commissioner also called for Kem Sokha's release, saying he was concerned with "the basis of the charges and the conduct of the trial". Phil Robertson, deputy Asia director at Human Rights Watch, said: "It was obvious from the start that the charges against Kem Sokha were nothing but a politically motivated ploy by Prime Minister Hun Sen to sideline Cambodia's major opposition leader and eliminate the country's democratic system. Sending Kem Sokha to prison isn't just about destroying his political party, but about squashing any hope that there can be a genuine general election in July."

Adilur Rahman Khan, Secretary General of the International Federation for Human Rights, opined: “The sentence of 27 years under house arrest for Kem Sokha is an act of sheer vindictiveness by the Hun Sen regime and has nothing whatsoever to do with justice. The charge of treason against him is utterly preposterous, and it can only be accepted by a court at the service of a government that has turned the country into a one-party dictatorship, where there is no room for separation of powers, one of the main pillars of any healthy democracy. In fact, all the judges presiding over this and other cases against opposition figures are members of the ruling Cambodian People’s Party (CPP). Kem Sokha is accused of conspiring with the US government to overthrow Hun Sen, a manifestly absurd accusation. Yet, truth matters little to the Hun Sen regime. Like many other members of the Cambodian opposition, Kem Sokha has been put out of the political map ahead of the general election, scheduled for July this year, so Hun Sen and his CPP can win without hindrance. “Nobody should be fooled into believing that, in the current conditions, a fair and free election is possible in Cambodia. With so many opposition figures in jail or exile and the continuing harassment of the opposition, the polls will only be a farce designed by Hun Sen and his party to legitimize their power. The international community should not fall for such a charade. ASEAN and the global community at large should condemn in the strongest terms the travesty of justice inflicted on Kem Sokha, as well as on dozens of other opposition figures, start putting real pressure on the Hun Sen regime, and make it clear that the results of an election held under the climate of fear currently prevailing in Cambodia are unacceptable.”

At the end of March 2023, Sokha sought to submit an appeal to his conviction of March 3 after having been given 30 days to appeal. Sokha was compelled to submit a request by social media, posted by his personal assistant, to meet with his lawyers because the court blocked his access to legal representatives. Sokha had been sentenced to house arrest and barred from communication with anyone, both in-person and online, besides family members. On March 16, the European Parliament called for targeted sanctions and further withdrawal of trade preferences if Kem Sokha was not released and the opposition party CNRP reinstated.

On January 30, 2024, The Phnom Penh Appeal Court yesterday denied the request of Kem Sokha, the former CNRP leader under house arrest, to lift restrictions on visits from his family and friends and kept in place limitations on his capacity to meet with his legal representatives as well.

Sokha's defense team petitioned the appeals court to reinstate unrestricted access to legal counsel and reconsider the terms of supervision during the appeal of his conviction. Sokha is presently under house arrest and is restricted from communicating with anyone other than his family without prior approval from the court. His lawyer highlighted multiple instances where this restriction impeded his right to consult with Sokha, as it mandated prior approval from the prosecutor's office before defense counsel could meet with him. Despite registering in advance, some media reported being unable to access the hearings and were told there was insufficient space.

In the second appeal hearing on 8 February 2024, according to Defense lawyer Ang Oudom, court officials focused their questions on the NGO CCHR, where Sokha was a president, and his grassroots organizing efforts related to human rights and democracy. The court focused on the video of a speech Sokha made in 2013 in Australia, which has been used as evidence by the government to allege that the politician conspired with the U.S. government.

A government transcript of footage of the speech was presented in court in Sokha’s original trial. Sokha was questioned about two parts of the video. First, the former opposition leader appears to say that the U.S. has supported him since he entered politics in 1993. Also, Sokha was questioned

about a part of the video where he appears to say, “before changing the top level, we need to uproot the lower one.”

Phil Robertson, deputy Asia director at Human Rights Watch. “The appeals court’s failure to reconsider Kem Sokha’s unjust imprisonment shows that Cambodia’s new prime minister has done nothing to address the Cambodian judiciary’s lack of independence. Cambodian authorities should promptly right this wrong by quashing Kem Sokha’s bogus conviction and immediately releasing him.” International human rights organizations, including Amnesty International and Human Rights Watch, again called for Sokha’s immediate release at the start of his appeal trial.

Ruling party CPP spokesperson Sok Eysan said that there can be no political negotiation with the defendant Kem Sokha as he has been convicted of treason. “It is absolutely impossible for the ruler to negotiate with the traitor,” he said. “If you are imprisoned and then can negotiate, that will not bring order to the country in enforcing the law and obeying the law.” There is no media record of further hearings as of the time of writing this report.

Violence without Judicial Remedy

On March 7, 2023, the UN high commissioner for human rights, Volker Türk, released a statement that posited: “In Cambodia, the Government continues to suppress political opposition, human rights defenders and independent media ... These actions seriously undermine the civic and political space, including the environment for free and fair elections in July.”

In April, Human Rights Watch released the findings of an investigation into violence against the opposition which occurred in the first months of 2023. According to Human Rights Watch, Prime Minister Hun Sen has a track record of openly intimidating with physical harm and legal actions those who oppose him politically. In a recent speech on January 9 in Kampong Cham province, he cautioned the opposition against criticizing his ruling Cambodian People’s Party as elections approached. Subsequently, several opposition party members have been attacked in broad daylight in Phnom Penh, while others have been found guilty of election forgery charges believed to be politically motivated.

Human Rights Watch deputy director for Asia stated: “Prime Minister Hun Sen is using every repressive tool at his disposal to rid Cambodia of any political opposition ahead of the July elections. Foreign governments should send a clear public message that dismantling opposition parties and disqualifying, assaulting, and arresting their members before election day means that there won’t be any real election at all.”

In a January 9 speech, Hun Sen publicly disclosed that opposition would not be tolerated in Cambodia and would be eliminated through either prosecution or violence: “I want to ask you, there are only two ways: one is the legal system, another one, the stick. Which one do you want out of those two?” He stated: “You speak of rights to freedom of expression, I can respond by mobilizing people at your location, [and] follow you to your house.” Furthermore, he declared: “B]e careful, if my temper is not controlled, you will be split up.”

In March 2023, seven reported acts of violence targeted a total of six opposition party members. Three incidents occurred after a Candlelight Party planning meeting in Phnom Penh on March 18, held in preparation for the upcoming July elections. Four additional cases were reported following a March 20 visit by party activists to the United Nations human rights office in Phnom Penh and their participation in a public gathering advocating for the release of political prisoners.

Human Rights Watch conducted interviews with four of the victims. The victims all reported that they were attacked by men in black on motorbikes after the men identified them verbally, indicating that they were clearly targeted. The attackers wore motorbike helmets, enabling them to remain disguised. The victims suffered severe head injuries and, given the head trauma, could have been killed by the attack. In some cases, the victim was assaulted multiple times as attackers pursued or returned after momentarily fleeing the scene. In some cases, the victims reported the attack but decided not to pursue the issue further because of a fear of retaliation, and in other cases, the victims were too afraid of authorities to report the attack. One victim indicated he believed he was attacked because he submitted an application to the Phnom Penh Municipal Administration to organize an April 7 demonstration calling for the release of political prisoners. Notably, that application was ejected by the RGC on the basis that it violated Articles 522 and 523 of the criminal code as an attempt to coerce judicial authorities or criticize court rulings.

On 12 September 2023, Baton-wielding assailants attacked Ny Nak on Tuesday afternoon as he and his wife Sok Sreynet, were driving their motorbike along street 369 from their organic fertilizer warehouse in Chbar Ampov district's Prek Pra commune. A group of three or four men in black uniforms and helmets rode their motorbike into Nak's motorbike and began beating him with a baton until he was "bleeding from his head."

His wife Sok Sreynet, asserted: "It was a case of attempted murder; it is not a coincidence. My husband and I have never had any argument with anyone. "Commune police told me that they have seen camera security, there are eight people [suspects] with four motorbikes, and they will follow the investigation procedure." Phnom Penh Municipal Police Chief Chuon Narin asserted: "We are not leaving the case, we are continuing to arrest perpetrators. Please take a look at the situation; currently, there are a lot of gangsters taking their motorbikes to beat [others]. Let the police investigate."

Nak was released from prison in June last year after being incarcerated for 18 months on charges of incitement after making a satirical post criticizing then-Prime Minister Hun Sen's Covid-19 restrictions. The style of assault echoed a series of attacks against opposition Candlelight Party activists documented by Human Rights Watch in the months leading up to the July elections earlier this year.

Nak, a fertilizer producer and fruit tree seller, has frequently criticized the Agriculture Ministry on his Facebook page IMan-KH, which has 414,000 followers. His wife denied he had any political ties. During the week prior to the assault, Nak repeatedly criticized the Agriculture Ministry for seeking photo opportunities to post on social media but never taking any action to better people's lives. Nak said that on the evening of September 10, members of the ruling Cambodian People's Party approached him to join their party and told him not to be so publicly critical of the government. Nak said he declined, responding that he was not a politician and did not want to join them. He subsequently publicly posted on Facebook, asking for the party members to stop reaching out to him.

On September 1, Nak criticized the public claim by Labor Minister Heng Sour that 99.3 percent of Cambodians were employed and pointed out what he saw as failures by the ministry to resolve disputes related to the Labor Rights Supported Union strike and factory closures. In the hours before he was assaulted on Tuesday, Nak made a Facebook post directly criticizing the current Agriculture Minister: "As the minister has more than 60 secretaries of state and uses drones for surveillance, but can not find a secretary to make official documents and notes are handwritten

like this, who knows who wrote it? Which factory miller? Which company? They do not have, so they only write on Facebook.”

Agriculture Ministry spokesperson Im Rachna told the media: “We were saddened by the news; to be honest, when we heard it we were shocked by the attack. As you may know, the Cambodian government highly respects the freedom of expression, and we believe it is the core value of democracy. We wish him well.” However, CamboJA news published the following update to its article: “This article has been updated on September 19 at 3:43 p.m. to remove the name of the current Agriculture Minister after the Agriculture Ministry published a letter on its Facebook page on September 18 urging CamboJA to remove the minister’s name from the article promptly. The ministry’s letter states that “such malicious intentions and defamatory speculations” in the future “would result in legal actions that could lead to the same outcome of the then VOD,” referring to the media outlet Voice of Democracy, which was shut down on the order of then-Prime Minister Hun Sen earlier this year.”

Nak said he believes the attack was triggered by a number of recent public criticisms he made about the government. Nak told that the authorities should find and hold those responsible for the attack to account: “I believe the men who beat me were trying to kill me for being critical of the government.” Government spokesperson Pen Bona denied that the assault was a signal of broader repression against free speech. Phnom Penh police stated they were investigating a brutal assault against a vocal critic of government policies, as civil society groups say the incident is the latest in an ongoing crackdown on critical voices. Soeng Senkaruna, a senior investigator at rights group Adhoc, said that the assault appeared to be tied to Nak’s critical public statements: “We can say it came from the expression of opinion. The beating is a crackdown on spirits who dare to exercise their opinion to criticize the government’s institutions.”

Phil Robertson, the deputy Asia director at Human Rights Watch, said: “The attack against Ny Nak and his wife in broad daylight raises grave concerns that the Hun Sen government’s brutality against critical voices remains unchanged under his son’s rule. Prime Minister Hun Manet has an opportunity to demonstrate that such lawlessness will be fully investigated and prosecuted regardless of who is responsible. The attack on Ny Nak shows that foreign governments should not delay their scrutiny of human rights developments in Cambodia. Concerned governments should publicly demand answers from Prime Minister Hun Manet about his willingness to stop abuses and hold those responsible to account.”

The Pattern of Political-Related Prosecution

In the first months of 2023, activists from the Candlelight party reported increased harassment and intimidation. They detailed cases of party billboards being torn down, policy monitoring of meetings, and photographs being taken of their members. These reports came from almost all provinces of the country, according to party spokesman Kim Sour Phirith said. Khem Monikosal, Candlelight’s president in Pailin province, told media that local authorities and members of the security services have sought to intimidate opposition party members by threatening to take away government poverty cards which enable poor families to collect approximately 43 USD per month for the purchase of dried foods. According to Su Yeon, deputy chairman of the party’s executive committee in Tbong Khmum province, authorities, directly and indirectly, threatened both him and other members of the party in his area: “It is a scheme

to discourage the public and Candlelight Party grassroots leaders not to carry out any activities to support the party.”

In January 2023, a member of the Candlelight Party and former CNRP commune chief was arrested in Kampong Speu’s Baset district on suspicion of clearing community forest land. Provincial governor Vei Samnang stated: “He encroached and grabbed forest land and cleared forest community land,” without specifying the name of the community forest. “I have addressed this issue since I established the community area...” Bunthin was elected as the chief of Kampong Speu’s Kat Phlok commune for the former opposition CNRP in 2017 but lost his position when the party was dissolved.

In mid-January, Khem Chanvannak, 45, the Acting Chief Representative and Executive Chief of the Candlelight Party for Por Sen Chey district was charged on two counts of “forgery of public document and the use of forged public document” under Articles 627, 628, and 629 of the Criminal Code. Colonel Sam Vicheka, the Spokesman at the Phnom Penh Municipal Police, denied that Chanvannak’s arrest was politically motivated: “The arrest of Khem Chanvannak was according to the law, and there were no other reasons related to threats or persecution by political activists.” The arrests followed lawsuits by three former members of the opposition that defected to the ruling party, which claimed their signatures were copied and used to register their names as reserved candidates for councilors of Phsar Thmey III commune without their permission on November 7, 2023. At about the same time, another Candlelight official, Chhay Chinda, associated with the party’s women’s wing, was arrested. Chinda remained in detention at the time of writing this report.

Hak Kosal, left, and Ma Chenda, both officials of the Candlelight Party, were arrested by Phnom Penh authorities on January 31, 2024. Hak Kosal was the executive committee secretary for the city’s Chroy Changvar district, and Ma Chenda was the party executive director in Daun Penh district. According to the warrant, which RFA obtained from the court, the two men were accused of fraud. Cambodia’s main opposition, the Candlelight Party, condemned the government in a statement after two of its senior members were arrested this week amid an ongoing crackdown against political opposition members ahead of the Feb. 25, 2024, Senate elections. In a statement released Thursday, the Candlelight party statement said both men were arrested off the street without the police showing them a warrant. The party stated: “This is yet another intimidation image aimed at discouraging people from participating in political activities with the Candlelight Party and provoking an awful environment ahead of the Senate election.” Soeung Sen Karuna, spokesperson for the Cambodian Human Rights and Development Association, said opposition party activists are being arrested without clear evidence, and many arrests have been made ahead of the elections.

Sam Vichhika, Phnom Penh Municipal police spokesperson, said, “Both of them were involved in the forgery with acting Phnom Penh Candlelight party chief Khem Chanvannak, whom we had arrested last week. “They took down the names of three victims, forged fingerprints and signatures to register them as reserve candidates for the Candlelight Party council, Sangkat Phsar Thmei III, without the consent of those persons.” However, the police refused to disclose the names of the complainants. Candlelight Party president Teav Vannol condemned the arrest of the party officials, stating that it was an act of “intimidation” and “I think that they are threatening the democratic process in Cambodia before the Senate election. The arrest will scare Candlelight activists from handing out election materials or participating in party activities.”

On March 24, the Phnom Penh Municipal Court announced the convictions of Seam Pluk, the co-founder of the opposition Cambodia National Heart Party, and 12 others. They were found guilty on charges related to forgery under articles 626, 627, and 628 of the criminal code. Seam Pluk was sentenced to 30 months in prison, while the other 12 defendants received two-year terms. Additionally, each defendant was ordered to pay a fine of five million riels (equivalent to US\$1,250). The forgery case brought by the government was directly linked to the party's registration efforts. On November 16, 2021, the Interior Ministry rejected the party's application, alleging that 200 of the 4,700 supporters' thumbprints submitted for registration were forged. The ministry argued that these thumbprints were either duplicated, unidentifiable, or inconsistent with identity documents. Trial monitors noted that even if the 200 disputed thumbprints were correctly rejected, it remains unclear whether the prosecution met the necessary evidentiary standard to establish that a crime had been committed or that all the defendants were involved.

Seam Pluk appealed the decision regarding the party's registration, but the government-controlled Supreme Court dismissed the appeal in December 2021. Seam Pluk had been in pre-trial detention since April 2022, and three co-defendants were apprehended just hours before the verdict. However, the authorities did not provide reasons for their arrests. All individuals involved are current members of the Candlelight Party. Among them, Touch Theung, aged 74, serves as the party's Kampong Cham provincial head; Khoeun Virath, aged 33, is a member of the commune council in Phnom Penh's Boeung Tumpun 2 commune; and Nou Sitheary, aged 63, is a commune council member in Phnom Penh's Stung Meanchey 1 commune. The remaining defendants are Chea Sopheak, Chhim Savath, Chhorng Hor, Long Houn, Phap Khun, Phly Chhunheng, Phly Menghong, Reth Chanratana, and Sean Pheap.

Additionally, on March 21, two opposition members were arrested for allegedly "insulting the monarchy" on Facebook. Authorities arrested Yim Sinorn and Hun Kosal on charges of violating the country's lese-majeste law. Lese majeste was introduced into Cambodia's penal code in 2018 amidst domestic and international criticism. The charge carries a penalty of one to five years in prison and a fine of up to \$2,500 for individuals. Sinorn had been a close aide to the persecuted opposition leader Kem Sokha, and Kosal was a former Cambodia National Rescue Party youth activist. They were arrested for posting messages on Facebook stating that the king's power and throne were being "harmed" and needed protection.

The morning after, on March 22, Prime Minister Hun Sen stated in a graduation speech to students in Phnom Penh that there would be no forgiveness for Sinorn and Kosal for insulting the monarchy. Hun Sen commented on his official Facebook page about the arrests and, before the men were charged, said: "This is an insulting act that cannot be tolerated or excused." He asserted that the egregiousness of the insult could never be excused but simultaneously claimed that he sought to pressure the court. Sinorn was released on March 28 after offering a public apology via a video and letter to the king and Hun Sen, while Kosal remains in pretrial detention. Sinorn agreed to join the ruling party and was appointed as Undersecretary of State at the Ministry of Labor and Vocational Training. Also, after agreeing to join the ruling party, Kosal was released from incarceration.

Subsequently, on April 12, authorities arrested and have since detained two more members of the Candlelight Party on charges related to forging the party's candidate lists, despite these lists having been approved nearly a year prior. The authorities arrested the two individuals on forgery charges related to the candidate lists submitted and accepted in Kansom Ork commune prior to the June

2022 commune elections. The government pressed charges against Eang Chea, the party's deputy chief of Kansom Ork commune, and Heng Sam Oeun, the head of the party's executive committee in Kampong Trabek district, under the forgery articles of the criminal code. Both individuals remain in pretrial detention despite there being no apparent evidence indicating they are a flight risk or could tamper with the evidence. Article 9 of the International Covenant on Civil and Political Rights encourages bail for criminal suspects, stating: "It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial."

Then, on 19 April 2023, a provincial court ordered the arrest of two more senior Candlelight Party officials on fraud charges related to party registration documents in 2022 (making a total of 6 arrested in a period of about one month). Seng Visal, the Candlelight Party's finance officer in Prey Veng province, and Bin Chhong, a commune council for Prasat in Prey Veng, were arrested and charged with submitting fraudulent documents pertaining to the 2022 commune elections. At that time, the arrested opposition party members belonged to the National Heart Party but had switched and joined the Candlelight Party, the major opposition party. Dim Yun, the executive director of the Candlelight Party in Prey Veng, said: "I am very disappointed with the arrest. This is very inappropriate. During the election, the government should allow more political parties and not arrest any party's activists," he said. "This is not about criminal offenses, it is a politically motivated case to intimidate opposition party officials in Prey Veng."

But any problems that the ministry had with last year's candidate lists should have already been resolved, said Am Sam Ath of the Cambodian League for the Promotion and Defense of Human Rights said that assertions of wrongdoing by party members with the candidates list for 2022 should have been resolved already, he stated: "These arrests will lead to criticism saying the arrests were aimed at intimidating the opposition party officials who will compete in the election." Their lawyer, Sam Sokong, pointed out to the media that the accused were being held without bail even though their alleged crime was minor and they had full-time jobs. "According to the law, they have permanent jobs – particularly Bin Chhong, who is a commune councilor – so they should be safe to be released on bail." They were detained on the orders of Presiding Judge Hem Krishna following their questioning by authorities. During detention, the Prey Veng Provincial Prison Department officials refused to allow a defense lawyer and party officials to see them.

Candlelight spokesperson Kimsour Phearith said party members were being arrested for threatening the spirits of activists and party supporters ahead of the July national elections. He noted that the four were imprisoned before an investigation could be completed. He also averred: "If cases existed, [the investigation and arrests] should have occurred since last year's election; why have they carried it out right now? It will make the political atmosphere gloomy. This is an action to provoke both physical and psychological abuse by supporters and party activists, including voters." CPP spokesperson Sok Eysan denied the ruling party was persecuting the opposition party, stating: "When they have committed offenses, it is not persecution. It is implementing the law for those who have violated the law."

In May 2023, Prime Minister Hun Sen announced his intention to initiate a lawsuit against opposition party official Chea Poch, a member of the Candlelight Party's (CP) Standing Committee. This related to statements made by Chea Poch in a voice message that had been monitored or obtained by Hun Sen. It is notable that ruling party regime top officials are known to infiltrate and monitor opposition groups and communications, both in-person and online. In a

short voice message to CP members, Poch states that he has been in a “struggle” to “depose” Hun Sen since he was 19 years old. Specifically, he asserted: “Since I entered politics at 19, many colleagues and leaders have died. With this pain, and how seriously they have mistreated us, we know our goal. To be frank, my goal is to oust Hun Sen.”

Hun Sen then accused Poch of seeking to topple the government following a Fresh News media report alleging Poch’s intentions. Poch responded with two letters, one explaining the situation and one apologizing. Hun Sen then refused the apology and indicated that the courts would be taking legal action against Poch. Poch’s explanation indicated that his use of the terms ‘struggle’ and ‘depose’ or oust only referred to changing the leadership through free and fair elections, and he insisted on his commitment to nonviolence. In the other letter to Hun Sen, dated May 15, Poch says: “My speeches were rude and have affected the prime minister. I ask the prime minister to forgive me.” Also, Poch says he had requested that Candlelight Party delegates express themselves politely and that he wished to apologize to Hun Sen in person. Hun Sen posted the letters on his own Facebook page on May 21 and indicated he refused to accept Poch’s apology and would pursue legal action against him.

In early July 2023, Candlelight Party activist Thol Samnang was arrested in Thailand. He fled to Thailand after police came to his home searching for him on July 3, in Tropeang Chuok village of Prek Koy commune. His village chief told him on June 30 that to avoid being arrested, he would need to switch party membership to the ruling party. Candlelight’s Kandal province party chief Ly Mengkheang said: “The reason that he left Cambodia is because police and commune authorities were searching for him at his home, asking about him. The reason they wanted to arrest him is because of Facebook statuses that he posted.” One of the Facebook statuses posted by Samnang’s account titled “Youth Love Democracy” showed pictures of ruling CPP supporters with a red X over their faces and a crude description. “He expressed his opinions via his Facebook account...and it is not illegal in Cambodia or Thailand,” said Kong Monika, Candlelight Party’s acting secretary general. He asserted: “For Thol Samnang’s personal safety, the Thai government must not return Thol Samnang to the Cambodian authorities.”

By that time, over 200 political opposition activists had sought refuge in Thailand since 2017. Unfortunately, some of these individuals have faced arrest by Thai authorities and subsequent deportation to Cambodia despite being officially recognized as refugees by the United Nations. Thailand had not ratified the 1951 Refugee Convention and lacked any legislation to grant legal status to refugees, as noted by the refugee rights organization Asylum Access Thailand. Human Rights Watch pointed out the problem of “transnational repression instigated by the Cambodian government.”

On July 16, Phnom Penh Municipal Court yesterday charged and jailed two senior Candlelight Party (CP) officials on charges of inciting, harassing, or preventing people from going to the polls in the National Assembly election. The two arrested persons were Ly Ry, a member of the Candlelight Party Steering Committee, and Bun Keith, the Acting Chairman of the Phnom Penh Candlelight Party branch. They allegedly committed the crime of “inciting, harassing and preventing people from going to the polls or destroying ballots” under the new Article 142 of the Law on the Amendment of the Election Law. They faced a jail term of up to five years each, a fine from 5 million Riels (about \$1,500) to 20 million Riels (about \$ 5,000), and disenfranchisement for the period of five years without regard to other criminal offenses. Lieutenant Colonel Heng

Rithy, deputy chief of the municipal internal security department in Phnom Penh, said that the accused incited the people, especially CP supporters, not to go to the polls or vote.

In addition to Candlelight steering committee member Ly Ry and acting Phnom Penh party chief Bun Kat, by the next week, two more opposition figures were charged with incitement in relation to spoiled ballots. Candlelight Tbong Khmum province party chief Eng Sroy and the head of the party's women's movement, Vong Runy, were arrested. According to a court warrant posted on government-aligned Freshnews media, investigating judge Yi Sokvouch charged the two with incitement to disturb social security by causing turmoil for the election. Also, seventeen opposition members were fined and banned from holding elected office for at least 20 years after being convicted in absentia of inciting voters to spoil their national election ballots. Election committee documents showed that those convicted and banned included seven former CNRP lawmakers — Sam Rainsy, Mu Sochua, Long Ry, Nuth Romdul, Hou Vann, Kong Saphea, Eng Chhai Eang — and eleven activists, including Seng Mengbunrong and Chham Chhany, documents published by PEC show. According to PEC director Sim Dony, Sam Rainy was fined 20 million riels (\$4,845) and banned from elected office for the next 25 years, while the rest of the opposition members were fined 10 million riels (\$2,422) and banned from running as candidates for the next 20 years from being candidates. One week prior, the NEC announced that it would pursue legal action against anyone suggesting voters spoil their ballots.

Bun Kat issued a public apology to Hun Sen, also published on Fresh News media, which stated: “Recently, I have received an order from prisoner Sam Rainsy, who asked me to disseminate to people to go vote on July 23 but spoil ballots.” By that time, the Kampong Cham provincial election committee fined Candlelight official Ly Menghorng 10 million riels (\$2,400) and banned him from running as a candidate for election for the next ten years. Menghorng was party secretary in Koh Sotin district, Kampong Cham. Hang Puthea, NEC spokesperson, said that Menghorng had posted a comment on July 1 calling for people to spoil ballots to “provide justice for ourselves and compatriots” through a Facebook account named Vanrith Ly.

Sam Kunthearmy, executive director of the election watchdog Neutral and Impartial Committee for Free and Fair Elections, said that the NEC should issue a warning letter before taking legal action in order to carry out the election process smoothly. “As principal, [the law] has encouraged people to vote, and how they tick the ballot [secrecy room], it is the right of voters.” Former CNRP vice president Mu Sochua said via email that amended election laws were being used as a political weapon and that “voters have the full right to express their will on election day.” She said that the NEC, which is headed by a member of the CPP's central committee, must be an independent institution with the duty and role to conduct free, fair elections.

On 25 July 2023, twenty-one opposition members and activists were banned from holding elected office for at least 20 years after being convicted in absentia of inciting voters to spoil their national election ballots by the Phnom Penh Municipal Election Committee (PEC), and they were fined 10 million riels (\$2,400). The venerable Sovath, one of those convicted, who lives in asylum in Switzerland, posted on social media on July 22: “if we spoiled the ballot...no one will know, and please don't be afraid, there is no prosecution.” Another of those convicted, Hay Vanna, the former CNRP Movement head in Japan, stated: “I am not afraid, related to my conviction, because I did nothing wrong. I appealed to citizens to spoil the ballot by following their will because if the election is free and fair, we won't call for spoiling the ballot.”

On 9 September 2023, Banteay Meanchey Provincial Police detained and questioned 23 Candlelight party officials over the weekend for allegedly lying to people while collecting thumbprints to establish a new political party. Police say party members falsely told citizens that CPP leaders were behind the effort to create the new party. Interior Ministry spokesperson Khieu Sopheak said, “They have been arrested for using the names of Samdech Krolahom [Sar Kheng] and Samdech Pichey Sena [Tea Banh] for creating the party.” Subsequently, 17 detainees were released, most serving as commune councilors, after signing a document that stipulated that they swore they were not involved in the offense. Of the remaining six detainees, four served in higher-level party positions: Provincial Candlelight Party Chief Sin Vatha, his deputy Long Lavy, Mongkol Borei district Candlelight Party Chief Tuot Veasna, and his deputy Chum Sinath. Commune Councilor Van Suy Iv and activist Tep Sambath Mono also remained detained for questioning.

The six Candlelight Party officials were sent to pre-trial detention after being charged under Article 494-495 and Article 377-378 of the criminal code, according to a Friday statement from human rights NGO Licadho. The charges carry between six months and two years in prison and fines of one million to four million riels (\$242 to \$967). Under sections 377 and 378 of the criminal code, “fraud” can carry up to a three-year prison sentence.

Vatha was fired from his high school teaching position in June by the Education Ministry due to “professional misconduct of a civil servant,” but he believed his termination was a result of his political activities. Former Candlelight Party Secretary Suon Khemrin, who was detained on Saturday and released on Sunday, said police told him during his questioning that Suy Iv collected thumbprints from citizens to create a political party and told villagers the party was supported by top government leaders. Concerning the state of the new government under Hun Manet, he said, “I think the situation has not changed because there are still a lot of people who are being arrested for various reasons.”

Soeng Senkaruna, a senior investigator for the human rights group Adhoc, said: “The political situation has not gotten better because there are continued arrests of [Candlelight members]. There is an image of restricting rights and freedom of political activity. I think that the new government and the old government are the same because they were both formed by the ruling party [CPP].” Licadho Operations Director Am Sam Ath said charges contributed to the trend of erosion of democratic political pluralism: “This indictment and detention lead to criticism that it is more of a political issue than law enforcement.” He added: “And as we have seen, after the election until now, there has been a lot of criticism that the human rights situation in Cambodia does not seem to be improving.”

Changing Party Landscape

Registrations

Before the election, the Interior Ministry informed Candlelight Party that it would have to wait until after the election to submit a request to receive new party registration documentation. However, before the election, Interior Ministry spokesperson Khieu Sopheak informed the media that the ministry had already issued a letter to Candlelight recognizing the party as legally registered, “so there is no need to meet.” In mid-May, (former) PM Hun Sen announced he agreed to meet with the Candlelight Party. At that time, the PM indicated that he would only meet with

CP on July 30, after the national elections. The stated intention of the meeting was to discuss the election and congratulate the PM on the success of the 32nd SEA Games. However, on May 12 CP had already publicly stated that they would organize protests if they were unable to register for the election. Hun Sen stated: “Do they want to disrupt the election process? Will they boycott the election and attempt to scapegoat the NEC and the Constitutional Council by saying that these institutions refuse to register them despite their incomplete paperwork? I want an explanation from Chea Poch on how they plan to defeat me.” In a public address, Hun Sen indicated that any individual found to foment ‘social chaos’ would be arrested and prosecuted.

In August 2023, the Candlelight Party (CP) reiterated its intention to seek permission from the Ministry of Interior to participate in the upcoming election. Chief of Cabinet of the CP, Hong Sok Hour, highlighted that the CP would persist in collaborating with the Ministry of Interior, expressing hope for a resolution related to the party's lost original registration documents. He emphasized, "We are urging the government to facilitate the CP's registration as a legitimate political party, complete with a candidate list for the forthcoming national and sub-national elections." Regarding the missing original document dated March 23, 1998, Sok Hour mentioned the CP's continuous engagement with the ministry since the start of 2023, particularly during the political parties' and candidates' registration phase for the national election. Despite the CP's efforts, Sok Hour expressed disappointment that the ministry has yet to propose a solution. He mentioned that last week, the CP formally requested a meeting with Interior Minister Sar Kheng to seek assistance. However, the ministry advised waiting until the new government assumes office. Sok Hour expressed regret over the ministry's reluctance to meet Kheng earlier to address the issue. He mentioned a previous instance on June 12 when the ministry declined to accept letters from the CP regarding the missing registration certificate, instructing the CP to wait until after the national election.

The Ministry of Interior responded affirmatively to the Candlelight Party's (CP) request for a meeting to discuss their party's registration issues. Phat Sophanit, chief of the ministry cabinet, issued a letter on September 19 granting permission for the meeting, which was scheduled for September 21 at the ministry. The letter addressed to acting CP president Sok Hach emphasized that ministry officials responsible for political parties would be present, providing an opportunity for the CP to raise their concerns. While the CP has secured the meeting, CP spokesperson Kimsour Phirith expressed cautious optimism, noting their preference to meet with Interior Minister Sar Sokha. Sokhak, Interior Ministry spokesman, clarified that any delay in addressing the CP's case is due to legal procedures and not influenced by political motives, denying allegations of a political agenda behind the delay.

However, the CP party was still not able to compete in elections as of the Senate Election of 25 February 2024. In that election, 58 of the 62 senate seats were contested. As Candlelight Party had previously merged with the Khmer Will Party, that party took part in the election and obtained three seats. Notably, following the Senate elections and the assumption of the PM post by Hun Manet, which occurred in August 2023, former PM Hun Sen became president of the ruling CPP party, head of the Supreme Privy Council, and President of the Senate. As of the time of writing this post, the specter of being banned still hangs over the CP party, as the PM or ruling party president may revive allegations that the party sought to incite social cause or contravene the national interest by spearheading a spoiled ballot campaign in the 2023 poll. At the same time, no such action is necessary to ensure the CP cannot contest elections, given that it has yet to receive

any response from the Ministry of Interior regarding its request for documentation, even though the party began seeking a resolution in April 2023.

In September 2023, authorities apprehended 23 individuals, including six members of Cambodia's opposition Candlelight Party (CLP), for organizing a gathering aimed at collecting fingerprints to establish a new opposition party called the Panha Tumnerp, also known as the Intellectual Modern Party. Suon Khemrin, the former Banteay Meanchey Provincial CLP Secretary who was among those detained, revealed that during his detention, the police interrogated him about the origins of the new party. He informed them that he had only received a letter from the Ministry of Interior authorizing the formation of the Tumnerp Party and mandating the collection of sufficient fingerprints within 180 days, in accordance with the country's political party regulations.

In October, the Ministry of the Interior rejected an application from 80 students and intellectuals to form a party for the second time. Em Sok Sovann, a representative of the aspiring Khmer Servant party, stated: "This rejection makes me sad; I don't know what I've done wrong. What do I need to correct ... for me to meet their requirements?" He explained that the group aimed to form a political party to support the multi-party liberal democracy outlined in the constitution. The initial application for the party (with the name Khmer Puppet Party), was rejected on the grounds that it lacked both the founder's signature and a list of its 80 founding members. In response, Em Sok Sovann requested a meeting with Interior Minister Sar Sokha to discuss the reasons for the rejections and how to proceed according to ministry requirements. However, as of Wednesday, there had been no response from the ministry. Regarding Em Sok Sovann's case, Ministry of Interior spokesman Khieu Sopheak mentioned that clear reasons for rejecting party formations are usually provided. However, he requested time to review the applications before offering further comments.

Korn Savang from the Committee for Free and Fair Elections in Cambodia (COMFREL) emphasized that if there were technical issues with the applications, the ministry should guide Em Sok Sovann on how to address them. Otherwise, rejecting the applications without adequate reasons would constitute a violation of the law.

Defections

Prior to the 2023 elections, a large number of opposition party politicians defected to the ruling party in a climate of intense pressure and intimidation. Defections began accelerating even prior to the May ruling disqualifying the Candlelight Party from contesting. The defections intensified pressure on opposition politicians, undermined the public image of the opposition (giving it the appearance of weakness in a political culture whose traditional understandings often equate strength with legitimacy), and demonstrated the continued use of legal threats and actions to destabilize peaceful and organized dissent.

Just days prior to the national election, candlelight spokesman Without offering any evidence, Cambodian People's Party spokesman Sok Eysan, made a public display of this as the triumph of the ruling party, asserting that "hundreds, thousands" of opposition party members had defected into the ruling party in the prior year. Kimsour Phirith estimated that 10% to 15% of the embattled party's central leadership has defected. He noted: "This is the strategy of the rival party in order to make our party become weak ... to show the image that we are breaking." By the time of the 2023 election, it was estimated that more than 6000 opposition (CP) members had joined the ruling party. In the first months of 2023, Human Rights Watch has counted at least seven acts of violence

against opposition members, including three beatings that involved metal rods. Human Rights NGOs list 52 current political prisoners.

Examples of direct or indirect pressure to defect are evident upon investigation. For instance, Yim Sinorn, a former organizer of migrant workers in South Korea who worked closely with former CNRP leader Kem Sokha, witnessed his legal prosecution and current state, serving 27 years under house arrest. Sinorn had been arrested in March for social media commentary, in which he allegedly insulted the king (see the section on Media and Social Media freedom). Following his release on bail, Sinorn issued a public apology online and declared his commitment to the ruling party. After that, the legal case against him dissolved, and he was appointed to a high-level post at the Ministry of Labor.

Notably, in such cases, it seems an important part of the ritual demonstration of loyalty to the ruling party that the individuals in question declare that the threat of imprisonment had no effect on their decision to defect. For his part, Sinorn claimed his decision to defect was not the pressure of prosecution but rather frustrations with the opposition party. Effectively, then, this foments a narrative wherein the defections are the fault of the opposition itself and reflect the inadequacies of the opposition party. Moreover, they are framed as the free choice of the individual with the purpose of serving the nation rather than for individual gain. Sinorn declared to the media: “I’ve seen the weakness of leadership of the former opposition party that made me realize I can’t continue the journey. I decided that I have to choose a new place to participate in serving the nation.” He stressed: “Everything I have done comes from my own will.” In many of these cases, there is an element of coercion in the form of either harassment or prosecution, but as co-optation includes a reward component, individual claims to have made a free choice cannot easily be discounted. Another example is the case of Sar Longdeth, who, following the accusation of defamation by former PM Hun Sen, both defected and publicly denounced the opposition party.

In the first week of May, ten opposition activists who are in prison came out at the weekend to confess their guilt and release a video and a letter of apology to Prime Minister Hun Sen. The 10 opposition activists were Mr. Kong Mas, Mr. Vorn Savann, Mr. Thuy Vy, Mr. Chhun Bunchat, Mr. Orim, Mr. Chan Sarath, Mr. Nop Von, Mr. Peng Sokha, Mr. Vorn Leng and Mr. San Saury and so on. They were sentenced to prison for the crimes of conspiracy, incitement to social insecurity, as well as other crimes. Pro-government Khmer Times media wrote of their participation in the “plan to overthrow the government of Sam Rainsy and his cronies.”

Nine former opposition party activists were granted a pardon from the King and released from prison on the night of May 12, 2023. The nine opposition activists were Mr. Vorn Savann, Mr. Thuy Vy, Mr. Chhun Bunchat, Mr. Orim, Mr. Chan Sarath, Mr. Nop Von, Mr. Peng Sokha, Mr. Vorn Leng, and Mr. San Saury. After being pardoned and released from prison, the opposition activists thanked His Majesty King Norodom Sihamoni, King of Cambodia, and Samdech Techo Hun Sen for intervening in their pardon.

In May, Prime Minister Hun Sen issued a sub-decree appointing Saro Sovuth, a former opposition member, as an advisor to the Minister of Rural Development with the rank of Deputy Director General. This appointment follows Saro Sovuth's decision to leave the opposition and express interest in joining the CPP. Top of Form

Also, a former opposition leader in Banteay Meanchey province who was jailed in 2017 for allegedly inciting an anti-government protest, Chao Veasna, informed media that a senior

government official approached him and told him he was “targeted for life” and indicated that if he joined the ruling party, he would receive an impressive post. Veasna indicated that previously carried out clandestinely; such practices were now being openly and apparently conducted with increasing frequency. Veasna said he did not want to be remembered as a traitor. Discussing members of the opposition who had defected to the ruling party, he stated: “They want benefits and positions. They keep defecting, but me — I do [this work] for the nation. I don’t do it for the position.”

Political analyst and political science professor Em Sovannara said that while defections happen regularly (coinciding with the intensification of pressure on the opposition correlating with the election cycle), the sheer volume since last year’s local elections demonstrates how difficult it has become to survive outside the grip of the ruling party. “We’re seeing that the process of democracy in Cambodia is shrinking and moving in a way that doesn’t give voters full freedom. It reflects the idea that ‘democracy’ is only alive when people support and align with the ruling party. Constructive criticism seems to be disappearing.”

This is a continual process that is made possible by the patronage of PM (former) Hun Sen’s control over the state bureaucracy and corresponding budget. It effectively serves to silence or neuter the opposition as well as establish new relations of clientelism that underpin power dynamics. For example, in August 2022, six members who defected from the Cambodia National Love Party (CNLP) to join the Cambodian People's Party (CPP) were appointed as senior government officials.

All these positions were within the Ministry of Posts and Telecommunications, with Kang Kimhak, Kheuy Sinoeun, and Tan Tin appointed as Undersecretaries of State, while Sok Sothea, Sok Vibol, and Ang Dara hold the rank equivalent to department director. These six individuals switched to the CPP after the CNLP's chairman, vice-chairman, and nine members of the Standing Committee resigned on July 29. The 11 resignees encouraged CNLP members to join the CPP. Former CNLP president Chiv Kakda praised Prime Minister Hun Sen's leadership, describing the country as peaceful, developed, and prosperous. Political analyst Em Sovannara noted that it's common for the CPP to attract members from other political parties. "The appointments of the six former CNLP members serve as an example that joining the CPP can bring similar benefits." However, Sovannara cautioned that such appointments could demotivate hard-working officials who are not promoted, leading to frustration and reduced performance. These large-scale defections seem to have been influenced by several interrelated factors: violence and harassment of the opposition; the elimination of opposition leadership through legal prosecution; the removal of the opposition party (first CNRP and then CP) from electoral competition; and co-optation through offers of positions within the state bureaucracy.

For example, at the end of 2022, Yang Saing Koma, chairman of the Grassroots Democracy Party Board, and party deputy secretary-general and spokesman Loek Sothear announced they would leave the party in November 2022. Yang, a co-founder of the GDP, was appointed to the rank of Secretary of State at the Ministry of Agriculture, and Loek was appointed to the rank of Undersecretary of State. Sam Inn, another co-founder of the GDP, announced in April 2023 that he would join the ruling party and was appointed Secretary of State at the Ministry of Environment. At the same time, Sam Hak, the party’s general-secretary, joined the CPP and was appointed Undersecretary of State at the Ministry of Environment. Political analyst Em Sovannara informed the media that based on his assessment, the GDP would be most effective if it allied with other

opposition parties. He noted the party's strength in outreach to youth and posited: "GDP is a part of a voice for democratic society. But it has less of a voice to reach and gain public trust."

In another case, Hun Kosal (along with Yim Sinorn) was arrested and charged under Cambodia's Lese-Majeste laws. They posted on social media that the king and monarchy were being harmed (by the monopolization of power by Hun Sen) and needed protection. On March 22, Hun Sen declared that their affront to the King could not be forgiven and they would be prosecuted, leaving the two facing up to five years in prison. However, on March 28, after issuing an apology praising Hun Sen's benevolence and agreeing to join the ruling party, Sinorn was released. For his part, Hun Kosal was released on bail after announcing his intention to join the ruling party. Despite describing his acts as unforgivable, Hun Sen publicly declared: "On behalf of the CPP, I welcome Hun Kosal to join the party." Yim Sinorn was appointed Undersecretary of State at the Ministry of Labor and Vocational Training.

At the beginning of December 2023, Bun Chankim, a member of the opposition who had fled to Thailand, released a video requesting Hun Sen and PM Hun Manet forgive him and allow him to join the ruling party. In his statement, he contended that the opposition leadership is rife with conflict and neglectful of party supporters. Moreover, he urged party members and workers in Thailand to reject the Candlelight Party.

In some cases, the renunciation of politics is less direct, but the control of the executive over the judiciary remains clear. Consider, for example, former opposition activist Ear Channa, who expressed his gratitude to Prime Minister Hun Sen for his intervention that led to his release on bail. Ear Channa, previously a youth representative of the former National Rescue Party, was detained on May 30, 2022, and charged with conspiracy to commit a crime in 2020. While in custody, Mr. Ear Channa apologized to the PM for his past errors. On May 1, 2023, he formally requested bail from the Minister of Justice. In his letter to the PM, Mr. Ear Channa pledged: "I promise not to commit any act that is contrary to the Constitution, the supreme law of the land." He also conveyed his well wishes to the Prime Minister and his wife, wishing them good health, strength, and success in all endeavors. Upon receiving Mr. Ear's letter and apology video, the PM acknowledged the apology and instructed the Minister of Justice, Mr. Keut Rith, to collaborate with the court to legally secure Ear Channa's bail.

In another example from 2022, at least 120 members from three different political parties – the court-dissolved Cambodia National Rescue Party (CNRP), the Khmer National United Party (KNUP), and Funcinpec – switched allegiance to the Cambodian People's Party (CPP) in Kampong Speu province's Baset district. Kampong Speu provincial governor Vei Samnang expressed, "The people know we are the only party that helps a lot in the development of the country." Samnang reiterated that the CPP welcomes members from all parties, respecting their political rights to choose. He noted, "All the new members from the three parties understand that the CPP has a good leader in Prime Minister Hun Sen."

Defections have impacted civil society as well. In May 2023, the former long-time director of Transparency International, Preap Kol, announced he joined the ruling party in order to aid in fostering government reforms and was appointed Minister Delegate attached to the Prime Minister.

In February 2023, a member of the environmental group Mother Nature denounced the group and formed a new organization — with the same name — under the government's Environment Ministry. Phuon Keoraksmeay, an activist who remains with the original group, said she did not

believe the government version would garner support or trust. “We pity [them] and feel sorry that they are willing to leave freedom and go to live in a cage by supporting the government,” she told media. Others have remained under pressure even after publicly proclaiming support for the ruling party. Theng Savoeun, president of the agricultural NGO Coalition of Cambodian Farmer Community, was arrested in May along with two colleagues and accused of fomenting a “peasant revolution.” Savoeun publicly apologized and confessed to his alleged crimes, but the Ministry of Interior ordered the organization to stop operating temporarily two weeks later.

At the end of 2023, 400 Candlelight Party members organized a protest against party president Teav Vannol, calling for his resignation. The protesters demanded the resignation of Vannol and secretary-general Ly Sothearayuth. They also called for an end to the intimidation and arbitrary removal of members from their positions, emphasizing the importance of respecting members' autonomy in decision-making. The CP leadership had dismissed Siem Reap provincial executive Som Sorya. Prak Ponnareay, the Candlelight executive committee secretary in Siem Reap's Sotr Nikum district, criticized the party's decision to dismiss Sorya without justification and without consulting the 12 city-district executives. Additionally, Ponnareay highlighted the absence of a vice president following Sorya's dismissal, noting that an unknown individual was appointed to lead the Siem Reap branch. The demonstration was after the party urged its 2,198 elected commune councilors to pledge allegiance to the Khmer Will Party for the 2024 senate election.

Coalitions

In July 2022, the Grassroots Democratic Party (GDP) proposed a new strategy based on a united front of opposition parties called New Political Democratic Alliance 2023 or Alliance 2023, with the stated aim of preventing one-party rule. GDP announced: “We propose three key areas for the Alliance: 1. Sharing of constituencies to run in polls 2. contest under the name of one political party and 3. form a new political party.” GDP, furthermore, indicated support for the first option did not require the formation of a new party, with Yang Saing Koma, GDP co-founder, indicating: “It does not waste time nor it needs to go through the hassle of creating a new party, it alleviates the burden for each party in campaigning, especially the financial resources and it provides an example or new experience for the Cambodian people. “If any party is absent by any circumstance, the remaining parties, member(s) of the Alliance, will be able to continue the joint mission of the Alliance.”

However, Nhoen Raden, spokesman of the Funcinpec party, said that Funcinpec does not need to form alliances with other parties and is not interested in doing so. Thach SETHA, vice-president of Candlelight Party (CP), said that he supported the idea of unifying but that strengthening of individual parties at the grassroots level had to occur first: “If a party does not have strong grassroots and a weak structure, it will be difficult to form an alliance with each other. We are now paying close attention to strengthening the internal structure of the party and further strengthening the grassroots level.” Sam Kuntheamy, executive director of the Neutral and Impartial Committee for Free and Fair Elections in Cambodia, said, “They should accept the third scenario, but forming a new party may take a long time. The first and second scenarios can be difficult to negotiate and easy to break up.”

GDP issued official letters to leaders of the main opposition Candlelight Party (CP) headed by Teav Vannol; Cambodia Reform Party (CRP) headed by Pol Ham; Khmer Will Party (KWP) headed by Kong Monika; Cambodia National Love Party (CNLP) and Kampucheaniyum Party

(KP) headed by Yem Ponhearith. However, by that time in 2022, the CNLP president Chiv Cata, had instructed all party members to join the CPP and announced the party had been disbanded. The KWP and CRP indicated their support for the GDP initiative, noting that they preferred the option of contesting under the name of one political party. CPP spokesman Sok Eysan responded: “Lost parties plus losing parties is equal to heavy losses.”

In early September 2022, the Candlelight Party (CP) refused the request of three other parties to join a "Political Alliance 2023", citing a lack of need and time to coordinate the move. Vice-president of the Candlelight Party (CP) Son Chhay noted the logistical and procedural difficulties of forging a merger among parties. He stated: "I used to negotiate during the Sam Rainsy and Human Rights [parties] era on member quotas and power -sharing, but at this stage, the party understands that there is no need to negotiate about dividing power in provinces or merging." He also asserted that the CP was reforming its party structure to enable other party members to join it.

By late September 2022, the Grassroots Democratic Party (GDP) announced a strategic alliance with seven other political parties aimed at consolidating their efforts under two to three parties to enhance their electoral prospects in the upcoming 2023 general election. Yang Saing Koma, chairman of the GDP’s board of directors, emphasized the importance of coordinating with these parties to form a united front, limiting the number of umbrella parties to a maximum of three. This approach aligns with the strategy of concentrating votes in areas where the ruling CPP is vulnerable, a tactic based on dividing constituencies.

Koma pointed out the potential electoral gains, citing the Candlelight (CP) party's success in the June 2022 election with 21 commune seats, indicating a possible increase to 29 National Assembly seats. He stressed the broader goal of promoting and safeguarding the multi-party liberal democracy system, highlighting the need for a cohesive alliance beyond mere seat acquisition. Kong Monika, president of the Khmer Will Party (KWP) and one of the parties involved in the alliance, echoed the sentiment of unity among pro-democracy opposition voices. He emphasized the importance of presenting a unified front against the CPP, akin to the past unity demonstrated by the Cambodia National Rescue Party (CNRP).

CPP spokesman Sok Eysan contended: “However, my thoughts on that plan are that the more united they are – the more divisive they will become because their shares of power will not be equal, so it will be a point of contention between them before too long. It would actually be better for them not to merge.”

As of the end of 2022, that overall merger envisioned by GDP failed to materialize and led to some parties uniting with other parties. The mergers involved: the Khmer Will Party (KWP) of Kong Monika merging with the Candlelight Party; Yem Panharith’s Kampucheaniyum Party joining with Nhek Bun Chhay’s Khmer National United Party (KNUP) banner; and the Cambodia National Love Party (NLP) flying Ou Chanrath’s Cambodia Reform Party (CRP) flag.

In October 2022, the Khmer Will Party (KWP) announced a merger with Candlelight (CP), currently the country’s second-largest party. The KWP issued a statement called on ‘democrats’ to support the CP in order to ensure “a true liberal multi-party democracy” in the “spirit of the Paris Peace Agreements” and the Constitution. KWP president Kong Monika had said that the alliance of many parties previously proposed by the GDP was too challenging to implement.

He states that the KWP’s intention was simply to join with CP as it was easier than forming new parties or making “complex” multi-party agreements. CP vice-president Son Chhay said the party

welcomed all other parties wishing to support the CP in the 2023 elections, but if a new party or political alliance was formed for 2023, there would be many stages of negotiations and complicated procedural hurdles that would take a long time to overcome.

In October 2023, the opposition party Candlelight formed an alliance with minority parties Khmer Will Party, Grassroots Democratic Party, and Cambodia Reform Party. Those three parties failed to secure any seats in the 2023 elections. The coalition called ‘Alliance Towards the Future’ was announced with the aim of uniting power via a collective democracy to fight against the CPP in the 2027 commune elections and national elections in 2028. The ‘Alliance Towards the Future’ entails that all four parties retain their respective parties and assign constituencies for candidates from each party to stand during the election.

Kong Monika, acting secretary-general of Candlelight Party, said: “We have seen that only through a coalition democratic power can we change the political norms in Cambodia.” He claimed that democracy and human rights have deteriorated in Cambodia, beginning with the dissolution of the opposition CNRP by the Supreme Court in 2017. Pol Ham, president of the Cambodia Reform Party, stated: “Everyone is happy with our coalition because it is a step towards national unity.” Yeng Virak, president of the Grassroots Democratic Party, said: “We have a commitment to fulfill our duty as alliance members to carry out the mission effectively in order to uphold the objective of respecting human rights and promoting multiparty democracy.”

At that time, it remained highly improbable that the Candlelight Party could contest the Senate elections in February of 2024 because it was still not recognized by the Interior Ministry. Acting president of Candlelight Sok Hach said: “In case the Candlelight party is still not able to take part in the Senate election, we can find a partner in our alliance to work together. We join political parties to take over power [through elections] in order to change the [political] position.”

A senior investigator at rights group Adhoc, Soeng Senkarun, expressed concern that it could be impacted the same way as the dissolution of CNRP in 2017: “The creation of the alliance is a start to building trust in people, but we have to monitor whether this alliance is strong enough to improve the political situation. We are also worried that when unity becomes a big power like the former CNRP, it could face challenges [of dissolution].”

Mam Sonando, president of the Beehive Social Democratic Party, told CamboJA that his party has requested to become an ally with the CPP: “I am forming an alliance with the Cambodian People’s Party, but I am not joining a political career [defection] as it is my idea. I am sharing my opinion about joining the Patriots. It is fine if they [CPP] do not accept. I will not hold up banners, argue, or demonstrate.”

Also, in October 2023, 13 parties announced that they sought to form a coalition with the CPP. Hun Sen, CPP president, welcomed parties to “form an alliance”. He stated that the CPP would not try to control other political parties and would treat them as equal partners of the CPP. “We really need to unite the political parties in Cambodia to achieve the goal of maintaining peace and ensuring development in the long-term.” At the same time, he asserted the need to eradicate extremist politics” which threatened national unity and peace.

By the end of October 2023, the ruling CPP announced a ‘Cooperation and Coalition’ agreement with 27 other parties. The 27 parties that entered into coalition with the CPP include the Khmer National United, New Light; Cambodian Nationality; Khmer Rise; Beehive Social Democratic; Reaksmeay Khemara; Khmer Republican, Khmer Economic Development; and Khmer Youth;

Dharmacracy; Cambodia Indigenous Peoples Democracy; Khmer United; Ekpheap Cheat Khmer; Democracy Power; Farmer's; Women's Party for Women; People's Purpose; Khmer Conservative; Khmer United Great Nation; Norkor Democracy; People's Power; Khmer Angkor; Cambodia Free Independent Democracy; Molinaka; Democracy Movement; Khmer Development; and Moha Nokor.

According to Hun Sen, the largest ruling party, meaning the CPP, “did not use its power to force the smaller parties” into the coalition. He claimed: “These parties have come, not as descendants of the CPP, but as partners for the common good of the nation.” Hun Sen claimed: “This agreement is not intended to control any party, but is a partnership with equal rights. No party is subordinate to any other coalition member. Based on the contents of the agreement, I can say that all parties will remain autonomous, with the full right to set their own direction and policies.” He also asserted: “Our coalition reflects unity and the protection of peace and development in Cambodia. We need forces to protect our Constitution, monarchy, and sovereignty and prevent extremism.”

He also issued a warning to civil society and certain countries that the “revolutionary movement” they continued to try to create in Cambodia would be eliminated: “These days in Cambodia, there still remains a revolution, and I am sending a message to some countries and NGOs that [operate] under the shadow of the revolution movement to withdraw as soon as possible. We will not tolerate you.” According to Hun Sen, the alliance agreed on eight goals, some of which were the promotion of human rights and social justice, the protection of peace and social security, the elimination of extremist politics, and cooperation for a free, fair, and just election. He declared: “Do not campaign against each other during the election campaign and do not [join forces] with other political parties that oppose our allies.”

Pich Sros, president of the Cambodian Youth Party, claimed: “It is good to show that Cambodians are not divided. Because of differing political [beliefs], we have seen in the past that our people at the grassroots level, especially political supporters, do not always get along with each other and are discriminated against. As an alliance, members at the grassroots level would stop discriminating against other parties.” Mam Sonando, president of the Beehive Social Democratic Party, stated: “In the past, when I was with the supreme advisory council, I was not involved in issues relating to national development. I could only help to seek justice for people.”

Ith Sarum, president of the People's Purpose Party, said the coalition with the CPP advanced the development of the Kingdom's multi-party democracy: “Some rhetoric affects national unity, especially extremist ideas which can lead to violence and conflict. My party joined the coalition to ensure the political atmosphere remains stable, but we will still compete with each other based on our individual concepts, policies, and political programs. This coalition is not under the influence of any one party.”

Section 8 of the agreement specifies that all members of the coalition are resolutely opposed to any tricks or actions which attempt to destroy national unity, social stability, or cooperation. The coalition members agree to place the national interest above all else, promote collaboration, and commit to ensuring the agreement yields good results.

With its 2023 policy prohibiting the opposition party from contesting the National Assembly elections still clearly in view, NEC spokesperson Hang Puthea welcomed the formation of the new CPP-minor party alliance and asserted that the NEC was in the process of preparing a registry for

candidates based on the law which would ensure fair competition among all parties. He stated: “The NEC will implement strict measures to ensure that all parties have equal rights to compete.”

Political analyst Em Sovannara told the media that the alliance is a “tactic” by the CPP to prevent the formation of a larger alliance by the Candlelight Party. He asserted: “The CPP is afraid that small parties might join their pro-democracy alliance.” He noted: “The agreement is just to [make them] look good [although] nothing can be done. If CPP itself fails to [promote human rights], how can others promote them? When people protest, they [would] have no right to fully express their opinion.” Chey Tech, an independent socio-economic analyst, said he viewed the Candlelight Party coalition as aimed at balancing the ruling CPP but that the CPP coalition would not afford minor parties much influence. He compared the alliance to the Supreme Council for Consultation and Recommendations, in which participating parties have minimal power and authority.

In late December 2023, the Candlelight Party took steps to seek out a coalition with the Nation Power Party. Nation Power Party was formed by Chea Mony and Rong Chhun, the latter is a former unionist and vice president of the Candlelight Party. Rong Chhun became an advisor for the Nation Power Party, which was formed after the CP was banned from the 2023 elections. The NPP indicated that it was willing to make concessions aimed at allocating candidates for specific constituencies and limiting competition between the two parties. Rong Chhun said: “As for now, I cannot confirm that there will be any specific concessions, but there should be mutual concessions and win-win solutions.” Kimsuor Phirith, former Candlelight Party spokesman who currently serves as a member of the Khmer Will Party, said he was not aware of any informal talks between Candlelight and the Nation Power Party, but he urged the latter to join the opposition “Alliance Toward the Future.”

At that time, the National Election Committee had registered the ruling Cambodian People’s Party, Khmer Will Party, Nation Power Party, and the royalist Funcinpec Party to run in the 2024 Senate elections which saw 58 of 62 seats contested. Cambodia’s Constitution allows King Norodom Sihamoni to nominate two senators and the National Assembly to nominate another two. Both the Khmer Will Party and the Nation Power Party have registered candidates for all eight Senate constituency regions nationwide, representing the 58 seats. Sam Kuntheamy, president of the Neutral and Impartial Committee for Free and Fair Elections, opined that the failure of the two parties to cooperate would result in their votes being divided in the 2024 poll given that most voting commune councilors which are not from the ruling party were Candlelight Party members.

Supreme Consultative Council

The Supreme Consultative Council, or Supreme Council for Consultation and Recommendation, was established after the 2018 election and the formation of a single-party National Assembly, the Supreme Consultative Council, consisted of 16 parties. Each party had three members in the council: two who served as members of the council and another one who worked as a secretary at the secretariat. The council was composed of parties that were unable to gain a single seat in the National Assembly in the elections of 2018. The initial Council included leaders from 16 political parties out of the 20 that participated in the 2018 election. Four political parties—Grassroots Democratic Party (GDP), Our Motherland Party (OMP), League for Democracy Party (LDP), and Khmer Anti-Poverty Party (KAPP)—opted not to join the SCC at that time.

The council’s purpose was and is to provide opinion on government policies, give feedback or recommendations on draft laws, and report on inaction or violations by any government

officials. One media source stated: “The council is tasked with submitting petitions to the Senate over draft laws adopted by the National Assembly and providing comments to the Prime Minister for any injustice or abuses by officials.”

However, political observers have noted that with limited power and almost no accountability, the Supreme Council for Consultation and Recommendation offers little or no checks and balances on the ruling Cambodian People’s Party and cannot substitute for a legitimate opposition party. Likely, the Council was seen as a means to create a multi-party image in the executive branch, while the legislature was limited to the ruling party. The Government’s Supreme Consultative Council is passive and powerless to do its job, social observers say, citing the lack of help it has given protesting former NagaWorld employees. It was accused of being inactive when it came to important issues affecting the political parties’ constituents and was seen as a move to legitimize the one-party dominance of the CPP.

Social development researcher Meas Ny said the council was set up only as a good look for the government led by the Cambodian People’s Party (CPP). It could not find solutions to citizens’ problems. He claimed that, in the first year, the council actively helped to solve citizens' problems to show the public. However, he said these cases were mostly about main issues, especially land disputes in which people had been threatened by the government, which led to arrests and lawsuits. “Since then, the council’s members’ performance has gradually begun to diminish up to the present,” he said, contented that the mechanism could not replace parliamentary pluralism; only an elected party that has seats in the National Assembly can influence the government.

Pich Sros, president of the Cambodian Youth Party and a council member, said he and other members have always helped solve citizens’ problems, but the work had been delayed because of government restrictions during the pandemic, reasoning that if the Council were to work on issues during the pandemic, its “analysis would be based on emotional reasons.”

PM (former) Hun Sen announced the formation of a new SCC, requiring a new Royal Decree to provide for its mandate, at the end of July 2023, following the election that most democratic states, IOs, and NGOs viewed as not free or fair. To further the nation's progress, Mr. Hun Sen emphasized, "We need to gather all the input from political parties, whether they have seats in parliament or political parties without seats. We aim to mobilize human and intellectual resources to advance the country's development further and foster national unity." However, Tip Teav, deputy secretary-general of the Khmer National United Party, stated that while the creation of the SCC is crucial if the government values advisors, it will be meaningless if it disregards the views and recommendations put forth by the SCC.

In August of 2023, King Norodom Sihamoni issued a royal decree with the express aim of bolstering the Kingdom's multi-party democracy by establishing a forum that would provide recommendations to the government. This decree established the council, which operates under a five-year mandate aligned with the tenure of the elected government. That same month, PM Hun Manet approved all 30 party applications to join the SCC. Parties that contested the 2023 election could be designated as "founding members" if they submitted their application forms within two weeks after the Royal Decree issued on August 26, meaning they must have submitted by September 9. They also require approval from the Prime Minister. Each founding member will appoint three representatives: a Head Delegate with the equivalent rank of 'Senior Minister', a Deputy Head Delegate equivalent to 'Minister', and a delegate member with the rank of 'Secretary

of State'. Normal members will have two representatives, the Head Delegate and Deputy Head Delegate, with 'Senior Minister' and 'Minister' ranks respectively.

As of early October 2023, the RGC announced that PM Hun Manet had approved 30 political parties to join the newly mandated SCC. Under the new government mandate, Manet chaired the first council meeting at the Peace Palace in Phnom Penh on December 6. Prime Minister Hun Manet expressly stated that the Council for Consultation and Recommendations is a crucial part of fostering a culture of dialogue that engages all political forces in the Kingdom's socio-economic development without bias.

The council, established by former Prime Minister Hun Sen after the 2018 general election, aims to cultivate a culture of dialogue among political parties participating in the polls. Chhim Phal Virun, head of the council secretariat, explained that the meeting's objective was to gather input from 29 parties to enhance the efficient implementation of the Pentagon Strategy's initial phase. He asserted: "The council serves as a multi-party mechanism, distinct from the National Assembly or the Senate. We hope valuable input will be provided through these mechanisms introduced in this mandate."

Pa Chanroeun, president of the Cambodian Institute for Democracy (CID), highlighted the significance of political mechanisms involving various parties in addressing social issues and proposing solutions for the nation and its people. He stressed the importance of politicians in a liberal democratic society being ready to participate in bodies like the council. However, Chanroeun expressed concerns about its effectiveness and questioned its value.

Pothidey Savadey, head of the Dharmacracy Party, predicted that the Council would exhibit increased efficiency under Manet's leadership because of a commitment to reducing inaction and corruption: "Through the council's mechanism, we will monitor issues and report them to Prime Minister Hun Manet for solutions or reforms to improve the situation." She also pointed out that Manet had authorized Council members to engage in grassroots missions without prior permission, unlike the previous mandate.

At the beginning of December 2023, the government announced it would provide 1000 USD to each participating political party in addition to a salary already offered. Chhim Phal Varun, head of the SCC secretariat, stated that this funding will support members in their work to provide valuable input for the government. It was claimed that the financing was proof of PM Hun Manet's commitment to 'democracy beyond parliament' in recognition of the role that political pluralism plays in improving administrative outcomes. He clarified that the SCC is not a platform for political competition but rather a space for generating ideas to enhance the first phase of the government's Pentagon Strategy. He also clarified that the funding would not require spending accountability: "We are not monitoring how the money is utilized; instead, we await the accomplishments of each party's delegation", and described a practice of 'self-reporting' of actions by party representatives. He claimed the SCC had made substantial impacts in its prior mandate in the form of resolving land disputes. He defended the budgetary expense of the SCC on the grounds that it fomented national unity and nation-building and compared the SCC to the liberal multiparty democracy of developed states.

Although 45 parties were registered with the Ministry of Interior, only 18 parties contested the 2023 elections. Each party involved in the SCC was reported to have three delegates who received salaries equivalent to government officials—senior minister, minister, and secretary of state.

Diverse media has differed with regard to the composition of the Council, first reporting 30 political parties participating, while another source indicated that only 29 were involved in the first meeting of December 2023, and a third source put the number at 27. Notably, in November 2023, CPP allied with 27 parties to counter "extremist politics" after a four-party opposition alliance emerged against CPP dominance.

It is necessary to consider the past workings and impact of the council in order to understand its overall function and predict its effectiveness. In December 2023, PM Hun Manet referred to the Council as a manifestation of the 'culture of dialogue'. However, past practices demonstrate substantial limits on the pluralism and inclusiveness it provides.

In February 2020, the council was able to draft a law to hold officials accountable for corruption and abuse of power. The Supreme Consultative Council formulated a law concerning the violation of duties, targeting government officials, including military personnel, who neglect their duty to serve the public or misuse their authority for personal gain. As per a document disclosed by the Khmer Rise Party, the proposed law aims to enhance governance standards while combating corruption and nepotism within the government. The document states, "This law aims to promote efficient law enforcement and governance by removing disreputable and underperforming officials in the government, as well as military institutions. All public servants and military officers who fail to abide by the law will be punished."

Sok Sovann Vathana Sabung, the President of KRP and a member of SCC, highlighted that his party initiated the law's drafting due to the inactive behavior and violations committed by public servants at both national and sub-national levels. He emphasized the necessity of implementing the law to safeguard legal integrity and ensure officials' effectiveness. He asserted: "Having worked with local and national government officials, we have seen our civil servants neglect their duties and responsibilities and commit acts inconsistent with the law. When citizens violate the law, they get punished. What about the civil servants? Why don't they receive sanctions when they fail to execute their duties?"

This law was drafted for Prime Minister Hun Sen's approval. Government spokesman Phay Siphon highlighted the absence of an administrative court in the Kingdom responsible for addressing cases related to public power exercise. He emphasized that only the prime minister can administer penalties against government officials violating the law.

Kong Monika, President of the Khmer Will Party, acknowledged the lack of responsibility and accountability among civil servants and government officials. He noted that while creating such a law is beneficial, it may not enhance public service quality significantly, citing inadequate implementation of existing laws and responsibilities by officials. On the contrary, Transparency International Cambodia executive director Preap Kol opposed the law's creation, arguing that the Kingdom already has sufficient laws like the Anti-Corruption Law and the Law on Administrative Management of Capital, Provinces, Municipalities, Districts, and Khans. Mr. Kol emphasized the need to enforce existing laws and tackle nepotism rather than introducing new legislation.

In April 2020, the Supreme Council for Consultation and Recommendations urged the government to look into inaction and illegal activity by corrupt officials, which the council said is leading to a dual legal system. This claim was asserted by the SCC after a meeting with (former) PM Hun Sen, chaired by the Khmer Rise Party. The claim asserted that the effectiveness of law enforcement is not universal to all, making it clear to the public that there are two sets of standards. Moreover, it

asserted that the government and law enforcement officials at all levels have abused their power and committed wrongdoing without any punishment. “The issue facing the justice system is a lack of attention to solving the problems of the people as some public administration officials are involved in their own interests, which encourages them to protect themselves from malpractice.” Moreover, it contented that PM directives to authorities had been “worthless”. The SCC noted: “In this case, we looked at directives that had been entrusted to the Ministry of National Assembly-Senate Relations and Inspection. Only two directives have been received and resolved quickly and with transparency and fairness.” It was noted by the SCC that uncertainty in the directives was the main reason for institutional officials disregarding them, as they did not adhere to the law in resolving issues, distorted facts and information, and obstructed action.

Ministry of Justice spokesman Chin Malin informed the media, in response, that the Ministry of Justice had met several times with the Council. He asserted that he was unaware of any grounds for the SCC’s conclusion and claimed the SCC should work with the Ministry of Justice to find a solution to problems, but implied that the SCC was making generalizations without concrete evidence. Khmer Rise Party president, Sok Sovann Vathana Sabung, defended the SCC statement and noted that prior submissions to the Ministry of Justice did not result in any resolution of issues: ‘Particularly when the government decides to issue directives to relevant institutions to solve an issue, there are very few cases that have been successfully resolved transparently.’”

The leader of the Khmer Rise Party was kicked out of the Council in early May of 2020 after criticizing the government in relation to a land dispute. Sok Sovann Vathana Sabung (also known as William Guang), was dismissed as a member of the Supreme Council for Consultation and Recommendation two days after a standoff with authorities in relation to a land dispute in a national park in Preah Sihanouk province. The royal decree which mandated his removal from the Council did not specify a reason. However, it followed the accusation by the Ministry of the Environment that he had behaved arrogantly and did not understand the procedure when undertaking his mission to assess the land dispute. Guang claimed that environmental officials were advocating for a private company organizing to the detriment of citizens who were being detained by authorities.

Following that, in a meeting of the Council of Ministers on May 15, 2020, Hun Sen described the duties of council members, especially in relation to resolving land disputes. Hun Sen declared that Council members are not allowed to settle any disputes that the Prime Minister is involved in determining, about which they have been notified by the Office of the Council of Ministers. He stated that members must not involve themselves in seeking a resolution for any land disputes that are being resolved in accordance with the law, determined by the court, or ones where there has been a verdict or judgment.

Pich Sros said that to avoid misunderstanding, the government forbids members from interfering in land disputes. However, he then proceeded to give the following analysis of Council members’ rights: “Technically, Prime Minister allowed us. He wants us to study land disputes that are not individual conflicts, referring to the study on land disputes among the community and between the community and the authorities who have the power to cause problems with the citizens.”

Sok Sovann Vathana Sabung, who is better known for his social media presence as William Guang, created the Khmer Rise Party just 90 days before the general election and secured a total of 0.35 percent of all votes, with even invalid and spoiled ballots totaling more votes than his party received. With the formation of the SCC he was anointed Senior Minister. Prior to forming a

political party, Vathana Sabung attracted a small following on Facebook, where he posted videos discussing problems like corruption, Vietnamese immigrants, injustice, and land disputes. The then-senior minister rejected suggestions that small parties were made to come on board to legitimize the ruling party, claiming: “I do not even know Mr. Hun Sen in person. Why would he have a business in helping me?” He insisted that the Supreme Council for Consultation and Recommendation was an independent and legitimate consultative body and that he was a participant in a functioning democracy, claiming: “The most appreciative thing is that we can implement democracy to its fullest.”

At the time of the SCC formation, Kong Monika, president of the Khmer Will Party, conceded that the council was formed in order to improve the image of the government after the legislative and executive branches were purged of all pluralism. However, in his view, minimal participation and a semblance of checks on the executive were better than nothing. Kong Monika and the Khmer Will Party were expelled from the SCC when the party merged with the Candlelight Party in October 2022.

In December 2020, Chan Yet, president of the Nokor Democracy Party (formerly the Republican-Democratic Party), was ejected from the SCC. His removal, enacted in a royal decree, did not explain the decision. It followed his December 1st investigation into an ongoing land dispute in Banteay Meanchey province, Malai district, in response to a complaint from around 230 families facing eviction. He stated: "While there, I interviewed five representatives who provided numerous documents, including images depicting the bulldozing of their rice fields." However, very soon after his arrival, authorities stopped his investigation. In a telegram message, Chhim Phal Virun, head of the Supreme Council secretariat, advised him to refrain from involvement in Tuol Pongro commune's affairs as the authorities were handling the issue. Yet was told to inform the people to cooperate with the authorities' solution. Soon after receiving that message, He was informed of his expulsion from the council. He pointed out that his removal created fear among other SCC members, which would deter others from investigating land disputes.

In January 2020, Cambodian Youth Party president Pich Sros made a request to have the Minister of Public Works and Transport, Sun Chanthol, appear before the Supreme Consultative Council for questioning. Mr. Sros, a member of the SCC, sent a request letter to question Mr Chanthol to Prime Minister Hun Sen. He stated: “The CYP wants the Ministry of Public Works and Transport to present the achievements in its field work and respond to some irregularities that the party has received over the ministry’s jurisdiction, especially problems discovered in all provincial department of public works.” The CYP head (which initiated the process that resulted from a Supreme Court ruling that banned the CNRP and which gave a quixotic rationalization of PM (former) Hun Sen’s prohibition on SCC members addressing land disputes) sought to invoke the powers of the parliament in calling a high-ranking member of the executive to account for politics and performance. However, this is no indication that such questioning ever occurred.

Thus, several concerns come to the fore regarding the impact of the SCC. It seems unlikely that it can provide any natural substitute for multiparty democracy within the parliament. Analysts and independent observers view the SCC more as a mechanism of co-optation than participatory inclusion. In the rare cases in which it has contributed to drafting proposals for legislation, there is no indication that the executives accepted and acted upon proposals. Moreover, in instances when members of the SCC took action in line with the ostensible purpose of the council, they were

expelled from membership. Notably, the media has little to no mention of the SCC throughout 2021 and 2022.

Analysts viewed the formation of the SCC as a strategy by the CPP government to incorporate more minor and relatively obscure parties into a formal platform without any impactful authority and enabling the lack of any real accountability to the people by the government. The establishment of the government advisory body could be linked to Cambodia's significant shift towards China. There are apparent similarities between Cambodia's ad hoc Supreme Council and China's People's Political Consultative Conference (CPPCC). The ineffectiveness of the Chinese council is made clear by Chinese state-owned media's (Xinhua) characterization of it as a body that lacks policymaking authority and enables democratic participation. Sophal Ear, an academic expert on Cambodia, stated: "If the CPPCC resembles [the Supreme Council for Consultation and Recommendation], it serves as another means for ruling parties to neutralize opposition. This is a facade for democracy, which has long been eroded."

Astrid Norén-Nilsson, an academic expert on Cambodian politics, noted that including and legitimating smaller parties was a necessary method for containing opposition mobilization. She stated that the SCC: "It introduced a new-old formula for consensual politics, to counteract the reemergence of contentious politics - however unlikely that was and still is." She also noted the potential for the SCC to be a part of a strategy that would incorporate the opposition into an "auxiliary of the government."

Civil Society

Substantial restrictions on rights to expression, assembly, and association have a highly detrimental impact on civil society as well. Since the 2017 crackdown on pro-democracy forces across the spectrum of civil society, labor, media, and political parties, non-government organizations and community-based organizations have had to curtail activities and undertake an intensive and ongoing practice of self-censorship. The informal practice in Cambodia distinguishes between service delivery civil society groups and advocacy civil society groups, allowing the former to operate without criticism while putting the latter under intensive pressure based on unfounded allegations of enemy extremists and foreign agents. This has been particularly the case for human rights NGOs, environmental groups, and land rights organizations.

Land disputes and problems stemming from natural resource grabs were prevalent in 2023. However, the extent of these issues places them beyond the scope of this report, as specific incidents cannot be adequately detailed in the space provided. However, the entrenched problem does impact democratization as violations of economic and social rights as well as obstacles to dissidence for victims, are highly detrimental to public space. Community-based organizations (CBOs) and partnering non-governmental organizations (NGOs) play a crucial role in addressing land disputes and the related issue of natural resource grabs. However, their efforts are often met with challenges such as violence, legal prosecution, and consistent harassment, highlighting the complex and often dangerous landscape they operate within.

One of the primary challenges faced by these organizations is violence and intimidation. In many cases, individuals or groups with vested interests in land and natural resources resort to violence to suppress dissent and resistance. This violence can take various forms, including physical attacks, threats, and even assassinations of activists and community leaders. Such acts of violence create a climate of fear and insecurity, making it difficult for CBOs and NGOs to operate effectively.

Legal prosecution is another tool used to silence and intimidate those working on land rights and natural resource issues. Activists and leaders of CBOs often face trumped-up charges and legal proceedings aimed at discrediting their work and undermining their credibility. These legal battles can be lengthy, costly, and emotionally draining, diverting valuable resources and attention from the core mission of addressing land disputes. Consistent and entrenched harassment is a pervasive issue faced by CBOs and NGOs involved in land rights advocacy. Harassment can take various forms, including surveillance, arbitrary arrests, and bureaucratic obstacles designed to impede their work. Such tactics are often used to create a sense of vulnerability and helplessness among activists and community members, discouraging them from continuing their advocacy efforts.

The underlying motivation behind these challenges is often the protection of vested interests and access to lucrative sources of wealth. Land disputes and natural resource grabs are frequently linked to powerful individuals, corporations, and government entities seeking to exploit these resources for economic gain. As a result, those advocating for land rights and environmental protection are seen as obstacles to these vested interests, leading to hostility and resistance against their work. Despite these challenges, CBOs and NGOs continue to play a vital role in promoting transparency, accountability, and social justice in land governance. Their efforts contribute to raising awareness, mobilizing communities, and advocating for policy reforms that prioritize the rights of marginalized groups and sustainable resource management.

In a video posted on pro-government media Fresh News on February 28, a former member of the prominent environmental group Mother Nature, Meng Heng, apologized to the government, denounced his former organization, and announced he would start a new NGO with the exact same name. Former activist colleagues and political analysts said this was evidence of a government strategy to silence criticism in the run-up to the July 23 national election. For example, in another case, Hun Vannak, the co-founder of the youth activist group Khmer Thavarak, announced in a February 22 Facebook post that he was resigning from his position and would have no further involvement from the group.

In the video, Meng Heng asserted: “The reason I participated [with Mother Nature] in the past was that I did not fully carry out social activities according to my abilities and did not deeply understand the Royal Government’s environmental protection policy, which is why I did social activities contrary to the law.”

After joining the ruling party and disowning their former organization, twin brothers Chum Huot and Chou Hour were awarded roles as deputy directors of the Ministry of Post and Telecommunications in January 2023. Prior to this, they had been known for their public advocacy seeking justice for the murder of political analyst Kem Ley and criticizing the construction of hydropower dams due to their environmental impacts. Because of their public commentary on the murder of Key Ley, they were required to flee to Thailand in 2016. Following that, they joined the Cambodia National Love Party, which was unable to win a single seat in the 2022 commune elections. Hout admitted to the media: “We were facing a difficult livelihood, and I was also blacklisted, meaning that I could not go anywhere, and even when I joined a political party, I was under surveillance. Now, after we have joined the [government], our freedoms have opened up, we have the right to express our opinions, and we can do activities and advocate for environmental issues.”

In a March 1 speech, Prime Minister Hun Sen said people should not criticize activists who decide to join the ruling party, adding that all other activists were “foreign slaves” accepting money to

tarnish Cambodia's image. After years of violence, prosecution, harassment, and outright bans on the opposition, Hun Sen claimed that those who joined the government did so out of freedom, motivated by the ineffectiveness of the political opposition: "All of you do not respect the political freedom of these young people. They know that supporting the opposition was useless in the past." Heng said Mother Nature co-founder Alejandro Gonzalez-Davidson had been trying to overthrow the government, in line with the government's previous accusations against arrested activists from the group: "Some people have tricked under the pretext of protecting the environment to create a color revolution to overthrow the government and disgraced the government's reputation."

The original Mother Nature was deregistered as an NGO by the Ministry of Interior in 2017 but has remained active in Cambodia even as its members have been forced to conceal their identities in public advocacy videos widely viewed on social media. Heng had left Mother Nature several years before and was not a co-founder of the organization as he had been portrayed in government-aligned media, according to Gonzalez-Davidson. He said Heng and other activists who publicly declared allegiance to the government had already "lost all credibility as environmental activists." He noted: "I wouldn't exactly call it switching sides. Just a bunch of desperate people whom the regime has tricked into fulfilling a small role for a little while and who will become irrelevant once more in the near future."

Phoun Keoreaksmey, a prominent environmental activist who was sentenced to 18 months in prison for her role in Mother Nature's activities in 2021, has voiced her concerns about the emergence of a new organization within the environmental advocacy sphere. According to Keoreaksmey, the newly established Mother Nature group led by Heng is perceived as an attempt to undermine the existing advocacy group's credibility and effectiveness while potentially misleading the public. Keoreaksmey expressed skepticism about the efficacy of this strategy, noting that the original Mother Nature group already enjoys a dedicated and supportive following. She emphasized that the primary goal of environmental activism is to raise awareness about environmental issues and advocate for sustainable solutions that benefit both people and the planet, and asserted: "We only talk about [environmental] issues and show what people want [solutions] from the government, we still remain the same and keep doing our work, no one in our team changes their mind."

Heng Kimhong, director of the research and advocacy program at the Cambodian Youth Network, noted that it is within their rights to join the government but emphasized the motives driving such decisions on the part of civil society activists, stating: "The case of young people joining the government, they can join to get power or wealth in the government or for their favorite political party." He claimed that such affiliations for benefits would likely continue but that more youth would become active in support of the environment as problems persisted. He noted: "In my values, I have never considered myself a thing that sells at the market, if any person or any group comes to buy my conscience through money, I won't [accept]."

In May 2023, the Ministry of Environment issued a statement declaring that anyone involved in or linked to the Mother Nature group was a criminal and would be prosecuted under the law. The statement, posted on FreshNews media, read: "All activities committed by this entity and group are against the interests of Cambodian society and contrary to the provisions of the Civil Code, the Criminal Code, and the Law on Associations and Non-Governmental Organizations. Therefore, those who participate in this group must be held accountable before the law." The Ministry considered that there is a network of illegal organizations using the name Mother Nature, which

was not an NGO. Mother Nature has not been registered with the Ministry of Interior since 2017, when the group was removed from the registry of NGOs with Proclamation No. 4571.

Also, in May, the environmental group submitted a petition to the Ministry of Environment to halt state land grants to private companies in Kirirom National Park. The government, on Jun3 27 2022, issued a sub-decree which granted One More Ltd. 221.94 hectares of forest land within the national park. One of the company's directors is Choeung Sokuntheavy, the daughter of Choeung Sopheap, who is the wife of tycoon and ruling party Senator Lao Meng Khin. The Ministry rejected the petition, stating that the group was "against the interests of Cambodian society."

When asked whether the group's petitioners would face legal consequences, National police spokesperson Chhay Kim Khoeun said, "Why did you ask me this question? Any organization or anyone doing illegal activities will face arrests." Mother Nature's co-founder, Alejandro Gonzalez-Davidson, who was deported in 2015 for his environmental activism, asserted: "There is nothing illegal whatsoever about young Cambodian citizens exercising their rights and participating in peaceful public events." Thoun Sreypov, an activist with the group submitting the petition, noted that the Ministry should focus on addressing the issue raised by the petition rather than on prosecuting youth concerned about the environment: "This is real intimidation, and the threats thwart youth involvement with us. They are violating our freedom of speech to raise concerns in society while using the law to attack us."

In November 2023, plainclothes officers forcibly blocked environmental activists and demonstrators who sought to assemble in order to raise awareness about the problem of plastics. Police obstructed marchers, pushed them, snatched their phones, and attempted to confiscate their banners. The activists assembled peacefully and sought to hold a march in order to raise awareness of the problems of plastics and urge a policy that would raise the cost of their use in common forms of consumption, such as shopping and food packaging, with the ultimate goal of the demonstration.

In 2016, the Ministry of Environment took steps to address plastic pollution by issuing a sub-decree mandating provincial, city, and district authorities to manage waste effectively. However, because the policies have not been sufficiently developed and effectively implemented, plastic use has not been curbed, and plastic garbage remains prevalent in public areas and canals, often having to be picked up by volunteers. Ream Srey Mech Ratna, on the activists, stated: "They didn't listen to us. We are holding banners to request the government to listen to our two requests. Where is democracy? [We are] people [just] walking on the streets who speak their mind, but they outlaw us, and the authorities are resorting to violence and unethical behavior."

Hum Sok Keang, another activist, said that the authorities choose violence as their response and claimed: "We have observed that authorities don't allow us to work freely even though our work is beneficial to the country, but they think we are polluting the society."

Despite the volume of evidence to show that social activists and civically-minded youth are treated with contempt by the authorities, in October 2023, PM Hun Manet gave a public address exhorting students to volunteer in order to advance national development. Critics pointed out the potential for hypocrisy and disingenuousness. It should be noted that the largest youth organization in the country is linked to the CPP and to Hun Manet and Hun Many more directly. As such, when the PM announced that "grades [should] not just come from in-class examinations, but also come from their discipline and behavior," it raised concerns that 'discipline' should be defined in terms of commitment to the ruling party and family.

In addition to the unease raised by the cybersecurity legislation (see Chapter on Media), there is cause for alarm resulting from the steps taken to implement facial recognition technology in Cambodia. It was revealed that in March 2023, (former) PM Hun Sen signed the documentation which granted HSC Co. Ltd., owned by tycoon Sok Hong, who had previously been awarded a contract to install CCTV cameras throughout the capital Phnom Penh, a facial recognition technology project. Sok Hong is the son of Sok Kong and the founder of the conglomerate Sokimex. The conglomerate is linked to the Bokor Mountain Casino, which has gained infamy due to scams and operations of potential trafficking rings. Okna Sok Kong received 11,177 hectares of land inside Preah Monivong Bokor National Park via an August 4, 2022 sub-decree signed by (former) PM Hun Sen. HSC is a company Sok Hong founded in 2007, and its business activities include food and beverage, dredging and retail. Notably, HSC also has close ties to the government: in addition to printing passports and providing CCTV cameras in Phnom Penh, it runs the system for national ID cards and has provided border checkpoint technology.

According to Joshua Kurlantzick, Council on Foreign Relations senior

fellow for Southeast Asia, giving control of facial recognition technology to a politically connected firm, and one that already has access to a trove of identity-related information, could centralize citizens' data in a one-stop shop. That could make it easier to fine-tune algorithms quickly and later develop more facial recognition tools to be shared with the government in a mutually beneficial relationship. Chak Sopheap, director of the Cambodian Center for Human Rights, said: "Authorities can use facial recognition technology to identify, track individuals and gather vast amounts of personal data without their consent, which could eventually lead to massive surveillance. For instance, when a government uses facial recognition to monitor attendance at peaceful gatherings, these actions raise severe concerns about the safety of those citizens."

Sok Hong informed the media that they should not report on the developments related to implementing facial recognition technology because it was a matter of national security. Gatra Priyandita, a cyber politics analyst at the Australian Strategic Policy Institute, noted that while it is not uncommon for states to employ facial recognition technology for legitimate public safety uses, such investments must be accompanied by strict data protection laws and enforcement. Furthermore, he noted: "The long-term goal of these kinds of arrangements is the reinforcement of regime security, of course, particularly the protection of Cambodia's main political and business families."

The threats and risks facing civically-inclined citizens and civil society groups are evident in the case of the 'Adhoc 5' (discussed in detail in COMFREL's 2022 Democracy Report). Arrested in relation to providing legal advice and support (which was alleged to be bribery) in a case that was aimed at finding grounds to prosecute former opposition leader Kem Sokha, the five detained individuals spent 427 days in pre-trial detention, which was classified as 'arbitrary detention' by United Nations rights officials.

The five had already been released, but only after spending 427 days in pre-trial detention, despite repeated bail requests and their detention being deemed arbitrary by the United Nations. In May 2022, the Appeal Court affirmed the convictions and penalties, thoroughly rejecting the legal arguments presented by Ny Chakrya and his associates. Subsequently, in November, the Supreme Court echoed this decision. In its assessment of the legal proceedings, the ABA asserts that Cambodia's courts violated several fundamental rights of the defendants, including the right to a

fair trial, freedom of association, equal protection under the law, and the right to avoid arbitrary detention.

The report highlights public statements made by judicial officials and an investigating judge, proclaiming the guilt of the ADHOC Five long before any verdict was reached. It criticizes their prolonged detention and delayed trial, citing failures to meet legal standards for such exceptional treatment. Additionally, the report underscores the entire case centered on testimony supposedly provided by Khom Chandaraty to the investigating judge. According to the judge, she allegedly confessed to telling two ADHOC staffers — Nay Vanda and Yi Soksan — that she had an affair with Kem Sokha and that the voice in question belonged to her. However, she allegedly told the police a different story under pressure from the staffers. The ABA concluded: “This has become a worrisome trend as the Cambodian government continues to proliferate criminal charges and initiate long-running criminal proceedings against civil society actors critical of the government.”

Consider as well the example of four persons arrested in December 2023 at the Human Rights NGO Licadho’s office in Banteay Meanchey province. Those individuals had gone to the NGO seeking legal advice in relation to a detained relative, and six police arrived and arrested the individuals. NGO staff were told by the police that if they took pictures of the arrests, they would also be placed in detention. Afterward, Banteay Meanchey provincial police chief Sith Luos claimed that the police mistakenly made the arrests and had actually gone to the NGO seeking to invite the four persons to receive ‘gifts’ from the police.

In December 2023, in conjunction with a visit by the UN Special Rapporteur, human rights NGOs requested the government take measures to improve the country's human rights situation, which had seen a drastic decline. Chak Sopheap, executive director at Cambodia Center for Human Rights (CCHR), said: “The human rights situation [in Cambodia] is up and down. Currently, I can say that there is a huge decline. We have seen problems like land disputes and the restriction of political rights and citizens’ right to freedom of expression and peaceful gathering.” CCHR’s annual report, released in November 2023, stressed that freedom of information and expression and press freedom continued to be undermined in Cambodia. The report emphasized: “The country continues its worrying trend of over-policing free speech and silencing critical voices, a repression that was exacerbated ahead of the July 2023 general election. Intimidation, surveillance, threats, or judicial harassment are also used on a regular basis to target those who dare to speak up.”

French ambassador Jacques Pellet also expressed concern that human rights in Cambodia had not improved, particularly with the exclusion of the main opposition party, which was barred from contesting in the July election. He noted: “We are concerned when we speak about human rights defenders, journalism, and environmental activists. I think the situation is not really improving.” Cambodian Institute for Democracy director Pa Chanroeun echoed this by calling on the government to restore fundamental rights and stop the restriction and persecution of human rights activists and citizens who seek justice: “This situation is damning and calls for more attention for the restoration of human rights by the state authorities. I have seen a decline in human rights in Cambodia, in relation to democracy, due to confrontations between the ruling and opposition parties.”

Responding to the concern by NGOs, Sreng Chenda, a member of the Cambodia Human Rights Committee, claimed the human rights situation was improving, claiming evidence such as the existence of multiple political parties and constitutional protections on the right to expression. He

asserted: “I agree that freedom of expression and press freedom are guaranteed under Article 41 of the Cambodian constitution, but the article also states that the exercise of these rights should not infringe the rights of others. National security and public order must be respected. Our freedom of expression results in the violation of other people’s rights. At this point, authorities will take legal action.” Notably, this shows how restrictions on rights are ‘legitimated’ through a discourse that relies on a limited set of justifications—national security, public order, and protecting the rights of others.

Women’s Participation in Politics

COMFREL, for several years, has monitored the state of gender equality in Cambodian politics. This section discusses COMFREL's findings for the 2022 elections and the results of a joint report on the problem of gender inequality issued by COMFREL and partner NGOs in mid-2023. COMFREL found that Cambodia continues to experience a pronounced inequality of representation between men and women in politics, but women have been actively involved in politics and the electoral process regarding both voice and action from one mandate to another. In fact, the total percentage of elected women and men as Commune Councilors for the 5th Mandate in 2022 is very uneven between the sexes. It has 22% elected women and 78% elected men. At the same time, the full official authority of women to perform their duties still faces discrimination and is limited. This point does not yet include the analysis of other diversity of women, including women with disabilities, indigenous peoples, homosexuals, etc., partly due to a lack of data.

It has also been found that women's political participation in the 5th Mandate Commune/Sangkat still encountered many challenges, ranging from getting opportunities to stand as candidates to participating in the electoral process and to advancing their political life as elected women. In particular, there were fewer opportunities for them to be listed at the first rank on the political party candidate lists. Further, there were wide gaps between female and male candidates, between elected women and elected men, and even a wider gap between female commune chiefs and male commune chiefs whose role is significant in serving as both chairperson of commune council and commune leader managing commune development throughout 1652 communes/Sangkat. These problems resulted from the fact that Cambodia has not yet had a specific written gender equality policy within political parties in place, which is a particular measure, and has lacked several articles of gender-responsive election laws to support and provide opportunities for both women and men to equally participate in a decision-making role and in the politics in accordance with the CEDAW Convention and the Sustainable Development Goals (SDGs) commitments Cambodia has taken on.

Lack of political will of the political parties and lack of the high commitment of the leaders in promoting gender equality in politics and decision-making level. In addition, women political party activists and women politicians continue to face all forms of discrimination and violence, hindering their participation in political activities as well as access to gender justice and the benefits of taking part in politics. Some cultural and social norms with a negative mindset in promoting women’s leadership are at the root cause, creating obstacles to women politicians’ participation in quality and effectiveness.

It has been observed that the 17 political parties contesting in the 5th Mandate Commune/Sangkat Council Elections 2022 continue to show that the work of promoting women's leadership is still limited, as reflected in the results of the political party candidate lists, especially putting female

candidates at the first rank of the lists, which would grant them more opportunities to become commune leaders (commune chiefs). In fact, the total sex distribution of female and male candidates at the first rank is the most uneven between the sexes; only 12% of female candidates, while the male candidates have an overwhelming percentage of 88%.

Two political parties that received the most voter support and commune seats in this 5th mandate are the CPP and the CP, but the leaders of both parties still lacked high commitment, gender policy, and reserved funds to increase gender equality in politics and decision-making positions for they had placed a small percentage of female candidates, majority of whom had been listed at the bottom of their party lists for this 5th mandate Commune/Sangkat Council Elections 2022.

The winners of the 5th mandate Commune Council Elections 2022 are the most uneven between the sexes. There are only three parties that have elected women; the CPP has 25.2% women and 74.8% men, while the CP has 9% women, and the men have an overwhelming percentage of 91%. The GDP has 16.7% women and men with 83.3%. About 30% of the 17 political parties have considered addressing women's and children's issues in their political platforms for the 5th mandate.

More female than male voters turned out on the polling day, Sunday, June 5, 2022. The percentage of female voters casting their vote in the observed 75 polling stations ranged from 51.1% to 78% of the target areas of COMFREL, BCV, and GADC. At the national level, there have been no women leaders as members of the National Election Committee (NEC) among its nine members, and five Secretary-General and Deputy Secretary-General. Against this backdrop, more and more women, almost equal to 50%, have participated in lower-level election management as officials of the Polling Station Commission and Ballot Counting Station Commission. 56% of female polling station officials are members, while only 6% are chairwomen in the observed 97 polling stations.

The Cambodian constitution has fully and equally guaranteed Cambodian women and men in terms of their political participation and interests. However, the women-friendly and enabling environments, policies, election laws, and operational measurements have not been realistically responsive to the status of women's participation in politics. The gaps in policies and no gender-responsive election laws, operational measurements, and investments have strengthened the inequality of women's representation and participation. Therefore, gender equality policy in the party and gender-responsive election laws, as well as their implementation, will become a powerful and effective tool for women to claim their rights and grasp equal opportunities as candidates and elected officials. In addition, the high commitment of leaders and the political will to support women is essential to succeeding in this work.

A collaborative report involving COMFREL, SILAKA, Gender, and Development for Cambodia, Banteay Srei, and the Committee to Promote Women in Politics, issued in August 2023, highlights that advancements in gender equality and the incorporation of gender concerns in national strategic plans have been hindered by the underrepresentation of women in political and senior leadership roles.

Since peaking at 26 female parliamentarians out of 123 total seats in the 2008 National Assembly election, the number of women has steadily declined over the past fifteen years. This decline was accentuated after the dissolution of the Cambodia National Rescue Party in 2017, with only 19 and 16 women members being sworn in after the 2018 and 2023 elections, respectively.

The Ministry of Women's Affairs, as stated in "Neary Rattanak," has pledged to enhance women's representation in senior government positions and the broader bureaucracy. The new government, led by Prime Minister Hun Manet, has 15 percent senior female bureaucrats, according to the CPP's Kheng, and includes three women in the 30-member Council of Ministers.

Ros Sopheap, a prominent female NGO leader in Cambodia, has closely monitored gender norms and women's rights in the country. She believes Cambodian women aspiring to enter politics or leadership positions have acquired the necessary skills and resources over the last three decades. However, the primary obstacle to their advancement as national leaders remains the patriarchal nature of political leadership. Sopheap also attributes women's limited progress to Cambodia's electoral system, where voters choose their preferred party rather than individual candidates, unlike in other parliamentary democracies. This makes it challenging for women candidates to distinguish themselves in a predominantly male political landscape.

Sonket Sereyleak, a coordinator for the education and gender program at COMFREL, emphasized that civil society organizations have consistently encouraged women to engage in politics through training sessions and workshops. They have also advocated for the establishment of a fixed number of seats or political roles reserved for women at the national level. Despite increasing women's participation in successive elections, Sereyleak claimed that achieving greater representation on the ballot will require more vital involvement and support from male political leaders.

Sereyleak asserted that women's presence in politics, particularly in senior leadership positions, is vital for shaping policies, ensuring gender equality, and addressing issues such as discrimination and violence against women. The report notes that the low participation of women in politics also hampers discussions on gender equality and environmental concerns at the national level, especially during the formulation of laws and political decisions. Sereyleak suggested that the Cambodian government should aim for at least 35 percent female bureaucrats among all civil servants and provide more support for women aspiring to occupy senior leadership roles. Lastly, Sereyleak stressed the importance of gender-sensitive election laws, including more women candidates in political party lists, and addressing repressive actions against political opposition to enhance women's participation in politics.

III. Governance: Personalism, Oligarchy, and Single- Party Rule

Introduction

This chapter looks at the three branches of government and considers major events, important policies, or potential reforms in relation to the standards of checks and balances, rule of law, responsiveness, and popular accountability. Dynastic succession, the practice of transferring power within a ruling family or dynasty, stands in stark contrast to the principles of democracy and electoral accountability. In democratic systems, power is ideally vested in the hands of the people, who exercise their right to choose their representatives through free and fair elections. Dynastic succession undermines this fundamental democratic principle by perpetuating power within a select group based on familial ties rather than merit or popular mandate.

The turn to dynastic succession in specific political contexts can often be attributed to the need to protect vested interests and secure access to sources of wealth. Dynastic succession, where power is transferred within a ruling family or dynasty, serves as a means to maintain control over critical resources, preserve wealth accumulation, and safeguard privileged positions within society. In many cases, ruling families have amassed significant wealth, influence, and control over critical sectors of the economy. This includes access to natural resources, lucrative business opportunities, and control over state institutions that play a crucial role in wealth generation. By passing power within the family, these vested interests can be safeguarded, ensuring continuity in economic advantages and maintaining the status quo that benefits the ruling elite. By maintaining control over the political system through dynastic succession, these networks of supporters, allies, and loyalists can be preserved, providing a reliable base of support and influence that can be leveraged to protect and expand wealth and power. Furthermore, dynastic succession can be seen as a strategy to ensure stability and continuity in governance, particularly in regions or countries with complex political landscapes or histories of instability. Ruling families may argue that their long-standing presence in leadership positions brings stability and a sense of continuity to the political system, thereby attracting investment, maintaining social order, and preventing potential upheavals as elites turn to violence as a means to maintain the status quo.

However, while dynastic succession may serve the ruling elite's interests and ensure continuity in power and wealth accumulation, it often comes at the expense of democratic principles, accountability, and inclusivity in governance. It can perpetuate inequality, limit opportunities for new voices and ideas, and hinder progress toward a more equitable and representative society. In contrast, democratic systems emphasize the importance of fair competition, transparency, and accountability in political processes. Through regular elections, citizens can hold their leaders accountable, make informed choices based on policies and platforms, and participate actively in shaping the direction of their country.

One of the key pillars of democracy is the concept of electoral accountability, where elected officials are held responsible for their actions and decisions by the electorate. This accountability

is crucial in ensuring that leaders act in the best interests of the people and can be replaced if they fail to meet the expectations of their constituents. However, in dynastic succession, power is transferred within a family lineage, often bypassing the electoral process altogether or manipulating it to favor the ruling family. Dynastic succession also fosters a sense of entitlement and privilege among ruling families, leading to nepotism, corruption, and a lack of transparency in governance. When leadership positions are inherited rather than earned through merit and public support, there is a risk of complacency and disregard for the needs and concerns of the broader population. Furthermore, dynastic succession perpetuates a cycle of inequality and stifles social mobility. It creates barriers for new and diverse voices to enter the political arena, limiting the representation of different perspectives and experiences within government institutions. This lack of diversity can lead to policies that favor the interests of the ruling elite over the broader public, exacerbating social and economic inequalities.

Executive Branch

The executive branch in 2023 was characterized by further consolidation of power at the expense of the other two branches, in the form of an increase in the already extensive personalization of power by (former PM) Hun Sen. Following the 2023 elections, the ruling party selected Hun Manet as PM, although this transfer of power was ordained since at least 2021 when the CPP announced that Hun Manet would succeed Hun Sen. Predictions of that 2021 policy began several years earlier. This transfer of power normalized hereditary transfer and established the dynastic transfer of power in a nominally ‘election-based’ political system.

Prior to assuming the position of PM, Hun Manet was promoted to the rank of general in the armed forces. (Former) PM Hun Sen remains the highest-ranking member of the military, superior to both the Minister of Defense and the Head of the Armed Forces, with the rank of 6-star general. The periods before and after the dissolution of the major opposition party CNRP in 2017 saw the promotions of hundreds of military officers, making Cambodia one of the countries with the highest number of generals in the world. In most cases, the promotions were awarded by Hun Manet, establishing him as a benevolent patriarch.

Hun Manet, the eldest son, was tapped to be Hun Sen’s political successor by that time. He would resign from the military in order to be a candidate in the 2023 elections. The 45-year-old Hun Manet held the position of deputy commander in chief of the Royal Cambodian Armed Forces (RCAF). The second eldest son, Hun Manith, was appointed on March 17 to be the deputy commander of the RCAF’s infantry. He is also the head of military intelligence. Additionally, in June 2023, four bodyguards of Prime Minister Hun Sen were promoted as Assistants to the Prime Minister in the Cabinet with the rank equivalent to undersecretary. They are Long Da, Nam Phirun, Un Sothiroth, and Khuth Sokhon, and they will have the title of Assistant to the Prime Minister in the Cabinet. They were promoted to the rank of three-star generals in August 2022.

Ros Sotha, the executive director of the Cambodian Human Rights Action Committee, a coalition of 22 local NGOs, said that his moves are more evidence that Hun Sen – who has been in office since 1985 – intended to hand power over to his son and is willing to violate the military’s impartiality and independence to ensure that the transfer takes place. He asserted that the moves helped ensure that the military would efficiently take control in the CPP, which fared poorly in the elections. Un Sam Am, a senior official in the banned Cambodia National Rescue Party who lives

in the United States, argued that the moves were intended to ensure that the military protected Hun Manet after transitioning to PM.

According to Keut Saray, the president of the Khmer Intellectual Students Association, the appointments are an indication that Hun Sen no longer trusts anyone other than his relatives. Cambodia will continue to become a nepotism- and patronage-based system instead of a democracy. Hun Sen has consistently claimed that appointments and promotions are merit-based. In March 2023, he stated that Hun Maneth would not be appointed to Hun Manet's military post after his resignation. That position would go to RCAF Infantry Commander Mao Sophann.

Nepotism and Oligarchy remain fundamental obstacles to a transition to a democratic polity. In 2023, several ministers in Cambodia facilitated a generational transition by passing their positions to their children. Here are the notable instances: Interior Minister Sar Kheng handed over his position to his son, Sar Sokha. Defense Minister Tea Banh also made way for his son, Tea Seiha, to assume his office. Prime Minister Hun Sen, who has been in power for nearly 40 years, paved the way for his eldest son, Hun Manet, to succeed him as Cambodia's prime minister. This transition reflects a continuation of political influence within families and establishing a dynastic legacy in Cambodian leadership. In another case, Chea Serey was appointed as the Governor of the National Bank of Cambodia (NBC), making her the first woman to hold this prestigious position. Prior to becoming Governor, she served as the Deputy Governor-general of the NBC, a role equivalent to that of a minister in Cambodia. Her father Chea Chanto, preceded her as governor of the National Bank.

An RFA investigation has found that seven of the 10 new deputy PMs are linked to each other – and Hun Manet – by bonds of business, marriage, or blood, an RFA analysis has found. Such a closed loop of power and kinship bodes poorly for establishing genuine popular accountability through elections and rule by law, wherein high-ranking officials are equally subject to the law.

The New Government Makeup

Ministers following the ‘Generational’ Change in Rule

| Position | Name | Replacing | Formerly | Background |
|--|------------------------|-----------|---|---|
| Minister of the Office of the Council Ministers (Also a Deputy Prime Minister) | Vongsey Vissoth | Bin Chhin | Secretary of State at the Ministry of Finance and Economy | Elected to represent Kandal province, he has had a 28-year career in the Ministry of Finance and Economy, most recently serving as a secretary of state since 2013. |
| Interior Minister (Also a Deputy Prime Minister) | Sar Sokha | Sar Kheng | Secretary of State Ministry of Education, Youth and Sport | Elected as a Prey Veng representative, he replaced his father, who had held the role of Interior Minister for 30 years. |

Family and Business Ties: In 2018, Sokha was promoted to lieutenant general. He is married to Ke Suon Sophy, the daughter of former RCAF commander-in-chief Ke Kim Yan , who was removed in 2009 for allegedly using his power to broker land deals. Last year, Sokha denied any interest in serving as prime minister.

He and his wife were directors of Grand Phnom Penh Golf until 2019, and Sokha was until 2018 a director of Jinbei Investment, a company later allegedly linked to human trafficking and scams.

He was chairman of the board of directors of Sokha Sina Rotha — a company named after him, his younger brother Sar Ratha, and his younger sister Sar Sina, which appears to be linked to shipping across the Vietnam border. Sokha and his brother resigned in July, while Sina remains listed as a director.

Sokha’s wife, Ke Soun Sophy, is involved in running numerous businesses, including GoldFX Investment, which in 2021 faced lawsuits from hundreds of investors for allegedly defrauding them of more than \$20 million. (The case was later settled).

Sophy’s active business titles include Chairwoman of Bronx Technology Co., LTD.; Chairwoman of Forward Sportswear Co., LTD.; Chairwoman of GoldFX Investment Co., LTD.; Chairwoman of P.S.V.T Group CO., LTD.; Chairwoman of SB Investment Co., LTD.; Director of KLMDV Co., LTD.; Director of E K Y C Solutions Co., LTD.; Director of Y.L.P Microfinance Plc.

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| <p>Defense Minister</p> <p>(Also a Deputy Prime Minister)</p> | <p>Tea Seiha</p> | <p>Tea Banh</p> | <p>Siem Reap provincial governor</p> | <p>Elected as a Siem Reap representative, he replaced his father, who had served as Defense Minister since 2006. He was awarded the rank of Major General in 2014.</p> <p>Earned a bachelor’s degree in management from Passy Saint-Honoré in France and also attended the Saint-Cyr military academy.</p> |
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Family and Business Ties: His spouse, Tieng Eng, holds active directorship roles with the following companies: Aren International Development Co., LTD.; Chromium Construction and Development Co., LTD.; U.N New Energy Transportation Angkor Wat (Cambodia) Co., LTD.

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| <p>Foreign Affairs Minister</p> <p>(Also a Deputy Prime Minister)</p> | <p>Sok Chenda Sophea</p> | <p>Prak Sokhonn</p> | <p>Secretary general at Council Development for Cambodia</p> | <p>Secretary general at Council Development for Cambodia since 1997. Graduated from the Faculty of Economic Sciences in France.</p> |
| <p>Minister of Economy and Finance</p> <p>(Also a Deputy Prime Minister)</p> | <p>Aun Pornmoniroth</p> | <p>Incumbent</p> | | |

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| <p>Family and Business Ties: Pornmoniroth is elected as a Kandal representative. He is a former assistant to Hun Sen, Pornmoniroth, who became Minister of Economy and Finance in 2013. He holds a doctorate in philosophy from Moscow State University. His wife, Im Paulika, is a prominent businesswoman, the wife has the following business positions: Chairwoman of KVNHI & T Co., LTD.; Chairwoman of Samanea Co., LTD.; Director of Baitang (Kampuchea) Plc.; Director of One Fraternity Co., LTD.; Director of One More Manufacturing Co., LTD.; Director of One Prosperity Co., LTD. Their son, Aun Pornmonireach,, was engaged in 2021 with Lau Jia Zhen, daughter of well-connected tycoon Choeng Sokuntheavy. Sokuntheavy’s parents are Pheapimex chairwoman Choeung Sopheap and ruling CPP Senator Laou Meng Khin. Pornmoniroth’s wife’s companies have received numerous government-awarded land grants in protected forests.</p> | | | | |
| <p>Minister of Agriculture, Forestry and Fisheries</p> | <p>Dith Tina</p> | <p>Incumbent</p> | | <p>Tina was appointed to his current position in October 2022 to replace Veng Sakhon and previously served as a secretary of state with the Ministry of Mines and Energy since 2014. He is elected as a Tbong Khmum representative.</p> |
| <p>Family and Business Ties: He is the son of former Supreme Court president Dith Munty. Tina’s sister, Dith Nita, is vice-chairperson of the Cambodia Microfinance Association and married to former Environment Minister and new Land Management Minister Say Sam Al, the son of Senate president Say Chhum. He has recently pushed for more farmers to receive access to low-interest loans and previously threatened to sue journalists who damaged his ministry’s “dignity.” Tina graduated with a master’s degree in physics from Paris-Sud University and holds a degree in mining engineering. He is reportedly married to a woman named Thai Vichealai.</p> | | | | |
| <p>Rural Development Minister</p> | <p>Chhay Rithisen</p> | <p>Ouk Rabun</p> | <p>Secretary General of the General Department of Land Management, Urban, Planning and Construction</p> | <p>Rithisen is elected as a Tbong Khmum representative. He is the son of Planning Minister Chhay Than, who is also a senior minister and permanent member of the Central Committee of the ruling CPP. He is also the former director of Phnom Penh Municipality’s Department of Public Transportation.</p> |
| <p>Commerce Minister</p> | <p>Cham Nimul</p> | <p>Pan Sorasak</p> | <p>Secretary of State at Commerce Ministry</p> | <p>She is elected as a Kampot representative.</p> <p>She is on the board of Hun Many’s The Many Foundation. She is also a member of the standing committee of the Union of Youth Federations of Cambodia, run by Hun Many.</p> |

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| <p>Family and Business Ties: Nimul is the daughter of former Industry, Science, Technology and Innovation minister Cham Prasidh.</p> | | | | |
| <p>Industry, Science, Technology and Innovation Minister</p> | <p>Hem Vandy</p> | <p>Cham Prasidh</p> | <p>Secretary of State at the Ministry of Economy and Finance</p> | <p>Served as a Ministry of Economy and Finance secretary of state for around three years. He obtained a master’s in International Development from the International University of Japan and a master’s in Public Administration from Harvard Kennedy School.</p> |
| <p>Family and Business Ties: Commerce Ministry records list a man named Hem Vandy as an active director of Mohanokor Engineering & Construction Co., LTD. Vandy is reported to be married to the daughter of Prak Sokhon (former Minister of Foreign Affairs), who is now the first vice president of the Senate, and the brother-in-law of Sokhon’s son, Prak Sophoan, who is currently the governor of Siem Reap province.</p> | | | | |
| <p>Minister of Mines and Energy</p> | <p>Keo Rottanak</p> | <p>Suy Sem</p> | <p>Secretary General at Electric du Cambodge</p> | <p>Rottanak was elected as a Pursat representative. He once served as a personal assistant to Hun Sen and joined the Cambodian state-owned electricity provider Electricite du Cambodge (EDC) as managing Director in 2008. The firm has raised controversy for building a powerline through the protected Prey Lang forest under his leadership. Rottanak also became a minister attached to the prime minister in 2018. He obtained a master’s in administration from Columbia University in 1997 and a master’s in International Development from the International University of Japan in 1999.</p> |
| <p>Family and Business Ties: His wife, Keng Chansopheak, has business ties with Hun Manet’s wife, Pich Chanmony, through the company Hibrand Tech and electronics supplier GGEAR Group, which Chanmony chairs, according to Commerce Ministry records. Commerce Ministry records list Chansopheak holding the following business positions: Chairwoman of Eduinvest International Co., LTD.; Chairwoman of Toys & Me Co., LTD.; Chairwoman of Smart Fun Co., LTD.; Chairwoman of Lotusroot Co., LTD.; Director of GGEAR Group Co., LTD.; Director of HIBRAND Tech Co., LTD.; Director of K.S Advance Asia Co., LTD.; Director of Smart Path Asia Co., LTD.; Director of Smart Goods Investment Co., LTD.</p> | | | | |

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| Planning Minister | Bin Troachhey | Chhay Thorn | Private Lawyer | Private Sector |
| Family and Business Ties: Troachhey is the son of Bin Chhin, outgoing minister for the Council of Ministers. | | | | |
| Minister of Education, Youth and Sports (Also a Deputy Prime Minister) | Hang Chuon Naron | Incumbent | | Naron has held his ministerial position since 2013. He studied international economic relations in Russia in the early 1980s and once worked with the Australian Embassy. He is elected as a Kampong Cham representative. |
| Family and Business Ties: His spouse, Pen Vimol, is reportedly an official with the Environment Ministry's Planning Department. | | | | |
| Minister of Social Affairs, Veterans and Youth Rehabilitation | Chea Somethy | Vong Sauth | Prey Veng provincial governor | Served as governor of Prey Preng province. He obtained a bachelor's degree in economics from a university in Thailand and postgraduate studies in the U.S., including studying at the Royal School of Administration in Phnom Penh. |
| Family and Business Ties: Somethy is a son of the late Senate president Chea Sim | | | | |
| Land Management Minister (Also a Deputy Prime Minister) | Say, Sam Al | Chea Sophara | Environment Minister | He obtained a doctorate in philosophy from Monash University in Australia. He is elected as a Preah Sihanouk representative. |
| Family and Business Ties: Sam Al is the son of Senate President Say Chhum. Sam Al is married to Dith Nita, the younger sister of Agriculture Minister Dith Tina and the daughter of Dith Monty, former president of the Supreme Court. His wife holds the following business positions: Chairwoman of Troke Enterprise Co., LTD.; Chairwoman of Apsara Media Group (AMG) Co., LTD.; Chairwoman of Apsara Media Services Co., LTD.; Chairwoman of Mony Morokoth Co., LTD.; Chairwoman of CPFM Dairy & Foods Co., LTD.; Director of the DPNV Co., LTD.; Director of Cambodian Legacy Pharmaceuticals Co., LTD.; Director of Princeton Grammar School Co., LTD.; Director of Smart Estate LTD.; Director of the 3S Petroleum Co., LTD.; Director of IBF (Cambodia) Co., LTD. | | | | |
| Environment Minister | Eang Sophalleth | Say Sam Al | Environment Ministry Secretary of State | Sophalleth is a former personal assistant to Hun Sen and served as an Environment Ministry secretary of state since 2018. Sophalleth received a |

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| | | | | bachelor's degree in mechanical engineering, a master's in finance, and a doctorate in civil engineering from the University of Calgary in Canada. |
| Family and Business Ties: Sophalleth is the son-in-law of outgoing Land Management Minister Chea Sophara. He is married to Chea Sophakanny, daughter of former Land Management Minister and Deputy Prime Minister Chea Sophara. He is listed as a shareholder in his wife's firms, Paragon D'Angkor Corporation Co., LTD. (Paragon D'Angkor) and Paragon Professional Services Corporation (Paragon Corporation). His wife holds the following business positions: Chairwoman of Herun (Cambodia) Co., LTD.; Chairwoman of Paragon Air Co., LTD.; Chairwoman of Paragon Education Co., LTD.; Chairwoman of Zaman Co., LTD.; Chairwoman of Paragon D'Angkor Corporation Co., LTD. (Paragon D'Angkor); Chairwoman of Paragon Professional Services Corporation (Paragon Corporation) | | | | |
| Water Resources Minister | Thor Chetha | Lim Kean Hor | Secretary of State of Ministry of Water Resources and Meteorology | He has worked as a ministry secretary of state since 2013 and holds a degree in administration from Nanyang University in Singapore. He has previously led efforts to improve Cambodia's agricultural production. |
| Family and Business Ties: Spouse, Leang Yuk | | | | |
| Information Minister | Neth Pheaktra | Khieu Kanharith | Environment Ministry Secretary of State | Environment Ministry's spokesperson. He was formerly a journalist with the Phnom Penh Post, who became managing editor of the Post's Khmer language edition and then transitioned to a spokesperson for the Khmer Rouge Tribunal (ECCC) in 2011. |
| Family and Business Ties: Until 2021, he was a director of the media company Apsara Media Services, run by Dith Nita, wife of former Environment Minister Say Sam Al and sister of Agriculture Minister Dith Tina. | | | | |
| Justice Minister (Also a Deputy Prime Minister) | Koeut Rith | Incumbent | | Rith, promoted to deputy prime minister during this mandate, reportedly played a major role in shaping the constitutional amendments, which helped streamline the transition of power to Hun Manet. He holds a master's degree in Criminal Law from |

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| | | | | the University of Lyon in France. |
| Family and Business Ties: He is married to Yet Moulin, a judge of the Court of Appeal in Phnom Penh. | | | | |
| Inspection Minister | Huot Hak | Men Sam An | Secretary of State of National Assembly-Senate Relations and Inspection Ministry | Previously served as the secretary of the Inspection Ministry (formerly the Ministry of National Assembly-Senate Relations and Inspection). He is the president of the Khmer Youth in Europe and a member of the ruling CPP's Central Committee. |
| Family and Business Ties: Hak is the brother-in-law of Hun Sen's niece, Kry Vouchleng. His spouse is Song Thida. | | | | |
| Posts and Telecommunications Minister | Chea Vandeth | Incumbent | | Represents Takeo province and became a minister in April 2020. He graduated with a doctorate in economics and also holds a master's in business administration from Nanyang University in Singapore. His ministry has overseen efforts to block access to a range of independent media and advance a controversial National Internet Gateway intended to provide the government with greater control over internet traffic. His ministry has also pushed for a new cybersecurity law that would expand authorities' ability to seize computer systems from companies and individuals in the interests of national security, but which has sparked concerns of abuse. |
| Health Minister | Chheang Ra | Mom Bunheng | Director General of Calmette Hospital | |

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| Family and Business Ties: Ra is married to Hun Sen’s niece, Kim Sokleap. | | | | |
| Public Works and Transport Minister | Peng Ponea | Sun Chanthol | Public Works and Transport Ministry Secretary of State | |
| Family and Business Ties: Ponea is the son of former deputy prime minister Men Sam An, who was appointed advisor to the Supreme Council of the King this week in an equivalent position. Peng Pat’s father was a ruling CPP senator, and his brother Peng Posa was the deputy governor of Svay Rieng province. Commerce Ministry records show a person named Peng Ponea (ប៉េង ប៉ូណេ) holds positions with the following companies: Director of NRST Development Co., LTD.; Director of Pacific Paradise Development Co., LTD.; Director of Sothea Nim Capital Co., LTD. | | | | |
| Culture and Fine Arts Minister | Phoeurng Sackona | Incumbent | | Sackona has held her position since 2013. She has a doctorate in food sciences from Bourgogne University in France. While she has overseen the return of numerous stolen antiquities to Cambodia, her ministry has requested censorship of songs for alleged incitement. |
| Family and Business Ties: Her father-in-law Chheng Phon, formerly served as Minister of Culture and Fine Arts. | | | | |
| Tourism Minister | Sok Soken | Thorng Khon | Foreign Affairs Ministry Secretary of State | He was previously a Foreign Affairs Ministry Secretary of State since 2020 and holds a master’s in public administration from the National University of Singapore. |
| Family and Business Ties: Soken is the son of longtime ruling CPP stalwart and Minister of the Council of Ministers Sok An, who died in 2017. His wife, Chan Krasna, is the daughter of Industry, Science, and Innovation Minister Cham Prasidh, making Soken the brother-in-law of new Commerce Minister Cham Nimul. Soken holds the following business roles: Director of Apsara Rice (Cambodia) Co., LTD.; Director of Soma Group Co., LTD. His wife has the following business positions: Chairwoman of Amongus Co., LTD. ; Chairwoman of C.A.D.I. CO., LTD.; Chairwoman of Instapay (Cambodia) Co., LTD.; Chairwoman of Khmer Harvest Co., LTD.; Chairwoman of SM&CP Megafarm Company LTD.; Chairwoman of Soma Farm (Cambodia) Co., LTD.; Chairwoman of Soma Preah Vihear Megafarm Co., LTD.; Chairwoman of Soma Properties and Development Co., LTD.; Chairwoman of Soma Trading Company LTD.; Director of Cham & Ly Corporation; Director of EDEEL (Cambodia) Plc. | | | | |
| Cult and Religion Minister | Chay Borin | Chhit Sokhon | Secretary of State at Cults and Religion Ministry | Borin was elected to represent Tbong Khmum province. |

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| <p>Women’s Affairs Minister</p> | <p>Ing Kantha Phavi</p> | <p>Incumbent</p> | | <p>A lawmaker representing Phnom Penh has held her ministerial position since 2004 and left the royalist Funcinpec party to join the ruling CPP in 2008. She holds a doctorate in medicine from Saint Antoine University in Paris.</p> |
| <p>Family and Business Ties: She is the daughter of Ing Keat, the late personal counsel to King Norodom Sihanouk and former Public Works and Transport Minister in the 1990s. Her husband Trak Thai Seang was a former deputy governor of Phnom Penh and currently serves as a Public Works and Transport Ministry secretary of state.</p> | | | | |
| <p>Labor and Vocational Training Minister</p> | <p>Heng Sour</p> | <p>Ith Samheng</p> | <p>Labor Ministry Secretary of State</p> | <p>Sour began working at the Labor Ministry in 2008 and has served as its spokesperson since 2013. He also serves on the Secretariat of the National Council, a body established to resolve wage issues in the garment, textiles, and footwear sectors. He is a member of the ruling CPP’s Central Committee and is Chairman of the CPP’s Youth Training in Kampong Cham’s Batheay district. Union leaders and labor rights activists have often expressed frustration with the Labor Ministry’s perceived lack of enforcement of labor law in cases of alleged union-busting and other workers’ rights disputes.</p> |
| <p>Family and Business Ties: His wife, Som Raksmeay, owns the Sea Breeze Hotel and Resort in Preah Sihanouk Province, where inter-ministry meetings have been held. She also holds the following business positions: Chairwoman of Gold Star Premium Water; Chairwoman of Som Raksmeay Co., LTD.; Chairwoman of SRMY Development Co., LTD.; Chairwoman of SV Dragon Eco Beach Co., LTD.; Former director of Woodland Vegas Co., LTD. (Left position on July 31, 2023); Former chairwoman of Mayura Residence Investment Co., LTD. (Left position in May 2019).</p> | | | | |
| <p>Civil Service Minister</p> | <p>Hun Many</p> | <p>Prum Sokha</p> | <p>National Assembly member</p> | <p>Has represented Kampong Speu province in the National Assembly since 2013. He has represented Kampong Speu province as a ruling CPP lawmaker since 2013.</p> <p>He is also the president of the Union Youth Federations of</p> |

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| | | | | Cambodia, which has provided more election observers since 2017 than any other organization and most political parties. |
| Family and Business Ties: Many is the youngest son of Hun Sen and brother of new Prime Minister Hun Manet. Yim Chhay Lin, Many’s wife, holds the following business positions: Chairwoman of Great Pharma Group Co., LTD.; Chairwoman of MR Training & Jobs Center Co., LTD.; Chairwoman of AZZA Decor (Cambodia) Co., LTD.; Chairwoman of Machhoem Bopea trading Group Co., LTD.; Director of Global Green Natura Co., LTD.; Director of Chhak Kampongsaom SEZ Co., LTD.; Director of Teho-SBG Development Co., LTD. | | | | |
| Minister in Charge of the State Secretariat of Civil Aviation | Mao Havannall | Incumbent | | Havannall continues to serve as minister and is an elected lawmaker representing Takeo for the ruling CPP. |
| Minister in Charge of Border Affairs Committee | Lam Chea | None | Interior Ministry Secretary of State | Chea is appointed to a newly formed ministerial role overseeing Cambodia’s borders. His family is reportedly of Khmer Krom descent from southwestern Vietnam, according to local media. Some activists who have spoken about alleged land loss along Cambodia’s border with Vietnam have been fined tens of thousands of dollars in compensation to the committee, formerly led by Var Kimhong. |
| Source: CambodJa News | | | | |

In addition to the 30 Ministers, the new government includes 10 Deputy Prime Ministers, with several persons holding the post of Minister and DPM. The 10 Deputy Prime Ministers are Aun Pornmoniroth; Hang Chuon Naron, Say Sam Al; Sar Sokha, Tea Seiha; Koeut Rith; Sok Chenda Sophea; Vongsey Visoth; Sun Chanthol (Kandal lawmaker, Minister for Public Works and Transport from 2016 to 2023 and previously from 2004 to 2008; Minister for Commerce from 2013 to 2016); Neth Savoeun (National Police Chief from 2008 to 2023; married to Hun Sen’s niece Hun Kimleng). In the sixth mandate, the 10 Deputy Prime Ministers included Sar Kheng, General Tea Banh, Hor Namhong, Men Sam An, Bin Chhin, Yim Chhay Ly, Ke Kim Yan, Prak Sokhonn, Aun Pornmoniroth and Chea Sophara.

There are currently 21 Senior Ministers, which are Kun Kim, Hou Sithy; Ouk Rabun, Om Yentieng, Eang Moly, Thong Khon, Pich Sophorn; Prum Sokha, Sak Setha; Ossman Hassan, Y Chhean; Ouk Prathna; Ouch Borith; Svay Sitha; Chhay Sinarith; Ly Thuch; Chhem Kieth Rethy; Chhieng Yanara; Sok Siphana; Keo Remy; Ky Tech.

As of August 23, the leadership structure of the new government included the prime minister, ten deputy prime ministers, 21 senior ministers, 30 ministers, 29 government delegates attached to the prime minister, 718 secretaries of state, and 734 undersecretaries of state, amounting to a total of 1,543 individuals. The list of new appointments was released through government-aligned media Fresh News. The newly formed government has 1,422 secretaries or undersecretaries of state — a 121.8% increase from the previous government, which had only 641 officials in those positions.

The Office of the Council of Ministers and the Defense and Interior Ministries had the most significant increases in officials. The Council of Ministers gained 54 secretaries of state and 35 undersecretaries, compared to 15 secretaries and 23 undersecretaries in the old government under the 6th mandate. The Interior Ministry added 104 officials in contrast to the mere 22 officials it had in the last mandate, while the Defense Ministry gained 86 officials in comparison to 38 such officials previously. The remaining 25 ministries received between 15 to 30 secretaries and undersecretaries combined.

Prime Minister Hun Manet added 29 officials titled “Ministerial Delegate Attached to the Prime Minister” to accompany and assist him. The newly appointed officials included Pen Bona, formerly an Information Ministry secretary of state and director of PNN Television owned by tycoon Ly Yong Phat, and Jean-François Tain, former managing director of Radio France Internationale.

Only 15% of senior ministry personnel are women, according to analysis from the public database Kamnotra. The defense ministry has the lowest percentage at 4.7%, and all other ministries fall below 25%, according to Kamnotra’s analysis.

Many of these appointments appear to have gone to relatives of current or former ruling CPP officials, and there is also a flurry of former opposition leaders, environmental activists, and union leaders who joined the ruling CPP in the lead-up to the July elections. Yong Kim Eng, president of the People Centre for Development Peace, said: “We have seen the appointments are linked with a lot of high-ranking officials’ children. It is okay if these officials dutifully serve the nation, but if the appointments are just to provide them with a favor, citizens will be disappointed. We are concerned about the expanding budget and wonder what kinds of jobs they will carry out daily.”

Post-election, politically appointed officials at various ministries and institutions – from secretaries of state down to government advisers – who assumed their roles before the swearing-in of the new government on August 22 were also reappointed by royal decrees. “The older generation of government officials will resign, opening up positions such as minister and deputy minister. I am a member of parliament for Kandal province, so in February next year, I will resign from the parliament, but I will return to lead the Senate.” Hun Sen said, noting the results of the 2024 Senate elections were a foregone conclusion. After Secretaries of state and Undersecretaries of State in some ministries expressed concern about being removed from office, he declared that senior officials in those ministries would continue to perform their regular duties in the new term unless they resigned or if they were incompetent.

Hun Sen announced that the Minister of Public Works and Transport, Sun Chanthol, and National Police Chief, General Neth Savoeun, would become Deputy Prime Ministers in the new Cabinet. King Norodom Sihamoni on August 23 issued a royal decree appointing deputy National Police chief Sar Thet, who also doubled as the commissioner of the Phnom Penh Municipal Police, as the

new National Police chief, succeeding Neth Savoeun, who now serves as deputy prime minister. On the same day, Prime Minister Hun Manet enacted a sub-decree to reassign roles and appoint two police officials at the rank of general. Sar Ratha, former deputy head of the General Department of Immigration, became deputy National Police chief. On August 24, Deputy Prime Minister and Minister of Interior Sar Sokha also appointed Preah Sihanouk provincial police chief Chuon Narin as Phnom Penh police chief.

Sar Thet is former Interior Minister Sar Kheng's cousin and replaced Hun Sen's cousin Neth Savoeun. Thet was formerly the Phnom Penh municipal police chief and the deputy of the National Police. He is the uncle of new Interior Minister Sar Sokha, Sar Kheng's son. Neth Savoeun, appointed as a deputy prime minister, is designated as the acting prime minister in Manet's absence and will also manage national security and public order. The backup acting prime minister is Minister of Economy and Finance Aun Punmoniroth. As deputy prime minister, he is tasked with managing the economic and financial sector. He is also chairman of the National Council for Social Protection and the Chairman of the Supreme National Economic Council.

In a separate decree dated August 23, three provincial governors were announced: Suon Malin as the new governor of Prey Veng, succeeding Chea Somethy; Peng Pursa as the new Svay Rieng provincial governor, succeeding Men Vibol; and Prak Sophoan as the new governor of Siem Reap, taking over from Tea Seiha. Ponsa is the son of the recently appointed Supreme Council advisor of the King, Men Sam An. Ponsa's brother, Peng Ponea, was also appointed to the position of Public Works and Transportation Minister. Sophoan is the son of former Foreign Affairs Minister Prak Sokhonn and served as deputy provincial governor until his appointment. He is also the provincial president of the Union of Youth Federation of Cambodia. Sophoan replaced Tea Seiha, who was promoted to National Defense Minister. Somalin replaces Chea Somethy, the newly appointed Social Affairs, Veteran, and Rehabilitation Minister.

In one example, the four sons of the late CPP stalwart and longtime head of the Council of Ministers were all promoted to high-ranking cabinet positions. Sok Sangvar became a Public Service Ministry secretary of state, Sok Puthivuth became a Posts and Telecommunications Ministry secretary of state, Sok Sokan became a Land Management Ministry secretary of state, and Sok Soken was given the top job of Tourism Minister.

Other ruling CPP family connections include Defense Ministry Secretary of State Khim Bunsong's son Khim Finan, previously Banteay Srey district governor, who became Agriculture Ministry secretary of state. Anti Corruption Unit (ACU) Chairman and newly-appointed Senior Minister Om Yentieng's daughter Yentieng Puthirasmey appointed Foreign Affairs Ministry Secretary of State. Om Yentieng's son, Yentieng Puthira, formerly ACU director-general, has been appointed as the Post and Telecommunications Ministry Under Secretary of State. Former Senior Minister Cham Prasidh's son Cham Borith became a secretary of state for the Industry, Science, Technology and Innovation Ministry. Borth's sister, Cham Nimul, is the newly appointed Commerce Minister.

The new officials also included former senior leaders of the Grassroots Democratic Party, Yang Saing Koma and Loek Sothea, who were appointed as secretary and undersecretary of state to the Agriculture Ministry. Former party general secretary Sam Inn was given a job as Environment Ministry secretary of state. Former CNRP activists were also given high ranking positions. Yim Sinorn, who was arrested for disparaging Hun Sen and then publicly apologized and defected to the CPP in April, was promoted from Agriculture Ministry undersecretary of state to secretary of state.

Two CPP-aligned union leaders, Som Aun, and Chuon Mom Thol, were re-appointed as Labor Ministry secretary of state. Aun had previously been president of the Cambodia Labor Union Federation until 2021, when he was first appointed as a secretary of state. Thol, who also became secretary of state in 2021, founded the Cambodian Confederation of Trade Union in 1997.

Chak Sopheap, executive director of the Cambodian Center for Human Rights, said that the decision to more than double the number of government officials might reduce the government's performance and outcomes. She noted: "It would have been better to appoint a smaller cabinet, ensuring lower public spending levels and guaranteeing the proper function of this critical body." Sopheap said that the new government will be faced with a choice: embrace longstanding repressive tactics or preside over a shift towards more inclusive forms of governance based on respect for fundamental freedoms. "It should not be forgotten that the new administration is the product of a ruling elite that has turned Cambodia into a de facto one-party state where dissenting voices are not tolerated. Many individuals continue to be seen as enemies of the state."

Supreme Privy Council of the King

Shortly after the designation of Hun Manet as PM, King Norodom Sihamoni appointed former National Assembly President Heng Samrin, former Prime Minister Hun Sen, former Interior Minister Sar Kheng, former Defence Minister Tea Banh, and former Minister of National Assembly-Senate Relations Men Sam An as members of the Supreme Privy Council of the King. The appointments were announced after the National Assembly assented to the composition of the new Council of Ministers under the Hun Manet-led government. Hun Sen will now sit as Supreme Privy Council President, a position equivalent to that of prime minister. Samrin is the Honorary President of the council, which also holds prime ministerial rank. The position of Kheng, Banh, and Sam An in the Privy Council is equal to that of a Deputy Prime Minister.

Mr Hun Sen also dismissed claims that he just handed over the post, not the power. "This is a foolish idea. It is impossible to hold the hand of the Prime Minister to sign (documents). Hun Sen expressed confidence that the new government will maintain peace and political stability while moving Cambodia out of the least developed country category. According to CPP spokesman Sok Eysan, opponents have alleged that the new Privy Council may put the King under pressure. "This is incorrect, and it represents a resentful group of people's viewpoints. "Some of the opposition people say that advisors of the King have access to the King and are in a position to place pressure on our King. These opposition party members are simply interested in causing disruption and difficulty for the new government. They always think and misjudge us, which is why they can never win over the public."

In the first week of September, the former Minister of Foreign Affairs and International Cooperation, Hor Namhong, and retired Supreme Court President Dith Munty were appointed as members of the Supreme Privy Council to the King, with the same status equal to deputy prime minister. Secretary-General of the Royal Academy of Cambodia Yang Peou considered that: "This is what the King sees, experience and quality. Therefore, do not be confused that only members of the Royal family can be appointed; in the past, non-royals have been appointed as well."

CPP spokesman Sok Eysan said: "The Supreme Privy Council to the King of Cambodia has the role of providing advice to the King on major affairs of the nation. Its role and responsibilities are determined by law." Yang Peou, Secretary-General of the Royal Academy of Cambodia (RAC), a top government think tank, said: "Senior dignitaries of the ruling CPP, after they retire from the

government, are expected to be appointed by the King to the Council to honor their contribution to the nation.” He also disagreed with some criticism that including senior CPP leaders in the Council will put more pressure on the Royal Palace. “Some politicians have criticized the decision without understanding the Constitution. No one has the right to pressure the King. The new appointment will be purely an honorary position.” At the same time, he claimed that there could be no influence because the King had no impact on policy or decisions.

In mid-October, it was announced that four former senior officials as members of the Supreme Privy Council: Bin Chhin, former Minister in charge of the Office of the Council of Ministers; Chea Sophara, former Minister of Land Management, Urban Planning, and Construction; Prak Sokhonn, former Minister of Foreign Affairs and International Cooperation; and Ke Kim Yan, former Chairman of the National Authority for Combatting Drugs. The royal decrees stated that they were appointed because, in part, the four officials defended democracy and the nation, which led to better security and helped maintain national independence and territorial integrity. In January 2024, the former Deputy Commander-in-Chief of the RCAF and chief of the Royal Cambodian Army, Meas Sophea, was appointed as a member of the Supreme Privy Council of the King.

Legislative Branch

A study by CamboJA news on the election candidates list for the ruling party found that 25 percent of candidates for the CPP were related to one another. This exemplifies several problematic aspects of ‘democracy’ in Cambodia, or lack thereof. First, the government is rife with nepotism, and it is not unreasonable to see the system as dominated by an oligarchical class. Second, there is a massive degree of overlap between the executive and legislative branches, rendering the latter redundant. Lastly, although there may be competition amongst elites, given the common interest of the elites in maintaining the status quo of a single, there is little potential for election-based popular accountability to enact change in the power structure in place.

The ruling CPP fielded 125 candidates for the 2023 national elections, with a notable 22.4% of them, amounting to at least 28 individuals, having familial ties with other candidates on the roster. This marked a significant rise compared to the 2018 elections, where only 8.8% of candidates had such connections. Many of these new candidates hailed from younger generations and were stepping into electoral politics for the first time. Many of them came from families where their fathers held prominent positions in various ministries. Five of these 28 candidates had family ties directly related to Hun Sen, who was then Prime Minister. Hun Sen has indicated that a new government and cabinet reshuffle would be in place by the end of August. This transition was anticipated to usher in a generational change, with Hun Manet assuming the role of PM while at the same time maintaining the influence of crucial ruling families and the informal, and to some extent formal, participation of the old guard in decision-making.

The study found that Prime Minister Hun Sen was leading the candidate on the list for Kandal province, with his eldest son Hun Manet holding the top spot in Phnom Penh. Hun Sen's third son, Hun Many, was the second-ranked candidate in Kampong Speu province, while his brother-in-law, Nim Chantara, ran as the fourth-ranked candidate in Kampot province. Defense Minister Tea Banh and his son, Siem Reap Governor Tea Seiha, vied for assembly seats in Siem Reap province. Banh held the first rank, and Seiha was third.

Ke Soun Sopheap, Chairman of Banteay Meanchey Youth Development Working Group, is the son of Ke Kimyan, Deputy Prime Minister and Chairman of the National Authority for Combating Drugs. Sopheap held the fifth reserve rank in Banteay Meanchey province, while Kimyan led the list. Kimyan's daughter is married to Interior Minister Sar Kheng's son. Sar Kheng is the top candidate for Battambang province, and his son, Secretary of State for the Ministry of Education, Youth, and Sports Sar Sokha, held the second rank in Prey Veng province.

Cham Nimul, Secretary of State at the Ministry of Commerce, is the daughter of Minister of Industry, Science, Technology, and Innovation Cham Prasidh. Nimul ranked fifth in Kampot province, while Prasidh was the first-ranked candidate in Kep province. Hun Sen's son is married to the daughter of Yim Chhayly, Deputy Prime Minister and Chairman of the Council for Agricultural and Rural Development. Chhayly topped the list in Kampong Cham province, and his son Yim Leat was fourth in Kampong Thom province. Heng Samrin, President of the National Assembly, was the top candidate in Tbong Khmum province, while his son-in-law Vong Sauth, Minister of Social Affairs, Veterans and Youth Rehabilitation, ranked third in the same province.

Kheng Samvada, Secretary of State at the Ministry of Women's Affairs, was fifth in Kampong Speu province, while her husband, Minister of Foreign Affairs and International Cooperation Prak Sokhonn, ranked fourth in Kandal province. Tekreth Samrach, Minister Attached to the Prime Minister, was second in Preah Sihanouk province, and his sister, Ministry of Commerce Secretary of State Tekreth Kamrong, was fourth in Siem Reap province. Dith Tina, Minister of Agriculture, Forestry, and Fisheries, was sixth in Tbong Khmum province, and his brother-in-law, Minister of Environment Say Sam Al, led in Preah Sihanouk province.

Minister of Planning Chhay Than was first in Kampong Speu province, and his son Chhay Rithisen, General Director of the General Department of Land Management and Urban Planning, was eighth in Tbong Khmum province. In Kampong Chhnang province, Minister of Rural Development Ouk Rabun was second, and his son Ouk Ponhea, Secretary of State at the same ministry, was fourth in reserve. In Tbong Khmum province, Minister of Land Management, Urban Planning, and Construction Chea Sophara was second, and his son-in-law, Ministry of Environment Secretary of State and Hun Sen's personal adviser Eang Sophalleth, was fourth. Sophalleth did not comment on his candidacy.

In the 2018 National Assembly Election, there were 11 CPP candidates related to other candidates on the ballot. Hun Sen, his brother-in-law Nim Chantara, his second son Hun Many, Many's father-in-law Yim Chhayly, and Many's brother-in-law Yim Chhayleat were all candidates. Heng Samrin and his son-in-law Vong Sauth also ran. Sar Kheng and his son Sar Sokha were candidates too. Sok An's son and brother, Sok Sokan and Sok Pheng, were candidates in Takeo province in 2018 but are reserve candidates this year.

Some key developments in the law in Cambodia occurred in 2023. These include the adoption of an environmental resource code, a land law, and cybersecurity legislation. Whereas the first was enacted, the latter two have been advanced in draft form only. [The amendment to election laws was discussed in the chapter on Elections.]

The Environmental and Natural Resources Code (ENRC) was adopted on June 29, 2023 by Royal Kram № NS/RKM/0623/007 in Cambodia. The lengthy code is composed of 12 books and 865 articles. This code aims to strengthen environmental governance, promote sustainable development, and enhance natural resource conservation. Some key points from the Environmental

Code are worthy of note. First, the code ostensibly supports both conservation and restoration of natural resources. It includes provisions to address challenges resulting from climate change, stipulating the goal of achieving ‘climate resilience’. It also emphasizes the need to make the shift to renewable energy sources and take action to create sustainable urban environments. It also advances rules for the environmental economy pertaining to finance, fees, and the management of social and environmental funds. Violations of the code can result in fines and imprisonment.

In 2023, Cambodia developed a Draft Land Law 2023. This law sets out the principles, rules, and procedures for managing land and other immovable properties. Its purpose is to ensure effective, sustainable, and environmentally sound management of land and other immovable properties, contributing to economic and social development¹². The law sets out guidelines for land management, including principles related to land use, ownership, and administration. It addresses land registration processes, ensuring transparency and accuracy in property records. Also, the law regulates land transactions, sales, and transfers. The Ministry of Land Management, Urban Planning, and Construction oversees the implementation of this law.

Cambodia drafted a comprehensive Cybersecurity Law in 2023. The aim of this draft law is to “determine principles, rules, and mechanisms to manage and maintain the cybersecurity of Critical Information Infrastructures (CIIs) for the purpose of safely and sustainably ensuring essential national services.” However, there are significant concerns about its potential impact on human rights and privacy. The draft law consists of forty-eight provisions divided into ten chapters. These chapters cover topics such as general provisions, competent institutions, cybersecurity principles, licensing for cybersecurity service providers, dispute resolution, and penalty provisions.

There are human rights concerns pertaining to the law. First, the draft law contains vague and overbroad terms, which lead to arbitrary interference with privacy and freedom of expression. Second, the proposed law confers the DSC and cybersecurity inspectors overbroad powers. Third, the law imposes disproportionately harsh criminal sanctions. Fourth, there is insufficient guarantee of appeal or independent oversight in case of abuse. Moreover, while the intention is to strengthen cybersecurity, the draft provisions may hinder individuals’ ability to secure themselves against intrusion into their networks and safeguard their data. Vulnerable communities and at-risk actors, such as journalists and human rights defenders, may be disproportionately affected. COMFREL finds that any law related to cybersecurity should align with Cambodia’s international human rights obligations. Balancing cybersecurity and human rights is crucial to ensure a framework that enables rather than hampers security. It remains to be seen how the draft law will evolve and whether it will address these concerns.

Leadership of the National Assembly

President: **Khuon Sodary**

First Vice President: **Cheam Yeab**

Second Vice President: **Vong Sauth**

Prime Minister: **Hun Manet**

Chairpersons of commissions at the National Assembly from ruling CPP

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| Sar Chamrong | Commission on Human Rights, Complaints, and Investigation |
| Chheang Vun | Commission on Economics, Finance, Banking and Auditing |
| Loy Sophat | Commission on Planning, Investment, Agriculture, Rural Development, Environment, and Water Resources |
| Kep Chuktema | Commission on Interior, National Defense, and Civil Service Administration |
| Suos Yara | Commission on Foreign Affairs, International Cooperation, Information, and Media |
| Ang Vong Vathana | Commission on Legislation and Justice |
| Pa Socheatvong | Commission on Education, Youth, Sport, Religious Affairs, Culture and Tourism |
| Lork Kheng | Commission on Health Care, Social & Veterans' Affairs, Youth Rehabilitation, Labor, Vocational Training & Women's Affairs |
| Nin Saphon | Commission of Public Works, Transport, Telecommunication, Post, Industry, Commerce, Land Management, Urban Planning and Construction |
| Pen Simon | Commission on Investigation and Anti-Corruption |

Independence, Representation, and Responsiveness

COMFREL Monitoring Findings for the NA in 2023

COMFREL observed that in the fifth year of the sixth legislature, the number of field visits of the MPs increased significantly. An increase in the number of MPs on missions, an increase in the number of field visits compared to the fourth year (only 81 MPs and 975 field visits increased to 91 MPs and 1,326 field visits).

There were two reasons for the increased the field visits of MPs: First, it was the year of the 7th legislative election, so it is important to encourage MPs to pay attention to the well-being of the people. Second, because this fifth year is close to the year of the 5th Senate election, the MPs have to go to the grassroots to increase the popularity of their party, as well as strengthen the capacity of local party members and good relations between local party members and the people as well.

For the plenary session, the National Assembly held both ordinary and extraordinary sessions, most of which focused on issuing the laws. Based on COMFREL's observation, there was a decrease in expressing the opinion of the MPs compared to the previous year (5 MPs expressed their opinion for 8 times compared to the fourth year, 10 MPs made 25 times. The passage of laws does not see any lawmakers debating the shortcomings of the law or adding key elements to the law to make it better, instead praising and supporting the Royal Government. Caring for the people, such as zeal for the protection of justice, protection of interests, and representation in various affairs for the people, there are some MPs to help solve, but there are countless problems in society that the competent officials did not comply with the law, did not meet the needs of the people and caused damage to the national interest and the people, even though the people shouted for help to find justice for them, no member of the Royal Government was summoned.

Overall, in the fifth year of the sixth legislature, COMFREL observed that the effectiveness of the National Assembly did not improve. This inefficiency is because the National Assembly continues to fail to address major national issues such as forestry (legal mechanisms and relevant practitioners), and land issues almost everywhere, but no MPs have submitted a summons to government members for comment. For example, in the fifth year, there was a problem with deforestation, but MPs did not take action to deal with it. On the other hand, during each plenary session, no MPs were talking about negativity or inaction in enforcing the law to solve problems for the people. As a result, COMFREL concluded that the efficiency of the National Assembly was significant.

COMFREL Monitoring Findings for the NA 6th Mandate

National Assembly Sessions

The 6th legislative term, spanning from September 2018 to August 2022, saw the National Assembly convene for a total of 9 sessions, with 46 meetings for debating and adopting 180 agendas. On average, 106 MPs participated in approving each agenda. Out of the 180 agendas brought for debate and adoption at the plenary session of the National Assembly, COMFREL observed that all the agendas were supported and commended by MPs. The purpose of approving draft or proposed laws is to ensure the state's obligations with partner countries or benefit national security. Despite the intentions of passing the laws being in the country's best interest, COMFREL noted that there were at least five agendas where the approval process in the National Assembly was particularly contentious, such as (1) the draft law on the ratification of the supplementary treaty to the 1985 border treaty and the 2005 supplementary treaty between the Kingdom of Cambodia and the Socialist Republic of Vietnam; (2) the adoption of the draft law on national management in a state of emergency; (3) The draft law on the approval of the land border demarcation and marker planting with Vietnam; (4) the constitutional amendment draft law on Article 19 new (one), Article 89, Article 98 new, Article 102 new, Article 119 new (one), and Article 125 new, as well as the creation of two additional new articles, Article 3 new and Article 4 new; and (5) the draft law on the election law.

Among the contentious agenda, COMFREL observed that the process from the Council of Ministers' approval to the National Assembly's ratification was expedited, typically taking around 30 days for the National Assembly to approve a law. Furthermore, discussions at each session did not incorporate inputs from the general public, external experts, or inputs collected from various meetings or forums. Moreover, before the draft law approval, no MPs engaged in rigorous debate with the draft law makers (law defenders) about the content and potential impacts of the Law's implementation or raised public opinions. Most comments were praises for the draft laws and their drafters, with little to no opposition or critical remarks about the potential consequences of the laws when implemented.

Views or Comments Expressed by MPs

The monitoring of the plenary sessions of the National Assembly reveals that the MP's views/comments during the deliberation of the above 180 agendas amounted to a total of 674 minutes, equivalent to 11 hours and 14 minutes. A total of 21 MPs made 96 comments. Compared to the 5th legislative term, the 6th Legislature had fewer total minutes of comments, fewer instances of comment-making, and fewer MPs making comments. The distribution of the comment duration showed that affirmative/supportive comments amounted to 539 minutes, significantly

more than the negative/opposing comments by MPs in the plenary sessions of the National Assembly in the 6th legislative term, which totaled 18 minutes. Neutral/critical comments amounted to 117 minutes. The comparison between the two legislative terms showed that although the 6th legislative term had fewer total minutes of comments, the duration of affirmative/supportive comments in the 6th legislative term was more significant than in the 5th legislative term.

Activities of the Expert Commissions

The National Assembly has ten expert commissions that work with the ministries and institutions under their respective sectors. Each Commission has clearly defined roles and responsibilities as outlined in the decision on the roles and responsibilities of each expert Commission in January 2014. These roles and responsibilities align with the National Assembly's duties as stipulated in the Constitution, including the examination of draft laws and proposed laws, oversight of the Government's performance, conducting field missions to engage with the electorate, and participation in public meetings to listen to the concerns raised by citizens and to facilitate interventions with the Government as requested by the voters.

Observations of the expert commissions' grassroots activities revealed that the 10 commissions undertook a total of 905 missions, with 91.05% of these missions involving visiting the electorate, a higher percentage than other activities during the 6th legislative term. Furthermore, the total number of missions was higher compared to that in the 5th legislative term. For the field missions conducted by the expert commissions, COMFREL has noted that no expert commissions have accepted and conveyed the issue from their field missions to deliberate in the plenary session of the National Assembly or to pose questions to the ministers or the Government.

Field missions to constituencies by MPs

In the 6th Legislature, there were a total of 125 seats in the National Assembly. Among the total representatives, 128 (including both former representatives and new replacements) MPs conducted missions in and outside their respective constituencies. The field missions conducted by MPs in the 6th Legislature amounted to a total of 5,685 times, of which 4,508 missions within their constituencies accounted for 79.3%, and 1,177 missions outside their constituencies accounted for 20.7%. According to the observations, the field missions by MPs in the 6th Legislature were fewer than those in the previous legislatures, significantly less than that in the 5th Legislature.

Although the total number of field missions in the 6th Legislature was fewer than that in the 5th Legislature, the field missions with the purpose of "visiting voters" were more numerous than those in the 5th Legislature. Based on the results that categorized the types of field missions and the opinions expressed by MPs during the sessions of the National Assembly, COMFREL views that the field missions of MPs, both within and outside their constituencies, did not correlate with the number of questions submitted to the legislative process, nor with the number of missions conducted. Furthermore, it was observed that many activities, particularly those with the purpose of "visiting," were indeed numerous, but there was no summoning or posing of questions received during the missions for the government representatives to answer, whether at the level of expert Commission or during the plenary sessions of the National Assembly.

Among the activities categorized, COMFREL notes that some activities did not fall within the mandate and roles of MPs, such as strengthening networks or accompanying leadership visits. Therefore, based on this report, the 6th National Assembly was not fully compliant with the

activities as per Article 96 of the Constitution in a parliamentary system, compared to a National Assembly with multi-party representatives. The non-full compliance with the articles of the Constitution in a parliamentary system was due to the lack of posing questions to the Government, leading to numerous questions or discussions based on the principles set out in Article 1 of the Constitution, which states that Cambodia is a Kingdom where the King reigns according to the Constitution and the principles of liberal multi-party democracy.

Issuance of intervention letters to the Government

Generally, COMFREL observes that the officials stationed at the National Assembly received the letters requesting the National Assembly's intervention. However, COMFREL still sees no responses to the substance of the summited letters, no requests made or raised by MPs during the plenary sessions of the National Assembly, or any intervention in accordance with the parliamentary mechanism. The resolution of raised issues through letter submission, when viewed in light of the laws that define the roles of MPs or the Expert Commissions, COMFREL sees that the execution of duties allows MPs the right to bring requests as stated in the submitted letters to be heard, through posing questions to the Government and to any expert commission, which may invite ministers to clarify issues related to their respective field according to Articles 96 and 97. However, this did not happen.

Note on observations

Based on the observation results as well as on the Constitution and other relevant laws associated with the National Assembly and MPs in the 6th Legislature, COMFREL notes the following:

1. The National Assembly did not fully perform its role of monitoring and inspecting the implementation of laws by the Executive branch despite the numerous field missions conducted by MPs. It was observed that in the 6th Legislature, there was only one summoning, which was the summoning of the Minister of Justice to answer questions in the National Assembly, even though there were many issues raised, such as land issues, social injustice, human rights, issues, and labor disputes.
2. The 6th Legislature of the National Assembly was not very active in the parliamentary system because there was no activity of the National Assembly opening a session one day a week to pose questions and get responses in accordance with the provisions mentioned in Article 96 of the Constitution.
3. The agendas that were adopted lacked opposing opinions because, during the plenary sessions of the National Assembly, there was a lack of debate or thorough questioning as in previous legislatures. Similarly, some draft laws were approved hastily without public debate or any campaigning within the party policy platforms when the party won the election.
4. The National Assembly has failed to fulfill its constitutional obligations in resolving the petitions of the citizens diligently, as it is evident that the petitions submitted by political parties, as well as the summited requests from associations, civil society organizations, and trade unions to the National Assembly, have not been discussed or put into the agenda during its sessions.
5. Two types of MPs' field missions categorized by COMFREL do not fall within the legal framework or any decision regarding the roles and responsibilities of MPs. These two types of field missions accompany leaders and strengthen their own party, which represents a conflict of interest.

6. The offices of the capital/provincial constituencies are not active in providing information, receiving complaints and petitions from citizens, or sharing information about MPs.

Process of Responsiveness to the Public

Generally, COMFREL observed that in cases where documents requesting intervention were submitted to the National Assembly, they were received by the officials of the National Assembly, but COMFREL did not see a response to the issues raised or representatives raising them in any plenary session of the National Assembly or intervening according to the procedures of the National Assembly. The resolution of the problems through the submission of letters; when looking at the principles of the Law that specify the roles of representatives or Expert Commissions, COMFREL sees that the implementation of roles defined in Articles 96 and 97 of the Constitution, which state that representatives have the right to question the Government, and Expert Commissions can invite ministers to clarify any issue related to their respective sector, as shown in the letters mentioned above, is not present. Furthermore, when looking at the Decision on the major roles and responsibilities of each Expert Commission of the National Assembly in 201425, it is seen that the Expert Commissions have not yet fully fulfilled what was mentioned in that Decision.

Recommendations

- Articles 96 and 97 of the Constitution should be implemented to promote accountability and responsibility of the Executive branch before the Legislative Branch. In this regard, the National Assembly should invite the Government or the Prime Minister or ministers, who are members of the Cabinet and have received the vote of confidence from the National Assembly, to answer questions posed by MPs on various issues such as land disputes, human rights violations, labor disputes, and other matters.
- The Expert Commissions of the National Assembly should be active in field missions to constituencies, but such visits should focus on areas where there are problems between law enforcement authorities or companies and the citizens, in accordance with Article 35 of the Constitution.
- Strengthen the role and responsibilities of the officers and functions of the Capital/Provincial Parliamentary offices and further publicize these places to the citizens.
- The National Assembly, through its Expert Commissions in accordance with the decisions on the roles and responsibilities of the specialized committees, should thoroughly take into consideration and extract inputs and requests made by the public, experts, and relevant stakeholders who have raised various issues and opinions, and to comprehensively deliberate on those issues/opinions before adopting any draft laws and proposed laws.
- After MPs gain legitimacy, the loss of membership from any political party should not result in the loss or removal of their role as MPs before the end of the term, even if their party is dissolved.

Judicial Branch

The independence and professionalism of the judicial branch have long been a fundamental problem to the advancement of democracy in Cambodia. The judiciary is widely regarded by independent analysts as well as substantial sectors of the populace as flawed in three primary ways. The first of these is politicization. The judicial branch seems to be under the control of the

executive and subject to the discretion of the highest-ranking members of that branch. Frequently, prosecutions seem to follow public statements by the PM asserting the guilt or egress of specific individuals. In such trials, which are almost invariably concluded with convictions, the claim to have met the burden of proof is suspect. Through the practice of pardons, individuals are also absolved of guilt. Moreover, previous efforts at judicial reform formalized the executive branch's influence, by way of the Ministry of Justice, over the judiciary. Second, the judiciary is considered by many to be highly corrupted, with trials being decided based on which party can pay more. Many citizens avoid the courts entirely and do not seek judicial redress for problems because of the expected cost of such fees. Third, the judiciary lacks capacity in terms of both the individual personnel and the total number of personnel, along with insufficient material resources or budget.

Cambodia has consistently ranked second to last globally, just ahead of Venezuela, in the World Justice Project's Rule of Law Index since 2016. This index assesses the rule of law, strengths, weaknesses, and progress across nations. Based on 44 indicators across eight factors, Cambodia's scores in various categories for 2023 were 0.26 in constraints on government powers, 0.23 in absence of corruption, 0.24 in open government, 0.33 in fundamental rights, 0.66 in order and security, 0.26 in regulatory enforcement, 0.25 in civil justice, and 0.26 in criminal justice. In the previous year, Cambodia ranked 139th out of 140 countries with an overall score of 0.31 and was 138th out of 139 countries with a score of 0.32 in 2021, consistently ranking above Venezuela, whose score remained at 0.29 or lower. Chin Malin, a spokesperson for the Ministry of Justice, dismissed the report's credibility, citing methodological inconsistencies and lack of transparency. He criticized the report as unreliable and politically biased, lacking input from all stakeholders, including the government. He claimed that they based their findings on NGO feedback, which was politically biased. However, rather than rejecting the report outright and denying problems with the judiciary, it would be more fruitful to engage with its findings and designate those areas of critique where improvements could be made.

On August 11, King Norodom Sihamoni formally accepted the retirement of Dith Munt, 74, the president of the Supreme Court, along with two other Supreme Court judges, Som Sirivath, 70, and Ty Neng, 79. Chiv Keng, vice-president of the Supreme Court, was named acting president of the highest court in Cambodia after long-serving president Dith Munt announced his decision to retire last week. "It is ordered that Chiv Keng, vice-president of the Supreme Court, is appointed acting president of the Supreme Court until a new president is appointed officially," Justice Minister Keut Rith stated in a letter. Keng has served as the vice president of the Supreme Court since 2014. Prior to that duty, he was director of the Phnom Penh Municipal Court from 2005 to 2014. He was transferred by the Supreme Council of Magistracy in April 2014. His transfer came at the same time as the transfer of more than 70 judges and court staff across the country. Outgoing Munt has served as president of the Supreme Court since 1998 after his appointment by the Supreme Council of the Magistracy. Munt presided over the decision to ban the major opposition party CNRP in 2017.

In June 2023, (former) Prime Minister Hun Sen stipulated that judges should attempt to resolve civil cases extrajudicially rather than allowing them to pass formally through the court system. He stated that this would be impactful in terms of reducing the time and funding necessary to address cases. He said: "I urge all judges, ladies and gentlemen, to use all possible means of mediation rather than going to trial. We can do this for all civil cases. The criminal cases are another thing that our judges find difficult and may not be able to accomplish extrajudicially because criminal issues are a very different matter." However, at the same time, they claimed that the risk of

extremist made it necessary to develop a more assertive criminal policy with increased enforcement of the legal code.

Minister of Justice Koeut Rith has urged leaders of courts, prosecutor's offices, and law enforcement across all levels to prioritize "legal and judicial reform." Additionally, he called on civil society organizations (CSOs) to support this initiative. This appeal was made during the swearing-in ceremony on October 16 for Cheu Sok, the newly appointed director of Kandal Provincial Court. Sok takes over from Hok Vanthina, who has been appointed as the director of Siem Reap Provincial Court. At the ceremony, Koeut Rith reiterated the government's dedication to advancing legal and judicial reform, a vital component of the Pentagonal Strategy-Phase I initiated by Prime Minister Hun Manet since assuming office on August 24, as reported in a social media post by the ministry.

Am Sam Ath, deputy director of the rights group LICADHO, voiced his backing for the justice minister, emphasizing that legal and judicial reform aligns with the aspirations of CSOs. He stated: "If there is reform of the law and the judiciary, it is beneficial because, first and foremost, it restores public trust. Secondly, it safeguards the democratic exercise of people's rights and freedoms, ensuring the rule of law and also serving as a guarantee for investors." He also emphasized that for reform to be effective, it requires a steadfast commitment to regular implementation, particularly from all relevant institutions, including the prosecution, the judiciary, and judicial police, all of whom must wholeheartedly adhere to legal principles and, in addition, eliminate all forms of corruption.

The National Authority for Out-of-Court Dispute Resolution was established through a Royal Decree, signed by King Norodom Sihamoni on November 2, which detailed its establishment, organization, and functioning. The new policy of out-of-court dispute resolution has been likened to traditional dispute resolutions, some of which are still employed by rural groups and ethnic minorities. For example, Soy Pisey, a Prov ethnic minority member from Ratanakkiri province's Banlung district, described how there are sometimes disagreements in the villages near her community and that the villagers usually ask the elders of the community to mediate the disputes. Historically, within her community, which contains many indigenous groups, such as Tampuan, Bunong, and Kouy, disputes were addressed solely through the traditional beliefs of each group. This involved elders mediating in order to find an acceptable and just resolution for all parties. She stated: "When a dispute arises, it is generally resolved through the mediation of older people, who act as judges. I think this approach is more convenient, as it is less expensive and uses far less time than going to court."

Prime Minister Hun Manet explained that the national authority will not become a substitute for the courts or replace the existing judicial system: "In the past, the government has often resolved disputes through out-of-court mechanisms, in keeping with our traditions. When disputes arise, individuals typically seek assistance from the commune or district chief before resorting to legal action or turning to village elders for mediation." He contended that out-of-court dispute resolutions eliminate the need for engaging a lawyer and can save time compared to court proceedings. Manet explained that the national authority's purpose is to mediate and resolve civil, trade, and other disputes that may arise. This mediation is initiated upon the request of the involved parties and is founded on agreements between them. He advised all provincial and district authorities to be prepared to collaborate with the national authority as soon as the decree takes effect.

Am Sam Ath, operations director at rights group LICADHO, believes that if the new mechanism functions well, it will help reduce the number of civil and commercial cases sent to court. He noted that it has the potential to reduce costs and increase societal cooperation. He emphasized the new approach would require honesty from all of the participants and warned that if the authority failed to act with transparency, professionalism, non-discrimination, and a total absence of corruption, its effectiveness would be compromised. He stated: “I understand that the formation of this national authority will not nullify the influence of the courts, as unresolved matters will ultimately be referred to court. Cases involving criminal charges and certain situations not amenable to this mechanism will always require adherence to court procedures.”

Following a meeting on December 6, the Justice Ministry released a statement saying that the UN Special Rapporteur on Human Rights in Cambodia, Vitit Muntarbhorn, has acknowledged the government's efforts in judicial reform. The statement added that Vitit welcomed and acknowledged the government's efforts in justice system reform while expressing support for the work the ministry is carrying out, particularly the establishment of the National Authority for Out-of-Court Dispute Resolution. Cambodian justice officials discussed increasing cooperation with UNODC (UN Office on Drugs and Crimes). The Ministry of Justice and the United Nations Office on Drugs and Crime (UNODC) have discussed more cooperation in the judicial sector in conjunction with a 7 February meeting on the draft strategic dialogue between Cambodia and UNODC and the strategic goals of the Ministry of Justice on Cambodia's criminal justice system.

In April 2023, Cambodia's Ministry of Justice and the United Nations Office for Project Services (UNOPS) agreed to cooperate on three priority programs to improve the justice system in Cambodia. They include reforming the quality and service of prisons in Cambodia, including inmate programs; modernizing court administration, including the use of information technology for court case management; and strengthening human resource experience, knowledge, and cooperation in the ministry. Ministry of Justice spokesperson Chin Malin noted: “With respect to prison management, we discussed the problem of overcrowding in prisons through training programmes for inmates so that they can become useful members of society when they are released. As good citizens, they won't return to prison again, which will help reduce the problem of overcrowding. Other measures to deal with overcrowding are focused on imposing community service penalties instead of prison terms. And we can consider releasing inmates under court supervision.”

In the first week of December, the Ministry of Justice formed a task force dedicated to reviewing and distributing court rulings on civil cases. Its initial objective is to develop a detailed plan for executing this process. Minister of Justice Keut Rith signed the document on December 1, outlining the creation of this task force as per the ministry's requirements. The task force, chaired by Secretary of State Keng Somarith, comprises six vice chairs and 29 members.

The document delineates the roles and duties of task force members, who will craft a plan for reviewing and disseminating civil case rulings. They will gather, evaluate, select, and categorize court decisions on civil matters, alongside preparing essential technical documents for the review and dissemination process. Additionally, they are tasked with engaging in technical consultations with national and international experts on relevant issues, collaborating with the Ministry of Justice's IT team to publish court rulings on the ministry's website. The task force is authorized to conduct seminars, training sessions, and study visits in partnership with relevant entities to enhance task efficiency and quality.

Chin Malin, spokesperson for the Ministry of Justice, stated that the task force's formation is part of a broader effort to improve the dissemination of court rulings: “Not all verdicts are public, such as those that infringe on the privacy of individuals and the dignity of parties involved in the case,” he said. Therefore, it is required that the working group review the verdict to decide if publishing and disseminating the case is appropriate and to what extent a case can be made public so as not to affect the rights, freedoms, privacy, and dignity of private citizens.”

At the start of 2024, it was announced that the King issued a Royal Decree establishing the Judicial Reform Steering Committee, co-chaired by Minister of Justice Keut Rith and Chiv Keng, President of the Supreme Court, along with four vice-chairs and 19 other members. The decree outlines the committee's purpose as guiding, coordinating, and promoting judicial reform in line with the government's political agenda, aimed at strengthening the rule of law and enhancing the quality and effectiveness of Cambodia's justice system.

The role, responsibilities, and composition of the Judicial Reform Working Group will be determined by the Deputy Prime Minister and Minister of Justice, who co-chairs the Steering Committee alongside the Supreme Court President. Additionally, the Steering Committee is tasked with ensuring the efficient implementation of judicial reform, including reviewing, evaluating, and advising on related draft laws and regulations. It has the authority to invite representatives from relevant sectors, including ministries, the private sector, civil society, and experts, to its meetings as needed. Moreover, the Royal Decree authorizes judicial institutions at all levels and units involved in judicial reform to establish their own "judicial reform working group" to oversee and enhance the efficiency of reform efforts.

Am Sam Ath, Operational Director of Licadho, a human rights group, highlighted criticisms of Cambodia's justice system, especially regarding land disputes and human rights issues. He emphasized the UN Human Rights Council's recommendations for an independent judiciary in Cambodia. He stressed that the effectiveness of the Judicial Reform Steering Committee depends on the government's political will to reform the judiciary, uphold human rights, and ensure justice for the people. Without such commitment, the establishment of the committee alone may not lead to meaningful reform. He pointed out the basic truth: “Judicial reform can only take place if the judiciary is transformed into an independent judiciary and the law is reformed.”

About one week later, the Minister of Justice established a Strategic Policy Research and Analysis Group aimed at reforming and updating laws and regulations within the justice sector. A recent decision by the Ministry outlined that this group, consisting of 12 members, including a chairman, vice chairman, and other members, will oversee strategic policy research and analysis in the justice field. Chin Malin, Secretary of State of the Ministry of Justice, serves as the Chairman, while Keng Somarith, also a Secretary of State of the Ministry of Justice, acts as the Vice Chairman.

The decision also specifies that the group will utilize the Ministry's budget for its activities, and bonuses based on performance may be awarded to the Chairman, Vice-Chairman, and members as determined by the Minister of Justice. Minister of Justice Keut Rith emphasized that the task force's responsibilities include researching, analyzing, and advising on strategies and policies related to judicial reform. They are also tasked with reviewing and advising on the preparation or amendment of critical laws and regulations in the justice sector and monitoring and analyzing information pertinent to law and justice.

Lam Soheat, Executive Director of the Advocacy and Policy Institute (API), expressed the importance of this task force in strengthening Cambodia's justice sector to restore public trust. He noted various issues within the judiciary, such as prolonged pre-trial detention and perceived injustices in convictions, highlighting the need for expedited and effective resolutions, especially concerning land disputes, gang violence, traffic accidents, drug trafficking, and other social issues. He stated: “We look at the lawsuits in our country; there are tens of thousands of cases, so it means that tens of thousands of people have been prosecuted in the court system. If we only look at land disputes over the country, there are a lot of cases. We do not know how many years they will take to be solved, so it is better to speed up the systematic land registration to 100%.”

In January 2024, the Ministry of Justice initiated two campaigns aimed at expediting court proceedings and addressing perceived irregularities within the justice system to improve transparency and quality. These initiatives include establishing out-of-court settlements. The response from civil society organizations was very positive. Justice Minister Keuth Rith noted a steady increase in the number of cases in courts, prompting the need for court officials to process cases faster. Consequently, the ministry has formed a task force committee chaired by Secretary of State Chiv Songhak to accelerate court hearings. Another campaign focused on reviewing and resolving irregularities is co-chaired by Long Norin. Ministry Keuth Rith stated that one campaign targets resolving cases in three key areas: drug-related, traffic-related, and civil cases. As of December 2023, there were 14,715 drug cases, accounting for over 66% of total criminal cases. Civil cases, particularly those concerning birth certificate complaints, numbered around 6,000 cases, or 23%.

Regarding the quantity of drug cases, he conceded: “The size is too big, so we need to look into the dangers of this [drug problem].” Regarding out-of-court settlements, the minister clarified that they would only proceed with the consent of both parties involved. Parties still have the option to proceed with a court hearing based on their decision. With respect to irregularities, which include misconduct by judicial officials and judges, the Minister stated that those affected should submit a complaint to the task force: “[I] would like to say that if there are any irregularities, we must respond with a solution and a measure [...] a person who had wrongly committed [an act] will be fined or penalized depending on the severity of their misconduct.”

A report by the Cambodian Human Rights and Development Association (Adhoc) released in January 2024 noted 16 cases of misconduct by judges and prosecutors during trial. However, the Ministry rejected the findings, claiming that they were ‘unclear’ and without quality, despite the fact that they were based on empirical data derived from monitoring court practices.

Minister Keut Rith also stipulated that the campaign ‘National Authority for Alternative Dispute Resolution’ would begin on March 1, 2024. Related to that, Adhoc spokesperson Soeng Senkaruna welcomed the ministry’s campaigns to reform the justice system to build public trust: “We support the ministry’s measure. More importantly, we need to know whether they have set up specific measures to review the irregularities of judges and prosecutors at court hearings. “However, it is a good reminder to law enforcers [court officials] to pay more attention and ensure they don’t make mistakes.” At the same time, he expressed doubts regarding the capacity of the task force to effectively generate a broad practice of out-of-court dispute settlement due to the need to have sufficient authority to settle land disputes that impact powerful vested interests, both private and public. Noting the established norm of high-ranking people being unencumbered by the law, he noted: “We have seen [how] human resources [act] as operators [but] lack independence and

neutrality.” said citing incidents where people with power or are high ranking officials often escape penalties.

Echoing Senkaruna, Hun Seanghak, CCHR’s fair trial rights project coordinator and a fundamental freedom monitoring project representative, expressed concern over the impartiality and independence of judges and prosecutors: “We are concerned that judges might be influenced when making decisions at trials. There’s still impunity [enjoyed by the accused] when decisions are made on accusations relating to political issues.” He pointed out that Cambodia’s court system has been criticized by national and international groups for penalizing human rights defenders, unionists, and political and environmental activists. However, he hopes that the ministry’s campaigns will be carried out effectively, help strengthen the judiciary, and build trust in the public. He said, “We have suggested that [they] render justice for all, not for one or two groups.”

The Legal Aid Department (LAD) of the Bar Association of the Kingdom of Cambodia (BAKC) provided assistance and has reduced the number of cases involving individuals who could not afford a defense attorney, but the problem persists. In December 2023, the BAKC expressed a commitment to increasing access to legal representation for those too poor to afford it. Kim Rothnarong, director of LAD, claimed that new policies have been introduced to facilitate pro bono legal consultations and defense services, outlined in a directive from February 2021. He noted that the BAKC, through a directive issued in January 2018, established protocols for task delegation. This allows the association to assign cases within its jurisdiction, ensuring easy access to defense services for those in need. He also pointed out that the BAKC delegates operate a hotline [1281], allowing the public to call and obtain information for free.

According to the BAKC representative, Rothnarong reported that from 2021 to 2023, over 16,500 cases concerning the defense of disadvantaged individuals were managed, benefiting more than 26,000 clients, including 2,256 women and 7,570 children. These cases primarily involved criminal offenses, theft, and drug-related crimes, with nearly 1,950 legal consultations provided. He emphasizes that out of the 16,500 cases, over 15,650 received support from government-funded projects, assisting more than 25,000 clients with the help of almost 700 volunteer lawyers. Plans are underway to extend legal aid to approximately 560 cases involving impoverished women and girls who are survivors of violence, benefiting a total of 588 clients with the support of 168 volunteer lawyers, most of whom are women.

Moreover, a project led by volunteer lawyers offers legal consultations and defense services to disadvantaged individuals, aligning with a policy introduced on February 5, 2021. This initiative has addressed 375 cases for nearly 550 clients, involving over 200 volunteer defense lawyers and 310 volunteer consulting lawyers, conducting more than 900 consultation cases. Additionally, the child justice project, sponsored by UNICEF, has been instrumental in handling 60 cases for nearly 90 clients, with the assistance of about 90 lawyers specializing in children's issues.

Mao Sary, a BAKC representative in Ratanakkiri province, said impoverished individuals seek voluntary lawyers as their primary choice for legal advice. Sary noted that annually, the defense attorneys in Ratanakkiri handle around 200 to 250 cases, offering free legal assistance to those in need. These cases mainly involved charges of drug-related offenses, violence, murder, rape, robbery, and related matters. He also conceded that civil society organizations continue to play an essential role in providing legal aid. He also pointed out that legal aid services augment public awareness of the law and the legal system: “Supporting underprivileged individuals extends beyond discerning right from wrong; we also provide education, ensuring that upon returning

home, they comprehend legal matters and prevent the recurrence of similar issues in the future. In society, it is a common reality that some people may make mistakes while others do not, so we have to assist one another.”

Am Sam Ath, director-general for Public Affairs at LICADHO, noted that the ratio of lawyers to individuals relying on voluntary defense lawyers remains disproportionate, with an insufficient number of lawyers to meet the people’s needs. He stated that providing lawyers for the defense and legal consultation of the poor is positive. However, there are cases where lawyers cannot defend everyone. Lawyers from civil society organizations (CSOs) often step in to assist individuals facing legal issues related to land disputes, particularly when companies file lawsuits against communities or individuals for various criminal offenses. Nevertheless, the availability of CSO lawyers to provide free legal aid in these cases is limited, he added. Sam Ath noted the importance of increasing the number of lawyers defending the poor in provinces, ensuring it is beneficial. However, he stated the need to prevent any financial burden on the people and advocated for non-discriminatory treatment in providing legal defense services to the underprivileged. He asserted: “If a lawyer upholds their professional ethics, experiencing both victories and losses is inherent, provided they exert their utmost efforts. I believe the caseload for a lawyer hinges on the demand for assistance from the people. Higher demand leads to an increased number of cases, while lower demand results in fewer cases.” He also noted that CSOs operating in provinces with land disputes and numerous lawsuits still handle a significant number of cases where people seek assistance for resolution.

Thus, substantial legal aid continues to be provided by non-governmental organizations such as the human rights NGO Licadho. For example, Legal Aid of Cambodia (LAC) has been offering free legal aid since 1995, aiming to ensure justice and uphold human rights for the underprivileged. Initially focusing on issues like children's and women's rights, as well as land disputes, LAC expanded its services in 2019 to include a dedicated program for journalist protection, responding to the evolving media environment. Since its inception four years ago, the journalist protection program has managed 32 cases involving reporters accused by authorities or the public. These cases, ranging from public defamation to incitement charges, saw 28 journalists acquitted after legal interventions by LAC. While temporarily halted in August 2022, the program resumed in March 2023, extending pro-bono assistance to four additional journalists. Apart from legal representation, LAC conducts regular workshops to educate journalists about their rights and responsibilities under press laws, with participation from numerous NGOs and media entities. Un Chanthol, a LAC lawyer, highlighted the frequent criminal charges faced by journalists, noting that many cases lack substantial evidence or legal basis for conviction.

LAC’s Executive Director Run Saray said that public freedoms fluctuate according to the political situation. While he acknowledges Cambodia’s law on the press provides space and legal framework for journalists, he says he cannot evaluate whether the press is still free to operate. “Before 2016, the press situation was normal. However, after political tensions arose, the freedom of the press was restricted. The pandemic and the dissolution of the opposition party [the court-dissolved Cambodian National Rescue Party] created press restrictions under the pretext of national security and public order.”

On October 16, 2023, Ly Chantola, the President of the Bar Association of the Kingdom of Cambodia (BAKC), outlined the association's strategic direction for 2024, aligning with Prime Minister Hun Manet's priorities and the Ministry of Justice's objectives. The main focus is on

enhancing out-of-court dispute resolution to elevate the legal profession's reputation and foster active participation from all BAKC partners. He detailed that the initial initiative for next year involves thoroughly exploring and discussing mechanisms to expand the association's legal services to the public, aiming to increase out-of-court dispute resolutions significantly.

Moreover, he outlined 14 additional initiatives slated for implementation in 2024. These initiatives encompass ongoing support for senior lawyers' welfare and the introduction of programs facilitating collaboration between new lawyers and government entities involved in judicial reform efforts. Chantola also mentioned collaboration with the Ministry of Interior to enhance lawyers' performance in both capital and provincial administrations. Additionally, there will be a grassroots project to educate village chiefs, commune leaders, and district authorities about lawyers' roles and share legal knowledge with them.

At the outset of this section, this report pointed to three problems with the judiciary in Cambodia: politicization, corruption, and lack of human and financial resources. The most promising of the initiatives undertaken by the RGC in 2023 and early 2024 pertaining to legal reform is the out-of-court dispute settlement policy. However, there are three primary risks associated with the policy: first, that dispute resolution be undertaken by authorities that lack training in or knowledge of the law; second, that corruption actually spreads into other forums outside the courts and that civil cases are decided outside-the-courts in favor of high-ranking or wealthy interests; and lastly, that the mechanism be used a pretext to forestall the judiciary and ensure the independence of the courts in criminal cases. Moreover, reducing the civil caseload of the courts will not address the problem of overload resulting from pending criminal cases. As such, there should be a concerted effort across ministries and inclusive of civil society to monitor its implementation in order to address the mechanism's potential problems. Another problem related to criminal prosecutions is the issue of prison conditions and severe overcrowding. The Ministry of Justice should develop a strategy to address the problems of criminal trials and prioritize the problem of prison conditions. Legal aid has increased but needs a stronger formal procedural and bureaucratic framework, reducing its somewhat ad hoc condition, which results from its dependency on the PM's volunteer lawyer group and the BAKC.

A directive to establish a Commercial Court was issued on January 21, 2021. However, more concerted action to develop the court did not occur until 2023. In February 2023, Justice Ministry Secretary of State Chiv Songhak said that the ministry had established a commission to launch the court. He stated that the commission was tasked with preparing legal documents and regulations pertaining to the establishment of the lower and higher courts, deciding on a location for the court buildings, and determining the legal definition of commercial conflict. He also claimed that the court would be independent, transparent, and efficient: "A corruption-free commercial court will provide easy access to the parties to any disputes and will resolve the cases quickly."

In June 2023, Prime Minister Hun Sen urged the Ministry of Justice to expedite the establishment of a commercial court and to operationalize it. He noted the court was necessary to ensure the resolution of trade and business disputes and to improve the investment and business climate in Cambodia. "I suggest that efforts should be made to push for the issuance of a law on commercial courts in the next mandate (new government)." According to the Ministry of Justice, the establishment of specialized courts will increase the trust of investors by improving the quality of services in handling cases, which will contribute to reducing congestion in court cases through faster procedures. Once operational, the commercial court will conduct trade disputes at its court

in Phnom Penh, separately from criminal courts; the vice president of the Cambodia Chamber of Commerce (CCC), noted that those provinces that have many trade dispute cases would be considered to establish commercial courts. Currently, business disputes in Cambodia are primarily solved via the National Commercial Arbitration Centre. Serious disputes are adjudicated through criminal courts. Lim Heng said: “In the past, we avoided trade disputes that led to criminal offenses, which is a concern for businesspeople.”

On 8 November 2023, Chin Malin, Spokesman for the Ministry of Justice, said the legal expert committee of the Ministry had finalized the legal framework for the establishment and operation of the Commercial Court and its procedures. The draft was still pending the approval of the Council of Ministers, but he expressed the expectation that the court would be functional in early 2024. He claimed that the law: “[I]ncrease and improve the trade, investment, and business climate and increase the trust of foreign investors in the Cambodian judiciary system and attract foreign investors to come and invest in the Kingdom.” According to the spokesman, the business dispute is a civil case, and currently, all business disputes in Cambodia are primarily solved through the National Commercial Arbitration Centre or municipal and provincial courts, but serious business disputes are adjudicated through criminal courts. The Commercial Court enables all business disputes to be resolved separately from the criminal courts.

IV. Laboring for Worker’s Rights

Introduction

Cambodia's garment and footwear industry, a key driver of the economy, is unfortunately riddled with worker rights violations. This report outlines several critical areas of concern. Firstly, legal repercussions stifle worker dissent. Union leaders are criminalized and jailed for leading protests, creating a climate of fear and hindering collective bargaining. The 2021 NagaWorld strike is a prime example, where union leaders faced imprisonment for protesting layoffs and were ultimately tried and sentenced in 2023. Furthermore, independent unions are weakened by bureaucratic hurdles and lengthy registration processes.

Inadequate Institutions

Employers exploit legal loopholes to discourage worker organization. Peaceful demonstrations are also restricted through broad interpretations of laws and the use of COVID-19 regulations. This stifles workers' voices and prevents them from advocating for better conditions and fair wages. Authorities often turn a deaf ear to complaints regarding working conditions, salaries, or excessive overtime. This lack of accountability allows factories to maintain exploitative practices. The working conditions are poor, with long hours, low wages, and commonplace unsafe environments. Basic safety measures are often absent, putting workers at risk. Protections for vulnerable workers are also inadequate. Gender-based violence remains a serious concern, and migrant workers face exploitation due to limited legal frameworks. Independent inspections are rare, allowing violations to persist undetected.

Opaque grievance procedures and a lack of worker representation in decision-making further disempower workers. Finally, the wage negotiation system lacks transparency and is heavily influenced by employers, weakening worker bargaining power and preventing fair wages. These interconnected issues create a system where worker rights are systematically undermined. Urgent reforms are essential to ensure a just and equitable environment for Cambodia's garment and footwear industry workers.

Several factors contribute to this erosion of worker rights. Forming unions and collecting dues is unnecessarily complicated, with applications frequently rejected on minor technicalities. The process for gaining official recognition as a representative union is arduous, further hindering worker organization. The legal system also fails to deliver justice. Labor disputes are often misclassified to avoid proper arbitration, and national courts offer slow and unreliable remedies. Workers face long delays and a biased judiciary, making it difficult to get a fair hearing. Employers exploit these weaknesses by using fixed-term contracts (FDCs) to weaken unions. These contracts prevent workers from transitioning to permanent positions, reducing job security and hindering collective bargaining rights. Furthermore, COVID-19 regulations are used as a pretext to suppress peaceful protests and strikes, violating fundamental freedoms. Union leaders and activists are targeted with harassment, intimidation, and even criminal charges, creating a climate of fear. Women and migrant workers face additional challenges. Industries like garment manufacturing exploit women with discriminatory practices, and female union leaders are especially vulnerable. Migrant workers lack proper protections and often incur debt due to unregulated recruitment fees. This situation demands significant reform. Cambodia must streamline union registration, ensure fair dispute resolution, and eliminate anti-union tactics like FDCs. Workers' rights to peaceful assembly and expression need to be respected, and the environment of fear and intimidation must end. Cambodia must also strengthen legal frameworks for all workers, particularly women and migrants. Only through such reforms can Cambodia create a just and equitable labor environment.

The minimum wage in 2023 was US\$200 per month. Prakas 283 also sets out the minimum wage for piece rate workers. Such workers are paid based on their production level which could result in the worker earning more than the minimum wage if their production results in higher pay than the minimum wage rate.¹⁰

In September 2023, workers and employers, with mediation by the Labor Ministry in accordance with the tripartite mechanism set up, sought to negotiate the increase in the minimum wage for 2024. Workers sought a 15 USD increase to cover the cost of living in the wake of substantial inflation in 2023, along with losses due to work suspensions. Employers offered only a 1 USD increase.

Nang Sothy, vice president of the Cambodian Federation of Employers and Business Associations, told the media that the employers would have added another five cents to their offer if the union representatives had lowered their requested figure. Keo Channet, a garment worker at the Poipet Hi-Tech factory, and a group of 500 workers campaigned for a living wage which could provide some relief to inability to pay for living costs and meet the pressures of loans incurred. In addition to reducing food consumption, she noted: “Before, I used to send money to my children, around 150,000 or 200,000 riels a month, but now, I do not have money to send them even 50,000 riels.”

Cambodian Alliance of Trade Unions president Yang Sophorn highlights the pressure of inflation on workers' wages. He suggests that if the government could effectively control inflation, there wouldn't be a need for ongoing wage increase discussions. She noted: "Every day, the market inflation is so high that it makes our workers, average people, live in difficult conditions and without enough money left over to save. I think it will help a lot to the workers and citizens in our society; workers will be happy if the government looks into controlling market inflation." She pointed out that workers had insufficient funding to cover the cost of food and transport and had no funds to pay for medical expenses.

Phan Bory, founder and leader of the Worker Rights Protection Union at Y&W Garment company, said a minimum wage of 210 USD per month was necessary for workers' cost of living and to cover the costs of loans workers had incurred. He posited: "The current wage is just for living; it does not improve life. Employers seem not to provide value to workers at all."

The minimum wage was revised in Cambodia, effective 01 January 2024. The minimum wage has been increased for the following: For probationary workers, from \$198.00 to \$202.00 per month. For regular employees, from 200.00 to \$204.00 per month.

Cambodia is home to 1,077 garment, textile, and footwear factories that provide jobs for around 760,000 workers in the country, said Kong Sang, president of the Textile, Apparel, Footwear and Travel Goods Association in Cambodia (TAFTAC – former GMAC) on Aug. 11 during the Cambodia Business Forum 2023. However, there are many other areas where workers' rights are less addressed by policy and existing mechanisms. These areas are primarily non-unionized, such as the informal economy, the increasing amount of manufacturing not linked to the garment sector, the agricultural sector, and the service economy.

Limitations on Compliance with Labor Laws

Cambodia's garment industry, a cornerstone of the economy, has been facing significant challenges due to a slowing global economy. The war in Ukraine, inflation, and lowered investment have led to a sharp decline in garment orders, forcing factories to halt operations and suspend workers. Other key factors are the end to Cambodia's access to the US Generalized System of Preferences (which lapsed in 2020 and has not been renewed) and the 2020 decision by the EU to reduce Cambodia's duty-free access to the European market by 20%. Cambodia's political landscape faces intense scrutiny from the European Union. In March 2023, the EU parliament passed a firm resolution demanding an end to political persecution and the release of political prisoners within the country.

This action highlights the EU's concern about Cambodia's political environment ahead of the July national elections. Furthermore, the resolution serves as a warning: Cambodia risks further reductions in its Everything But Arms (EBA) trade preferences if the political climate doesn't improve before the elections. The situation is particularly concerning for the leading opposition party, whose top leaders have already been subjected to arrests and hefty fines.

By the end of February, a staggering 71 factories had suspended operations, impacting the lives of 32,023 workers, according to Labor Ministry spokesman Heng Sour. Nheang Rattana, a former worker at DinHan Enterprise Co., LTD, is one such example. Her work was suspended for a month and a half late last year before the factory shut down entirely in January. Like many others, she received minimal support during the suspension period, only \$39 per month, and a meager \$460

in compensation after the closure. This leaves workers in a difficult position. While they might be entitled to severance pay if laid off, suspensions offer minimal financial support and forfeit the possibility of severance if they seek employment elsewhere.

Consider another case of Ouk Tharith, a 40-year-old factory worker in Phnom Penh, hard. Since November, her workplace, Great Union (Cambodia) Garment Co., Ltd, has faced a lack of orders, forcing them to suspend operations three times, to the detriment of the access to livelihood and basic needs of more than 1,072 workers. Ouk Tharith was compelled to take another job that paid only 170 USD per month, just over half of her income as a factor (300 USD). Ly Thary's case is exemplary of the condition faced by many workers. She had to borrow money at exorbitant interest rates and sell all of her personal belongings to make payments on the loan, and after working for ten years, she was dismissed and given nothing in compensation. Some workers who were actually able to find another factory job were saddled with loan interest payments that exceeded their monthly salaries. Many workers could not make payments and lost their homes or motos. The decline in income caused by the repeated closures and suspensions of garment factories has caused many workers to borrow from microfinance or unregistered lenders. These households are now struggling to meet their repayment obligations.

As of early March, the RGC announced a program of supplemental income support for workers, which would begin in April 2023. PM Hun Sen announced that workers would receive a monthly allowance of 70 USD (40 from the state and 30 from factory owners). The Labor Ministry, in collaboration with the Ministry of Economy and Finance, was tasked with distributing financial aid to affected workers. This initiative mirrors similar actions taken during the peak of the COVID-19 pandemic. According to a 2022 Labor Ministry report, the government provided cash support to over 354,000 garment, textile, and tourism workers impacted by contract suspensions. The report also details how authorities resolved 21 factory closures caused by various crises, providing over \$2 million in compensation to nearly 2,000 workers.

However, concerns remain. Kaing Monika, Deputy Secretary General of the Garment Manufacturers Association of Cambodia, highlights the global economic situation as a major obstacle for the sector. She expresses worry for the livelihoods of workers as factory closures and suspensions continue. Furthermore, she raises concerns about some companies' increasing use of short-term employment contracts, which deprive workers of job security and benefits.

Yang Sophorn, president of the Cambodian Alliance of Trade Unions, echoes these concerns. He emphasizes the need for more robust government intervention to ensure factories fulfill their legal obligations towards suspended or laid-off workers. Accordingly, the combined impact of the global economic slowdown and potentially unfair practices by some companies has resulted in conditions of uncertainty, destitution, and injustice for thousands or even tens of thousands of workers. She pointed out that "...some companies continue to evade [payment]. When companies are closed or suspended, there is no compensation, and workers always go on strike."

The crisis that manifested during the COVID pandemic continued to plague the manufacturing sector in Cambodia well into 2023. Cambodia's garment industry faced prolonged turbulence despite signs of new investment. By April 2023, the Council for the Development of Cambodia (CDC) approved 23 garment and footwear projects representing \$168 million in investment, expected to generate thousands of jobs. Nevertheless, between January and February 2023, over 32,000 workers were impacted by factory closures or suspensions. Lim Line International

(Cambodia) Garment Co., Ltd is just one example, where workers received a meager \$75 in compensation upon closure, a clear violation of labor law.

This follows a troubling trend from 2022 when the Cambodian Labour Confederation reported nearly 40,000 workers affected by similar shutdowns across 490 factories. The vast majority of garment workers are internal migrants who have left rural areas for opportunities in Phnom Penh. The recent closures and suspensions have left tens of thousands of these workers in a precarious and uncertain situation, as recounted by both workers and union leaders.

The garment industry in Cambodia continues to face a multitude of challenges beyond the recent global economic slowdown. Ath Thorn, president of the Cambodian Labour Confederation, a major union with over 110,000 members, highlights several key concerns. One major worry is the uncertainty surrounding Cambodia's future access to duty-free trade agreements for exports to the US and European markets. This uncertainty discourages investment and makes it difficult for Cambodian garment producers to compete. According to Thorn: "Orders were reduced due to the uncertainty in Cambodia's access to EBA, the US' GSP, and the national election in July. I met with buyers, and they told me that they will inform me about the new decision [to order] after the election." Another factor is competition from other countries, such as Vietnam, which has secured a bilateral trade agreement with the EU, giving it a significant advantage.

Thorn also underlined the role of a lack of law enforcement and companies seeking to avoid responsibility for long-term employees in the event of factory closures. Many workers are placed on short-term contracts to minimize severance benefits, leaving them vulnerable when factories close. The government's investment policy also allows new investors tax breaks for five years. According to Thorn, this incentivizes companies to simply close and reopen under a new name to avoid obligations to long-term employees. Finally, while regulations allow for a two-month suspension of operations, factories often extend this period with little to no repercussions. These combined factors create a precarious situation for Cambodia's garment industry and its workforce. For example, in one case, 500 Cambodian workers were unlawfully fired by Hulu Garment at the beginning of the pandemic and are still waiting for more than one million dollars owed in compensation.

In 2022, at least 490 factories closed or suspended operations, affecting more than 40,000 workers, according to CATU's data. Ministry of Labor spokesperson Heng Sour has said that by the end of February, 71 factories had closed, affecting 32,023 workers. According to Khun Tharo, program manager for the NGO Central, according to their estimates, 20,000 garment workers were either laid off or suspended between February and July of 2023. He noted that many workers suffered due to the failure of factories to comply with labor law when suspending or dismissing workers.

In an effort to revive the struggling textile and industrial sector, the Cambodian government implemented a tax exemption in January 2023. This policy exempts these enterprises from paying certain taxes until 2025. However, Ky Sereyvath, an economic expert at the Royal Academy of Cambodia, has raised concerns. He suggests that the new exemption has unintended consequence: it has incentivized some company owners to shut down factories rather than continue operations. "The suspension of workers relates to a new law. The new law offers the owner of a company free tax exemption when they open a new business," she said. "So some of them [owners] shut down and opened new [factories]."

As noted, in March 2023, the Cambodian government introduced a financial assistance program to help garment workers facing suspension. This initiative mirrored a similar program offered during the COVID-19 pandemic (2020-early 2022). Under the new program, suspended workers receive a combined \$70 monthly allowance: \$30 contributed by their employer and \$40 provided by the government. By August 2023, the government reported extending this assistance to over 36,000 workers across 89 factories.

During the Cambodia Business Forum 2023 held on August 11th, Kong Sang, president of the Textile, Apparel, Footwear and Travel Goods Association in Cambodia (TAFTAC – formerly GMAC), stated that Cambodia had 1,077 garment, textile, and footwear factories. These factories provided jobs for roughly 760,000 workers across the country. Sang also highlighted that the garment sector contributed 10 percent to Cambodia's economy in 2022. Garment exports in that year reached \$12.5 billion, representing 60 percent of the country's total export value. However, Sang noted a concerning decline in garment exports during the first half of 2023. Compared to the same period in the previous year, exports had dropped by 18 percent.

In August, the independent union FTUWKC announced that 10,731 workers had been left without salaried income following suspensions of 8 factories since July. FTUWKC Vice President Say Sokny said: “The recent situation has seen alarming increases in factory suspensions. At the same time, many new factories have been transformed from garment factories, with a large number of workers, into electrical equipment factories, with a small number of workers.”

Kan Sokvy, a worker at Kampong Chhnang’s Can Sports Shoes factory, who also serves as a FTUWKC leader for union members at his factory location, said the more recent layoffs have been seriously detrimental to worker livelihoods and that the potential for increased loss of trade access to the US and EU markets was a concern for brands, factory investors, and workers. He asserted: “[The government] should take a step back a little bit to respect human rights, respect democracy, and the job market will increase so that all workers can have jobs. Every investor in Cambodia observes the leadership of the government. If the leaders respect democracy and human rights, then they will invest with us.”

Restrictions on Unionization and Demonstration

Cambodia's garment industry faces a significant roadblock in the form of suppressed worker rights and unionization efforts, according to a November 2022 Human Rights Watch (HRW) report. The report paints a concerning picture of "longstanding and pervasive problems of union-busting" by factory owners, exacerbated by the Cambodian government's crackdown on civil society.

HRW criticizes the government's failure to uphold labor protections and details five specific cases across the garment, casino, and tourism sectors. These cases involve factories resorting to unfair dismissals and mass layoffs specifically targeting union leaders and activist members. The report further highlights the manipulative practice of using fixed-term contracts. These short-term contracts, lasting several months with a two-year renewal option, leave workers vulnerable. They can be easily denied renewal for union involvement or used to discriminate against specific workers.

The report goes on to accuse the government of actively hindering independent unions. This includes frequent rejections of registration requests and ignoring pleas for dispute resolution through the Arbitration Council. In contrast, the ruling Cambodian People's Party is said to sponsor

more compliant unions. Furthermore, HRW criticizes the use of police intervention to ban strikes and arrest protestors, along with the prosecution of labor leaders on fabricated charges. These combined factors create a hostile environment for worker rights and effectively silence dissent within the Cambodian garment industry.

The Pontus Footwear Factory (located in Takeo Province) proceeded to dismiss workers when they attempted unionization. In this case, the lack of enforcement of labor law demonstrates the dearth of recourse available to workers when they seek to improve working conditions or claim their labor rights. The case concerns Kem Saory, who announced to the factory his intention to join and help mobilize an independent union and was dismissed within weeks. The factory management claimed that his contract had expired and his dismissal was unrelated to his announcement. Three factories, Pontus, along with T-Win Co. Ltd. And Caswell Apparel Co. Ltd., fired 20 workers who sought to form unions. Three more workers were fired (in 2022) from Cinlon International Factory for the same reason. In that case, the Ministry of Labor ordered the factory to rehire the workers, but the factory failed to do so without consequences.

Although announcing that the Ministry of Labor was reviewing complaints submitted by workers, the Ministry spokesman advised the media to be skeptical of any claims made by workers. Pav Sina, president of the Collective Union of Movement of Workers (CUMW), stated: “Freedom of creating local unions has been a challenge for workers lately. [The workers] formed a union within the company for the rights and freedoms of workers as stated in Cambodian law...[h]owever, the companies do not care about the law.” Other examples include Hang Yorn, who was fired from Caswell Apparel Co. Ltd, along with two other workers, after a small group of workers announced their intention to form an independent union. She noted that existing unions do not advocate for workers, given that in practice, they “are 100 percent agreeable with the company. So, they don’t see any injustice for workers.”

It should be noted that T-Win produces for brands such as Skechers and Nike, and Cinlon produces for the US-based brand Clevermade. Pontus is owned by a Taiwanese national, and the factory supplies VF Corporation, for which it has created shoes for brands such as Timberland, Puma, and Skechers. Phil Robertson, deputy director at HRW’s Asia Division, stipulated: “The only organizations that the government, and these problematic factory owners targeting unionists, will listen to are the brands who bring the orders and the money to sustain the garment industry in the country. So it’s time for urgent action by the brands sourcing from these factories to demand reinstatement of all workers fired for organizing and establishing a union, and pressure the government to uphold labor rights in the country.” On February 27th, Pav Sina, president of the Cambodian Union of Migrant Workers (CUMW), urged Nike to investigate allegations of union suppression at T-Win Garment Cambodia Co., Ltd. This factory operates under the umbrella of Top Summit. The investigation would focus on potential violations of Nike's code of conduct, which guarantees workers fair treatment, including standard working conditions, fundamental rights and freedoms, and a decent standard of living.

In April, 290 workers protested over the Independent Garment Factory's failure to pay wages to them. Deputy district governor Pang Lida confirmed on April 12 that the protests at the factory took place on April 10 after the factory owner allegedly refused to pay the workers. Under Cambodian labor law, garment factory and manufacturing enterprise workers receive three paid days off for Khmer New Year. However, the law recognizes that shutting down entirely might disrupt global businesses. In such cases, factory owners or managers can create a rotating schedule

to ensure all employees get their holiday while maintaining operations. According to Pang Lida, the deputy district governor coordinated with a team from the Ministry of Labor, and they were able to mediate the dispute successfully, resulting in fair payment to the workers.

In May, around 30 representatives from the Cambodian Confederation of Independent Trade Unions held a protest outside Adidas's office. They demanded that large international companies take responsibility for lost worker benefits during COVID-19 by setting up support funds. The union also sent a letter to Adidas this week, urging them to address poor working conditions in their supplier factories, including accusations of both union suppression and wage theft. The letter requests the Adidas company to “sign a legally binding agreement to pay back to workers in Adidas’ supply chain who have been denied their full wages during the pandemic” and contribute financial resources to a pay mechanism for providing several to dismissed workers which are denied severance pay by their employers, in violation of the labor law.

Yang Sophorn, president of the Cambodian Alliance of Trade Unions (CATU) asserted: “We want Adidas to be responsible for the workers who are sewing products for Adidas. First, Adidas should pay the workers during the period when the company closed and dismissed or suspended the employees without paying them properly.” Sophorn noted the insufficient support provided by the brand as well as the Ministry of Labor. He noted that it was within the capacity of the brand to ensure workers’ rights; for example, Adidas should set aside 0.01% of the value of the group’s purchases from each Cambodia-based factory so that when the factory closes, workers can receive fair compensation according to Cambodian labor law mandating severance pay and seniority benefits. “The workers live in bad conditions with low wages, and when they create the union, they are dismissed, so I want Adidas to ensure that work’s life is better and that workers' rights are respected. When we use our right to form [unions], some company workers are fired and suspended.” In the case of Sportswear worker Lek Sopheak, who worked for ten years at a factory making products for the Adidas brand, claimed that workers at the factory had suffered abuses, including unfair dismissals and a hostile work environment: “The temperature is hot and the roof leaks. And the factory dismissed six workers without paying them their [severance and seniority] benefits.”

In June, Enjoy Ho, Deputy Chairman of a primary garment industry association, TAFTAC (Textile, Apparel, Footwear and Travel Goods Association), declared his opposition to a newly formed union at his factory. He reportedly prefers a union led by a Cambodian People's Party (CPP) official. This comes after the Independent Trade Union Federation (INTUFE) assisted workers in forming a union on May 12th and notifying Ho's factory, SYSG Garment Company Limited, in Phnom Penh. However, Ho had warned INTUFE's president against the union's formation. Following notification, Ho sent a message to INTUFE president Sithyneth Ry on May 18th, refusing to recognize the independent union. His reasoning? His factory already has a union affiliated with the Cambodian Labor Union Federation, led by Som Aun, a central committee member of the ruling CPP. Yoeun Yim, the worker who sought to form the independent union at the factor assisted workers to form the union on May 12, was dismissed on May 31.

The factory management met individually with all workers who had joined the independent union and told them to resign or be fired. According to Yim, in a meeting with management, he was accused of trying to ‘be a gangster’ in the factory. The factory director tried to paint Yim’s dismissal with a veneer of procedure and propriety, stating that it was necessary to fire Yim because he would not voluntarily accept the procedures for the termination of his short-term contract,

saying: “Because our factory always reviews the employment contract every three months. In Yoeun Yim’s case, he refused to give a thumb stamp to end the contract himself. And he does not have the conditions for the factory to have an effective contract until there is a mutual agreement between the workers and the employer.” TAFTAC Secretary General Ken Loo said that the association supports factory owners in following the law. He posited: “If the worker in question was already elected, then the law already protects them from unilaterally being fired. If the union was properly formed and registered and recognized by MLVT [the Labor Ministry], then no one has any rights to ‘not accept.’” However, he also contended that the factory’s actions against Yim were not in violation of the law, and claimed that Yim had not been dismissed but rather his contract was not renewed and that the law does not require an ‘evidence’ or grounds for its decision on the non-renewal of a contract.

Cambodia’s Trade Union Law, specifically Article 63, prohibits employers from making continued employment conditional on a worker leaving a union. This is what Yim alleges the SYSG factory demanded of him when they pressured him to withdraw from the newly formed union. Cambodia’s Trade Union Law states that “employers shall not discriminate against workers based on their involvement in holding...union leadership or participation in worker union activities when making decisions pertaining to...the termination and discontinuation of the employment contract.” Discrimination against the union formation may result in fines with a maximum value of a mere 1,216 USD. Yang Sophon, president of the Cambodian Trade Union Confederation (CATU) noted 10 cases where workers were threatened with dismissal or dismissed because of efforts to unionize or join a union.

United Nations ILO-affiliated Better Factories Cambodia conducted three assessments of the SYSG factory from 2019 to 2022 and found the factor fully “in compliance” with the prohibition against hindering the freedom of workers to join a union. The ILO and Better Factories Cambodia were sent information about Yim’s case by INTUFE in mid-June 2023. The factory manufactures garments for Zara, a brand owned by the Inditex Group. Inditex elected not to respond to media requests for commentary. While INTUFE president Sithyneth Ry claims the brand responded to a union email, stating they would address the issue, no further action has been taken.

In August, frustrated by delays in negotiations, laid-off union members of Giant Ibis Transport resumed protests. The bus company has repeatedly pushed back deadlines to finalize talks, which were initially set for late May. Union leader Siem Morady claims the 30 workers are collectively owed over \$100,000 according to labor laws, translating to roughly \$7,000 to \$8,000 per person. Since being laid off in April 2020, these workers have demanded owed benefits. However, according to Morady, Giant Ibis has delayed negotiations three times since the initial late May deadline, prompting the renewal of protests.

The Ministry of Labour, initially tasked with mediating the negotiations, reportedly requested the union postpone a resolution until after the July 23rd national elections. Despite this delay, no progress has been made by late August. Union leader Siem Morady suspects this is a deliberate tactic by Giant Ibis Transport to stall negotiations perpetually. “We do not have any other ability to confront the company since we already have done so based on the law. We can merely keep protesting in vain.” The Cambodian Labor Confederation helped the Giant Ibis employees unionize in 2020. The CLC president, Ath Thorn, cast doubt on the company’s oft-repeated assertions that they had miscalculated the payments for workers.

Also in August, the Court of Appeals held a hearing for a case stemming back to 2014. Ten men, convicted in 2014 of charges related to violence during demonstrations in a nationwide garment worker strike, appealed their convictions. The court's verdict on the appeal is expected to be announced on September 29th. These ten men were arrested in January 2014 during a protest outside a South Korean-owned Yakjin factory in Phnom Penh's Por Senchey district. The protest, fueled by demands for higher wages, turned violent. According to the media, witnesses reported that military officials guarding the factory initiated clashes with the protestors.

A Cambodian court on May 30, 2014, convicted Theng Savouen, Vorn Pao, Chan Puthisak, and Sokun Sambath Piseth of instigating intentional acts of violence with aggravating circumstances (Articles 28 & 218 of the Criminal Code). Reth Roatha, Nakry Vanda, Yong Sam, Chhim Thoeun, Teng Chanthy, and Lorn San were convicted of violence with aggravating circumstances. The men received sentences of up to four and a half years in prison, but all sentences were suspended, and they were released following the hearing. Four individuals were fined 8 million riels (approximately \$2,000). The court was shown videos that corroborated protestors' claims that members of the Special Forces Airborne 911 Unit were using sticks and slingshots. However, the protestors were arrested, prosecuted, and found guilty. Prosecutor Im Sophan's case centered around the assertion that protestors did not introduce new facts or arguments in the appeals trial, so the original conviction should still hold.

Case Studies

Nagaworld strike

Tensions flared in December 2021 when NagaWorld casino laid off over 1,300 workers in Cambodia. Workers, many of them union members, demanded reinstatement, fair compensation, and better working conditions. The Cambodian government, however, sided with the casino. They deemed the strike illegal and used COVID-19 restrictions to curb protests. Furthermore, union leaders like Chhim Sithar were arrested, charged with "incitement" for leading the protests, and sentenced to two years in prison. This harsh crackdown on unionists was condemned by human rights groups. While the strike ended following the court order, the fight for worker rights continued, with dismissed employees seeking reinstatement and fairer treatment. The unresolved prosecutions of union leaders cast a shadow over Cambodia's labor landscape.

In February 2023, the prosecution trial of Nagaworld Union Leader and eight unionized workers began. Cambodia witnessed a stark example of the ongoing struggle for worker rights in the form of the case surrounding Chhim Sithar, a union leader, and the Labor Rights Supported Union of Khmer Employees of Nagaworld (LRSU). Their fight for fair treatment unraveled into a series of events that exposed a disregard for due process and a potential misuse of the legal system.

The conflict's roots lie in 2021 when Nagaworld Casino, a profitable company listed on the Hong Kong Stock Exchange, made a controversial decision. They dismissed a staggering number of employees – over 1,300 – sparking outrage and concern for their livelihoods. In response, the LRSU, led by Chhim Sithar, took action. The union had a proven track record of securing benefits for workers, including fully paid maternity leave and additional insurance. Their focus shifted to advocating for the dismissed employees and demanding better working conditions for those who remained.

The Cambodian government's response was far from cooperative. Instead of seeking solutions through dialogue, they resorted to harsh tactics. In January 2022, the situation took a dramatic turn. Authorities violently apprehended Chhim Sithar as she arrived at a demonstration. This act was just the beginning. Days prior, ten other union members were arrested, followed by two more later that day. The total number of striking workers detained by authorities reached a disturbing 29, according to the United Nations.

The government's approach went beyond the arrests. They proceeded to declare the guilt of the detained unionists without presenting any substantial evidence. A media trial unfolded, fueled by government pronouncements. Authorities claimed that confiscated items – bottled water, computers, and phones – and social media posts from an anonymous account constituted proof of a planned "color revolution." This accusation lacked credibility and was further bolstered by baseless arguments.

Government officials made claims that the support of three NGOs for the striking workers and alleged voicemails discussing demonstration plans were sufficient proof of incitement. Photos of Chhim Sithar with a banned opposition figure were presented as evidence of a plot to overthrow the government and destroy Nagaworld. Financial records about a seemingly suspicious transfer were mentioned but never elaborated upon. These tactics showcased a willingness to manipulate the narrative and silence dissent.

Despite the government's attempts to paint a different picture, the reality of the situation was clear. The strike, peaceful from the outset, was a last resort for the workers after exhausting other avenues. Public statements by the union emphasized their calm nature and their desperation for a solution from authorities who, they felt, had neglected their basic needs. Chhim Sithar's history at Nagaworld further solidified this image. Since joining the union in 2009, she has actively fought for improvements, securing better maternity leave, additional insurance, and even a 24-hour refreshment area for workers.

The Cambodian government's actions exposed glaring contradictions. While declaring the strike illegal, they disregarded the Cambodian Constitution and Labor Law, which explicitly guarantee the right to strike and assembly. This blatant disregard for the law triggered international condemnation. The UN, human rights groups, and even the US Embassy voiced concerns. The government's justifications, relying on a vague charge of "incitement to commit a felony," were criticized for being used to suppress peaceful protests.

Adding to the confusion, the Ministry of Labor initially supported the union's claims but later backed away under government pressure. This inconsistency further highlighted the arbitrary nature of the actions against the LRSU. Negotiations stalled, leaving the dismissed workers without compensation and the arrested union members facing potential imprisonment.

Chhim Sithar's case exemplified the lack of due process in Cambodia. Released on bail after 74 days in pre-trial detention, she was rearrested upon returning from a labor conference abroad. The government claimed a bail violation for travel, even though she received permission from immigration and airport authorities and was never officially informed of the bail conditions. Despite those allegations, she had previously traveled without repercussions. This showcased a system where punishment could be based on undisclosed rules. The situation took a surprising turn when the Ministry of Labor resumed negotiations with dismissed workers. This contradictory act, happening amidst ongoing prosecutions, implicitly acknowledged the legitimacy of the

workers' claims. While some workers accepted compensation, many refused, highlighting the unresolved grievances.

Prosecutors claim that Sithar and her fellow union members are guilty of incitement to disturb security for leading a union strike for more than a year after Phnom Penh authorities declared the labor movement illegal. The court centered its efforts on developing a narrative of foreign intervention, in line with the broader narrative of color revolution and destabilization efforts which have been alleged by the international community. For example, Presiding Judge Soeung Chakriya focused on questioning Sithar about the union's funding, especially from international donors. Deputy prosecutor Seng Heang said that Sithar had led the illegal protest without permission from Phnom Penh municipal authorities and that international funds support the union's illegal activities. Sithar was transparent about funding received from international sources: three international donors: U.S.-based non-profit East-West Management Institute (EWMI), which provided 10,000 USD, feminist NGO JASS, which provided 15,000 USD; and North American union Unite Here, providing 5,000 USD. Sithar contended that the funds were the results of proposals she had submitted to donors to support workers and the union during the strike and COVID pandemic. Despite the strike beginning with 1,300 workers by the time of the trial, only 100 remained still protesting. However, the prosecution cited the fact that the funds had been transferred to the personal accounts of union leaders as proof of malicious intent.

As the trial continued, the prosecution shifted to the accusation that the protest was illegal since, following their dismissal, the strikers were no longer employed with the company and that Sithar directed it for personal gain resulting from harming the company. Deputy prosecutor Seng Heang asserted: "They [NagaWorld] come to open a business in our country, and you [the union] completely try to force them."

LRSU president Sithar claims the union followed legal procedures before striking, exhausting all mediation attempts. However, Sithar and eight colleagues - Sokhorn, Sopheap, Soben, Sovandy, Kongkea, Narith, Sreypich, and Sereymeas - were arrested in January 2023 and held pretrial. Released on bail in March, Sithar was re-arrested in November for allegedly violating it. In court, only Kongkea admitted to incitement charges but refused to speak to the media.

Over 100 fired NagaWorld union members, led by Nop Tithboravy, rallied outside the courthouse on the hearing day. Tithboravy asserted that those on strike had been subjected to threats from authorities and financial hardship after a year of striking. She affirmed: "We seek workplace fairness and want our jobs back. With no income, our families suffer. We won't stop until everyone is reinstated and charges dropped."

President of Cambodian Alliance of Trade Unions Yang Sophorn noted that the court ignored the key fact that LRSU members had legitimate reasons and legal cause to strike: "Prosecutor questioned tried to place blame, it isn't about finding justice for Sithar only protecting the interests of the company. [The court] does not mean to find justice for the parties involved. I think that the incitement charge was exaggerated because Sithar tried to explain the root cause of the strike and the workers' demands that they have a right to disagree with the employee." Senior Adhoc investigator Yi Soksas said the government, Ministry of Labor, and NagaWorld had unfairly dismissed efforts to resolve the strikers' demands by instead handing the issue to the court system: "I see that the Royal Government as well as the Ministry of Labor does not seem to care about this labor dispute, they are [Nagaworld staff] laid off unfairly by the company and then the court charges with accusing them of inciting unrest and undermining social security."

Defense lawyer Hong Sambath noted the problem in the narrative of the prosecution, as prosecutor Seng Heang categorized Sithar's actions as not part of a labor dispute, effectively arguing that the strike was not related to or protected by labor law. Sambath noted the strikers should still be considered employees of the company because they had never agreed to the layoffs. Similarly, Ou Tep Phallin, head of the Cambodian Federation of Food and Service Workers' Unions, opined that the demonstrators sought a resolution for a labor dispute and not to harm society: "Sithar tried to raise the issue of the labor law due to labor disputes between employers and workers, as well as union leaders. There is no dispute that extends to incitement." Workers noted to the media that they had not accepted the terms of their dismissal and should still be considered employees. They also emphasized that their dismissal was illegal in that union members were targeted by the company for layoffs while the pandemic was utilized as a pretext.

Labor Ministry spokesperson Heng said it was a matter for the courts because arbitration had been taken to its conclusion, and the workers rejected the decision of the arbitration council. However, the arbitration council's actual ruling did not specify the layoffs had been legal. It referred the issue to the Ministry of Labor. The council did issue a ruling (non-binding) that the company had failed to provide the workers with proper compensation and benefits in accordance with the law. Am Sam Ath, the operations director of the human rights organization Licadho, urged the court to dismiss the incitement charges against the nine defendants. He emphasized that prioritizing efforts to resolve the labor dispute would be more constructive than prosecuting union members.

Giant Ibis Bus Company

The Covid-19 pandemic severely impacted Giant Ibis, causing significant financial losses and ultimately forcing them to cease operations. This resulted in layoffs for many employees, including the entire union led by Siem Morady, who were left scrambling for new jobs. Adding to the hardship, Giant Ibis initially offered the laid-off workers the option to return to their jobs later, but without pay during the interim – a violation of labor laws. The company allegedly threatened union members with permanent termination for just \$1,000, far less than the legally mandated severance pay of \$7,000 to \$8,000, plus backdated wages. Despite being laid off in April 2020, Morady and his colleagues persevered and formed a union by May of that year. Their determination paid off when the Ministry of Labor officially recognized the union in October, as evidenced by the certificate provided by the Ministry of Labor.

Their fight for fair treatment began with a protest in April 2023, demanding unpaid severance and seniority payments at Giant Ibis headquarters in Phnom Penh. Unfortunately, their initial efforts were unsuccessful in securing mediation in May 2023. The bus company seemingly agreed to settle the outstanding payments by May 22nd, promising to comply with labor laws. Additionally, they offered compensation to 30 laid-off union members, though not reinstatement. However, Giant Ibis remained silent on the promised payment date and later requested an extension. However, talks stalled as the Labor Ministry, initially facilitating negotiations, appeared powerless to enforce a decision on Giant Ibis. The workers' union, determined to secure their rights, offered the company a final opportunity to calculate and pay the owed severance and benefits by June 23rd. They ultimately called off negotiations, dismissing them as a "ploy" by the Giant Ibis representative, and workers continued to protest in October 2023.

“The company committed a totally illegal act, which resulted in the loss of benefits and severance payments during the suspension. It was also an intention of theirs for us to quit on our own after operations restarted [early 2022 following Covid-19] because they did not take us back. I do not know what the Labor Ministry would do with us. They have full jurisdiction to compel the company, but in fact, they cannot resolve the matter.” One union member asserted to the media: “Fair and impartial resolution of our grievances through the system cannot consistently be attained. They tend to lean towards powerful companies. The system creates non-viable measures to adjudicate the case effectively.”

Two-thirds of the union had by October 2023 been compelled to withdraw from their activism and cease fighting for what was owed to them because they could not afford the travel costs and the need to find alternative employment. This demonstrates how stall tactics weaken and undermine worker mobilization. As of October 2023, only ten members remain with the union and continue to demand their dues regularly. Minister of Labor Heng Sour, who was the ministry spokesperson in June, told the media at the time that “the ministry requires the company to implement the agreement” and provide compensation. Despite the ministry’s comment, Giant Ibis had refused to comply with the law.

Giant Ibis, touting itself as Cambodia's "leading responsible bus company," was launched in 2011 under the ownership of Kith Meng's Royal Group Co. Ltd., a prominent Cambodian conglomerate. The company began operations domestically in 2012 before expanding its routes to Vietnam and Thailand.

However, a layer of obscurity surrounds Giant Ibis' ownership structure. While Royal Group claims ownership, Australian records identify a different individual, Jacob Monstross, as both the "founder and managing partner" of Giant Ibis and a senior member of Royal Group. Despite this potential connection, no publicly available information on the websites of either company or the Cambodian Ministry of Commerce clarifies their exact corporate relationship. Further clouding the picture, there's no documented record of an ownership transfer or sale of Giant Ibis within the Royal Group.

National media also designates him as the Chief Executive Officer of the Royal Cambodian Limousine Service. This was also indicated by unionist Morady. However, the Ministry of Commerce has listed a “Ngeth Bora” as the chairman of the Board of Directors, who union leader Morady confirmed as being the wife of Jacob Monstross, according to the investigation by independent media.

In addition to union-busting actions, Morady contended that: “The company also recruited new workers instead of reinstating the suspended drivers. This is an outright violation of labor law and our rights. They withheld the payment [despite] promising to comply with the ministry’s [instruction].” Allegedly, Monstross was explicit about a strategy to weaken the union through delay, which was expressed when publicly shouting at union members. According to Labor Ministry spokesperson Katta Or, the Labor Dispute Department mediated a negotiation between both parties three times. “But both parties could not reach a compromise to settle the dispute.” However, he did not clarify why the Ministry did not compel compliance with the labor law.

Meanwhile, there has been no fair treatment for the workers. Consider the example of Som Ol, who worked for the company since 2012, when it was formed. After being dismissed, he was actively involved in supporting the workers in organizing in demand what was due to them under

the law. By October 2023, he died due to illness. His family struggled to pay hospital bills and health-care-related debt. He was only offered less than a third of what the bus company owed him under the law.

Conclusion

Cambodia must undertake significant reforms to ensure its workers' rights are needed for just, sustainable, and inclusive development. First, registering unions should be easier, making it more feasible for workers' collectives to obtain the 'most representative status'. Second, dispute resolution should reflect the proper categorization of labor disputes as labor disputes rather than criminal activities, reducing the potential for abuse of the law by designating organizing and demonstration as incitement or as defamatory speech. There should be an empowered independent Arbitration Council for disputes to be resolved. Certain ministerial criteria or guidelines contradict acceptable labor laws and result in enabling fixed-term contracts, which undermine workers' bargaining position. Peaceful protests often face prosecution, effectively banning peaceful strikes and mobilization required for effective bargaining and ensuring the fair treatment and livelihoods of workers. Union leadership must be free to organize without harassment, intimidation, or the prospect of legal prosecution. Worker representation must be ensured by effectively implementing mechanisms for representatives to participate actively in wage or labor forum decision-making. Gender Equality should be ensured by setting out clear and practicable legal protections for deterring gender discrimination and gender-based violence in the workplace. To that end, the RGC should ratify ILO Convention C190 to promote gender equality. Also, migrant rights are an urgent concern. The RGC should ratify relevant conventions like ILO C181 on ethical recruitment and the UN Convention on Migrant Workers' Rights.

V. Pressuring the Press: The Orchestrated Undermining of Independent Media

Background and Key Processes

Prime Minister Hun Sen's regime in Cambodia has launched a systematic assault on independent media critical of his rule, silencing voices and creating a climate of fear for journalists. This isn't a recent phenomenon; it began in 2018 with the forced closure of The Cambodia Daily and the takeover of the Phnom Penh Post. The chilling effect continued, leaving Cambodia ranked a dismal 142nd out of 180 countries in press freedom by Reporters Without Borders in 2022. Cambodia's ranking on the Reporters Without Borders (RSF) 2023 World Press Freedom Index was 147th out of 180 countries. This indicates a decline in press freedom compared to their 2022 ranking of 142nd. Between 1992 and 2023, 12 journalists were killed, while documented cases of harassment against journalists reached alarming numbers in 2020 alone, highlighting the constant pressure they face.

The regime has controlled the media space to ensure no viable opposition forces develop, to create the appearance of an absence of societal discontent, and to ensure the dynastic succession for the regime's highest elites. State-sponsored disinformation floods the media landscape, while independent outlets are branded as "propaganda." Government-aligned media organizations like Fresh News, masquerading as independent entities, echo the regime's narrative. These processes and events contribute to Cambodia's steady decline in press freedom: five places lost in the Reporters Without Borders' World Press Freedom Index since 2022, now ranking a shocking 147th out of 180 countries.

Social media, with its high penetration in Cambodia, has become another battleground. Nearly 80% of Cambodians are online, making it a crucial platform for Hun Sen to amplify his message, suppress opposing views (even resorting to buying fake likes), and control the online narrative through "cyber troops." Outside of social media, tried-and-true intimidation tactics are employed, with the COVID-19 pandemic providing a convenient excuse to use "fake news" charges to arrest critics.

Cambodia's 2015 Law on Telecommunications grants the MPTC and other ministries the authority to order internet service providers to take unspecified "necessary measures" in situations of force majeure (Article 7). The law also establishes an enforcement body of "telecommunications inspection officials" authorized to investigate suspected offenses, with the power to call upon the armed forces for support. These officials can temporarily suspend services offered by telecom firms and even "suspend or fire their staff." There were 42 ISPs and 5 mobile service providers in Cambodia as of November 2022. Ultimately, Cambodia's TRC lacks independence due to the 2015 Law on Telecommunications and the NIG sub-decree. This lack of independence was evident in the blocking of news websites before the July 2023 election.

According to the TRC, three major companies dominate the mobile market: Metfone, Smart Axiata, and Cellcard, which account for roughly 90% of all mobile users. During the reporting period, Metfone reported 10 million subscribers, Smart Axiata had 8 million, and Cellcard had 4 million. The MPTC's power is further highlighted by its actions towards smaller operators. In October 2020, the MPTC suspended or revoked the licenses of 17 telecommunications companies for allegedly misreporting revenue. Similarly, in May 2021, the MPTC imposed hefty tax penalties on Cambodian ISPs for supposedly miscalculating taxes since 2017. These penalties, potentially costing millions, deterred investment, increased consumer prices, and threatened to collapse smaller firms. The MPTC's grip extended further in February 2022 when they suspended the license of King Technologies, which operates the ISP Openet, and barred them from acquiring new customers due to an alleged \$6.6 million debt owed to the government.

In September 2022, a draft of the Cybersecurity Law became available. It grants authorities broad powers to seize computer systems and access user data under the guise of national security and public order. This raised fears of potential misuse for silencing online dissent. Additionally, former members of the opposition Cambodia National Rescue Party (CNRP) faced harsh prison sentences of five to seven years for activism, including online criticism of the government. These mass trials aimed to stifle opposition voices before the elections. Harassment remained prevalent, with journalists, activists, and internet users facing physical and online threats for their online activities. Numerous arrests and threats against journalists targeted legitimate reporting, further chilling free expression. These actions paint a disturbing picture of a government attempting to control the

narrative and silence critical voices on the eve of elections. Understanding the extent and implications of these restrictions requires further research and critical analysis of the sources cited.

News and other websites are periodically blocked in Cambodia, particularly those that disseminate information that could be perceived as a threat to the ruling government. The NIG increases the risk that more websites and content will be blocked in the future. In the immediate wake of the COVID-19 pandemic, the Cambodian government reportedly blocked access to news sites. In March 2020, Monoroom.info, a Khmer-language news site based in France, was blocked after it published numerous articles on the impact of the coronavirus in Cambodia. The site was accessible as of April 2021. The TRC blocked two websites owned by news outlet TVFB in April 2020 after the outlet's media license was canceled and its editor was arrested; the websites appeared to be inactive at the end of the coverage period.

In August 2022, the government labeled several media outlets as "spreading propaganda," effectively criminalizing any critical reporting. This culminated in the forced closure of Voice of Democracy in February 2023, one of the last bastions of independent media. With The Cambodia Daily shut down, the Phnom Penh Post taken over, and Radio Free Asia expelled, what remains of Cambodia's free press hangs by a thread. In September 2022, the RGC announced it would restrict the issuing of media licenses, ostensibly to combat fake news and uphold journalistic ethics. However, this increases the probability that independent media and citizen journalism will be curtailed.

Also in September 2022, the government disclosed it would draft a social media code of ethics. In a state with judicial independence and of law reflected in bureaucratic proceduralism, such a code undoubtedly plays an important role in safeguarding the online public sphere. However, in the absence of those qualities, the code risks being deployed against social media users' freedom of expression and may serve as a justification to censure critiques of policies.

This systematic dismantling poses a grave threat to fundamental democratic freedoms. Access to diverse and critical information is severely restricted, hindering citizens' ability to hold their leaders accountable. Hun Sen's control extends beyond traditional media, with "armies of vigilantes or mercenaries" silencing critics and ensuring his hold on information. The future of a free press in Cambodia appears bleak, raising serious concerns about the country's democratic trajectory and the ability of its citizens to access independent and critical information.

According to CamboJA, an organization that advocates for journalists' rights, there were 35 documented cases of harassment in 2022. This included incidents of physical violence, threats of violence, discrimination, arrest, imprisonment, and other legal actions against 54 journalists. This represents a 28% decrease from 2021, where 49 cases of harassment were documented against a larger number of journalists, 96.

In the run-up to the July 2023 Cambodian elections, government authorities launched a comprehensive assault on independent media and dissenting voices. Their tactics included blocking websites, removing content, and revoking licenses of media outlets.

In January 2023, PM Hun Sen announced that the Access to Information Law (A21) would be enacted after the election. The law was not passed and was still lacking as of March 2024 (the time of finalizing this report). The promise to enact this law appears to some observers as a demonstration of the intention to maintain the façade of good governance, while the actual effort to improve transparency and accountability to the citizenry remains absent. In that regard, it should

be noted that as of February 2015, nine years ago, the RGC announced the process of drafting and enacting the Access to Information Law was ‘on schedule’. In his 2023 announcement, Hun Sen blamed civil society organizations for the delay in enacting the law, claiming that they made unreasonable demands despite the fact that CSOs have no authority to determine the content of the law or partake in its enactment.

Lam Socheat, the director of the Advocacy and Policy Institute, has highlighted a critical factor in the passage of the Access to Information (A2I) law: “political will.” According to Socheat, the prime minister’s January 2023 claims regarding the impending passage of the A2I law were driven by the ruling Cambodian People’s Party’s efforts to appease civil society groups and the public in the lead-up to elections. However, Socheat also pointed out that the delay in passing the law is due to the lack of political competition—with no strong opposition parties advocating for its passage—in the National Assembly, which remains under the complete control of the ruling CPP. Socheat emphasized that the A2I law is about citizens’ right to access information and about ensuring good governance and transparency for the benefit of the public and journalists alike. Despite the delay, the need for this legislation remains crucial, significantly as Cambodia’s party and media pluralism as well as competitive elections, continually decline.

Media Matters: Closures and Journalist Harassment

Notably, in February 2023, the operating license of the Cambodian Center for Independent Media, which oversees Voice of Democracy (VOD), was unexpectedly revoked by Prime Minister Hun Sen. VOD, a vital source of independent investigative reporting and objective criticism, had been a resilient voice even as the Cambodian government’s tolerance for critical viewpoints waned. The closure of VOD dealt a severe blow to media freedom in the country, with far-reaching implications for Cambodian society. The TRC ordered ISPs to block the English- and Khmer-language news sites belonging to VOD. The blocks came after Hun Sen ordered the revocation of the license of VOD’s parent organization. (This topic is treated in detail in the following section.) The Cambodian government’s crackdown on independent media extended beyond VOD.

In March 2023, licenses were also revoked for three Khmer-language outlets, further restricting access to independent news. These actions underscore the government’s concerted efforts to suppress dissent and control the narrative during a crucial electoral period. The Ministry of Information revoked the licenses of three more outlets: Federation of Cambodia-ASEAN Journalists (FCAJ), Raksmeay Kampong Cham, and Dumnong Knong Srok. These closures came after the outlets published reports exposing corruption by a senior official in the ruling Cambodian People’s Party (CPP). Chea Lyheang, president of FCAJ, and Chea Saren, publisher of Dumnong Knong Srok, both claimed the Ministry pressured them to remove the reports, a claim denied by Ministry spokesperson Meas Sophorn (now former spokesperson).

The reports alleged that Sar Chamrong, a senior CPP official and head of the National Assembly’s Commission on Human Rights, used forged documents to acquire over 60 hectares of land in Banteay Meanchey province. Chea Lyheang, president of FCAJ, defended their reporting, stating they published the story after verifying forged documents and fingerprints provided by a source. Another article published by these outlets exposed a separate case of alleged corruption involving a deputy prosecutor in Takeo province. The report accused the official of seizing property from families and demanding bribes for its return.

Ministry Spokesperson Meas Sophorn justified the closures by accusing the outlets of publishing "disinformation" without verification despite the reported land dispute involving forged documents. He further argued that the reporting "violated journalistic ethics" outlined in the Press Law, even though the Press Law provides a legal process for those claiming defamation to pursue civil suits. Nop Vy, head of the Cambodia Journalist Alliance Association, criticized the lack of investigation before closure, highlighting a pattern of censorship to protect the reputations of influential figures. This incident demonstrates the Cambodian government's strategy of silencing any media that dares to report on corruption within the ruling party.

Both Chea Lyheang and Chea Saren, the publisher of *Dumnong Knong Srok*, asserted that the Ministry of Information had contacted them and ordered the removal of their reports. However, this claim was refuted by Information Ministry spokesperson Meas Sophorn, who stated: "It isn't true." Sophorn further explained that the decision to revoke licenses was based on the fact that these media outlets disseminated disinformation without verifying sources from relevant parties. Additionally, they failed to correct the disinformation they had previously published.

Sophorn argued that the resolved land dispute in Banteay Meanchey rendered further reporting unnecessary. He also contended that the media outlets' actions "violated journalistic professional ethics" as outlined in the Press Law. However, it's important to note that the Press Law allows anyone who believes they've been harmed by false reporting to file a civil suit for resolution in court. Nop Vy, the executive director of the Cambodia Journalist Alliance Association, emphasized the need for thorough investigations before closing down publications. This case highlights the common practice of the Ministry censoring news that could potentially harm the reputation of ruling party officials.

CamboJa News faced the risk of a potential shutdown following its reporting on the closure of the three news outlets. The Ministry found that CamboJa neglected to include the reporting key information provided by the Ministry in the decision to order the closure. This former Ministry Spokesman (now Head of the Prime Minister's Spokesperson Unit) stated the Ministry would take legal action against CamboJa. CamboJa published a retraction and revised its original story, emphasizing that the Ministry had decided to close the news outlets because: "[T]hose media outlets disseminated disinformation because those media outlets were asked to help other parties [publish information] and were promised to receive benefits if the settlement was resolved [favorably]." That statement did not clarify the manner in which the media outlets established the alleged quid pro quo for profit, including which parties had offered to provide compensation to the media outlets or the evidence on which the Ministry's decision was based.

In Feb 2023, Secretary of State for the Ministry of Information Pen Bona took to social media to attack investigative reporting by the Cambodia Daily Khmer version (which remains in operation online despite the closure of the news media organization in Cambodia in 2017), accusing it of publishing 'rumors' akin to the practices of the Khmer Rouge purges based on unfounded allegations of against individuals. The Cambodia Daily published a report on the business dealings of tycoon Leng Navatra. He declared support for news organizations and reporting deemed ethical and legal, in accordance with the government's standards: "I call on all journalists and news agencies, including foreign ones, to strictly adhere to journalism ethics and laws; that's where journalism is valuable."

In June, Pheng Vannak, a prominent Cambodian social media personality and licensed media publisher, subjected Taing Sarada, a journalist for the Cambodia Daily Khmer, to repeated death threats via Facebook. Vannak's public pronouncements included a Facebook Live stream where he, with a following exceeding 328,000, expressed his willingness to kill Sarada and his family, claiming it was necessary for maintaining peace in Cambodia. This wasn't an isolated incident; in February, Vannak's use of Facebook to target a female journalist from Voice of Democracy with misogynistic and abusive comments prompted 40 NGOs to demand the Cambodian government take legal action against his media license. Vannak threatened Sarada's family, made misogynistic comments about his wife, and threatened repeatedly to cut his head off with an ax.

In July 2023, the government ordered the blocking of the news outlets RFA and *Cambodia Daily*, as well as the public information portal Kamnotra. On July 12, the Telecommunications Regulator of Cambodia, an entity under the Ministry of Post and Telecommunications, stated that the government ordered ISPs to block the Twitter, Instagram, and YouTube accounts of the *Cambodia Daily Khmer* and Radio Free Asia, and the Twitter account and website of Komnotra. Komnotra is a database developed by the Cambodian Center for Independent Media to publish information announced by the government through its Royal Books, which are official declarations of policy, personnel matters such as postings and promotions, and other information provided by the government to the public. The order to block these sites came in the week before the general election, stating that the blocked outlets' reporting could "cause confusion, affect the government's honor and prestige, and fail to govern the operating conditions of the Information Ministry."

News outlets perceived as less critical of the government were not blocked ahead of the July 2023 elections. Ahead of the 2018 polls, the government similarly ordered the temporary blocking of 17 websites, including the *Phnom Penh Post*, Voice of America (VOA), and VOD, for 48 hours. Meas Sophorn, the spokesperson for the Information Ministry, confirmed to VOA Khmer that the Telecommunications Regulator issued an order to block the outlets but gave no regulatory grounds for the blockages. The only justification he offered pertained to the Kamnotra website, which he alleged had failed to follow the rule requiring it to register as a news site despite the fact that Kamnotra is an online database of information, announcements, and policies publicly released by the RGC, and it does not conduct investigative reporting on current events.

Nop Vy, executive director of the Cambodian Journalists Alliance Association (CamboJA), said the blocking of websites and social media just before the election will "affect access to diversified information and it impacts the rights to information. It also impacts the rights to information and publishing information as stipulated in article 41 of the constitution. It is a worry, and I think there is no benefit to the government or the general public." RFA Chief Communication Officer Rohit Mahajan said, "RFA condemns the order from the government of Cambodia for internet service providers to block RFA content on online platforms — which is in clear violation of Cambodian law and an attempt to censor the free flow of information ahead of the July 23 election. Access to timely, accurate news and information, which RFA's programming and content provide to the Cambodian people on a daily basis, is essential in any democracy where the rule of law supports free speech and a free press. Despite these unfortunate efforts, RFA will keep striving to inform its audience in Cambodia with up-to-the-minute journalism during this critical time and beyond."

In September 2023, the RGC announced the formation of a new committee to monitor public behavior and expression to ensure the promotion of a positive image of the state. As set out in a

government sub-decree, the RGC will establish the National Committee for Information and Public Opinion Coordination. This committee will have broad responsibilities in shaping Cambodia's public image. They are tasked with monitoring and tracking all situations that could impact the country's image, both domestically and internationally. Additionally, they will be responsible for promoting Cambodia's achievements and defending its national sovereignty. A key focus of its activities will be countering "false information" through a more efficient response mechanism. The committee will be overseen by the Office of the Council of Ministers and include high-level officials from various ministries. They will also collaborate with government spokespersons, the Prime Minister's office, and both private and public media outlets. CCIM Media Director Ith Sothoeuth told the media: "The experience is that when our news outlets publish [information], the government always responds by treating the information as fake. Sometimes [government officials] did not reveal what the true information was, which created an impression of intimidation." Am Sam Ath, operations director of the human rights group Licadho, noted: "It can lead to suspicion and criticism that there is monitoring of critical information, which is a problem that can affect freedom of expression or freedom of the press."

In October, both former PM Hun Sen and current PM Hun Manet shared photos on Facebook of images of billboards congratulating Hun Manet on becoming PM located in Times Square of New York City. Hun Manet thanked supporters for purchasing and organizing the images on the billboards. The two billboards are located at 1530 Broadway in NYC. Hun Sen shared a video of a third billboard image in NYC, which is located on the front of the Marriot Marquis. All three of the pictures were fake, and the billboards never showed the pictures that were shared on social media. This fake news was confirmed by the billboard companies (Outfront Media and Silvercast Media), which claimed that the videos were never shown on their boards. A fourth billboard ran an image of the Hun Manet, projects the image for about 10 seconds (according to a live stream video shared) on a billboard located in the area of parking lots at West 40th Street and 11th Avenue. The programmatic channel development director of Outfront Media (the billboard's owner) said the space was purchased by the Blip company on behalf of the 'CPP Chapter of San Francisco'. Blip purchases ad space for anyone and enables short-term scheduling of images on billboards. Outfront Media indicated that the purchaser paid Blip 500 USD for the use of the board. The 'CPP Chapter of San Francisco' was found to have no online presence, making the group's identity questionable.

In November 2023, 20 organizations (rights organizations, journalist associations, and civil society groups) issued a joint statement calling for an end to impunity for crimes against journalists in Cambodia and for legal persecution of journalists. Additionally, a media organization that monitors threats to freedom of the press, CamboJa News, found the following: From January to March - Five journalists, including a citizen journalist, suffered from the attack on equipment and personal belongings; one female reporter and one male reporter of VOD suffered from physical assault or verbal intimidation; and five media licenses were revoked. From April to June – six journalists were harassed and threatened; one reporter was detained, and three reporters suffered online bullying or sexual harassment. From July to September – there were nine harassment cases against 14 journalists; three websites were blocked. From October to December – there were four cases of harassment and one case of violence against a journalist.

Case Study – Voice of Democracy News

In a critical setback for Cambodian democracy, the Cambodian government shut down Voice of Democracy News (VOD) on February 13, 2023. VOD, operated by the Cambodian Center for Independent Media (CCIM), was the country's primary source of independent news, providing vital information on critical issues. This closure severely restricts public access to unbiased reporting on land grabs, corruption, and the suppression of civil society and opposition groups.

The ban on VOD further diminishes independent media and strengthens government control over the narrative. News outlets like Fresh News, Khmer Times, and the current iteration of Phnom Penh Post (following ownership and staff changes in 2018), often promote the ruling party and its leader, Hun Sen, including his dynastic succession plans. These government-aligned media rarely, if ever, conduct investigative journalism on crucial social, environmental, and political matters. Essentially, the closure of VOD leaves Cambodians with limited access to independent information and strengthens a media landscape heavily skewed in favor of the ruling party.

The case of VOD exposes a troubling pattern of the Cambodian regime's manipulation of law and media. Here, we see how the government can weaponize a seemingly innocuous news report to silence dissent. VOD's "intolerable act" was publishing an article sourced in part by a quote from the government's own spokesperson. The article, reporting on Cambodian aid to Turkey after an earthquake, mistakenly stated that Hun Manet, Prime Minister Hun Sen's son and designated heir, signed off on the donation. Instead of acknowledging the misinformation their spokesperson provided, the government spun the narrative. Prime Minister Hun Sen declared the news "fake news" and a deliberate insult. Remarkably, the government official who gave the inaccurate information faced no consequences, and his role in the incident was conveniently erased from official pronouncements and state-controlled media. While VOD demonstrably quoted the spokesperson accurately, the Ministry of Information fabricated a different story, claiming Phay Siphon never confirmed Hun Manet's involvement. Based on the article's content, the accusation that VOD fabricated the quote is demonstrably false. This incident exposes the regime's willingness to exploit the law and manipulate the media to silence critical voices and deflect accountability for their actions.

The case of VOD laid bare the dangers of personalized power and a legal system wielded arbitrarily in Cambodia. The article quoted government spokesman Phay Siphon stating it was "not wrong" for Hun Manet, the Prime Minister's son and heir apparent, to play a role in the aid to Turkey. Notably, there was no acknowledgment of the spokesman's role in the confusion. Soon after publication, Hun Manet demanded a retraction and proof of his involvement, deflecting any responsibility from the source of the information. This incident exemplifies the personalization of power, where the leader's son operates with apparent impunity. Prime Minister Hun Sen then amplified the pressure, demanding a public apology from VOD within an impossible 72-hour timeframe or face license revocation. Despite attempts to rectify the situation with a correction and explanatory letter, Hun Sen swiftly announced his decision to allow the Ministry of Information to revoke VOD's license entirely. This sequence of events exposes how critical voices are silenced in Cambodia – through a combination of personalized attacks from those in power and a legal system that serves the whims of the government, not the principles of accountability and fairness.

Prime Minister Hun Sen attempted to justify the closure of VOD by portraying their actions as a deliberate assault on the government. He stated, "This is not the first time, and this time is too serious. They intentionally attack both father and son and destroy the government; you are trying

to destroy me; it should be enough." This framing ignores the fact that the article reported on Cambodian aid efforts.

Furthermore, the government crackdown extended beyond the license revocation. Following the closure, a vicious online smear campaign targeted VOD on government-aligned social media. Many of these accounts, suspected to be fake, spread disinformation portraying VOD as a foreign agent and a tool for regime change orchestrated by embassies. This narrative coalesced around the hashtag '#VODshithead'. These accounts also used inflammatory imagery. One cartoon depicted a figure resembling Uncle Sam, a symbol of the United States, manipulating Cambodia with the words "human rights" and "democracy" while dictating fake news instructions to a group of white journalists. This rhetoric aimed to stoke nationalist sentiment and deflect blame from the government's actions.

The government-orchestrated smear campaign against VOD wasn't limited to generalizations about foreign influence. It included vicious personal attacks. Social media personality Pheng Vannak engaged in misogynistic harassment against a female VOD reporter. A coalition of over 40 civil society organizations (CSOs) condemned this harassment and demanded an apology from Pheng Vannak. However, Prime Minister Hun Sen dismissed their concerns and attempted to deflect blame. He stated: "These NGOs were established only to oppose the government and not to do anything to protect women's equality... When my sister-in-law died, she was insulted, my wife was insulted, my family was insulted, but you [NGOs] did not come out to defend, so next time, don't talk about double standards with me." This response lacked context. The only incident he vaguely referenced was a statement made by exiled opposition leader Sam Rainsy regarding the Prime Minister's sister-in-law after her death. However, there's no evidence linking Sam Rainsy to VOD or any of the Cambodian CSOs. The sole official response from the government came from the Ministry of Women's Affairs. They released a statement advocating for NGOs to operate without "biased standards." This statement effectively placed the blame on the advocates who spoke out against the harassment, further silencing dissent.

Chim Channeang, Secretary General of the Cambodian NGO Committee on Women's Rights, offers a stark contrast to the government's narrative about civil society. She emphasizes collaboration: "The role of civil society organizations is that we work in line with the government...our role is to monitor the government." Channeang clarifies that their work focuses on domestic issues, not foreign agendas: "For political parties, we do not interfere...It does not mean...doing daily activities to serve foreign interests." She highlights the hypocrisy of the government's attacks, pointing out that even some government institutions receive foreign funding. Channeang's statement is crucial because it represents a perspective almost entirely silenced by the government's smear campaign. This campaign portrays civil society and independent media as foreign puppets with no legitimate role. The harassment of the female VOD reporter exemplifies this tactic. The misogynistic attacks not only aimed to damage her reputation but also to intimidate other journalists. The government's statements and lack of action essentially condoned this harassment, further solidifying their control over the narrative and suppressing dissent.

The closure of VOD wasn't an isolated incident. It reflected a broader crackdown on press freedom in Cambodia. Consider the case of former Phnom Penh Post journalist Mech Dara. The BBC reported that Dara, along with other staff, resigned due to a decline in journalistic standards following a change in ownership. The Post, under its new management, published a rebuttal attacking Dara's credibility. They labeled him a "coward," "mentally impacted," and with

"prominent personality flaws," despite the BBC's report being based on Dara's own account. This incident exposes the double standard faced by independent journalists. They are held personally and professionally liable, even facing criminal charges for minor errors, often through biased reporting. Meanwhile, these journalists are subjected to violent rhetoric and harassment with little to no response from the government. This chilling effect silences critical voices and creates an environment of self-censorship.

PM Hun Sen asserted: "Foreigners have no right to order us to do this or that or whatever they want because it is our internal affairs. The shutdown of unethical radio [VOD], does not kill press freedom in Cambodia but the opposite: it will help implement the law and strengthen ethical journalism in Cambodia." The Ministry of Information issued a statement that asserted, "An administrative action against a rule-breaking entity does not merit any worry at all. What should be alarming is the mounting disinformation and international slanders. The Ministry accused critics of the government's decision of propounding a "biased narrative [that] turned their blind eyes to the indisputable fact that the media center [VOD] grossly breached professional journalism."

Prime Minister Hun Sen's government exemplifies a new era of "authoritarian doublespeak" in Cambodia. This strategy involves portraying any organic social movements or criticism of the regime as foreign-controlled threats to national security. This allows them to silence dissent under the guise of safeguarding the nation. The hypocrisy is further exposed by the government's treatment of the media. Outlets like The Khmer Times, which frequently reprint Chinese editorials and actively promote the Hun family's dynastic succession plans, are presented as neutral and professional. This creates a clear double standard: independent media is demonized as a foreign tool, while government mouthpieces are lauded as unbiased. This manipulation of language aims to control the narrative, stifle dissent, and consolidate power.

The Cambodian government's justification for shutting down VOD hinges on accusations of malicious intent and a disregard for press freedoms. The Ministry of Information claimed VOD's reporting "harmed the honor and prestige" of the government and violated Article 10 of the Press Law. This law allows individuals to demand corrections for factual errors, with a seven-day window for the media outlet to respond. However, the Ministry disregards these details. Despite VOD issuing a clarification and apology letter to the Prime Minister, Minister of Information Khieu Kanharith framed the closure as a cautionary tale, stating, "Media institutions that do not agree to publish clarifications will face license revocation." Prime Minister Hun Sen echoed this sentiment, portraying the shuttering of VOD as a positive step for Cambodian journalism by punishing "unprofessional news reporting." This narrative contradicts the facts: VOD attempted to rectify the situation, and the closure disproportionately targets independent media. This incident exposes the government's manipulation of the law to suppress critical voices and control the media landscape.

Voice of Democracy sent two letters to Hun Sen expressing "regret" and requesting "forgiveness [for] any unintentional wrongdoing." Moreover, even though VOD ran a follow-up story clarifying the error and correcting the previous report, in order to publish Hun Manet's denial regarding the signing of the order (and as noted, the original assertion that he had done so was a direct quote of the ruling CPP spokesperson), the move to revoke the license remained. According to the Ministry of Information: "[T]he news outlet seriously breached journalistic professionalism by affecting the fame and prestige of the government due to not running any correction in

accordance with Press Law.” “It is a lesson learned for other media institutions. The media institutions that do not agree to publish clarifications, [they] will face the revocation of their licenses,” then Minister of Information Khieu Kanharith announced on social media.

The closure of VOD drew international condemnation and exposed the Cambodian government's disregard for press freedom. The UN High Commissioner for Human Rights declared the closure "illegal" due to its lack of transparency and failure to meet basic legal standards. Reporters Without Borders echoed this sentiment, highlighting the attack on a female VOD journalist and the overall decline in press freedom. They pointed out that the closure mirrored tactics used against other independent media outlets in the lead-up to elections, such as the shuttering of the Cambodia Daily in 2017 and the forced sale of the Phnom Penh Post in 2018. This incident also exemplifies the government's strategy of repression combined with co-optation. Following the closure of VOD, the government offered unemployed staffers positions within the ruling party, a move seen as an attempt to silence criticism while portraying benevolence. As of March 2023, 25 former VOD employees had reportedly accepted these positions. This case demonstrates how the Cambodian government manipulates the media landscape to control the narrative and stifle dissent. One VOD staff member who moved to work on Komnotra (see below) noted how she was consistently followed, surveilled, and photographed by plain-clothes strangers.

In April 10, youth organizations submitted a petition to the Ministry of Information requesting that the Ministry allow VOD to reopen. The organizations contended that VOD's closure resulted in an absence of reliable news for the citizenry. Some youth noted that many of the media organizations making up the media landscape failed to report on issues with political relevance, while others pointed out that most media organizations in Cambodia will not report on sensitive topics such as rights and corruption. The youth organizations pointed out that VOD was not treated in accordance with the press law, which allows erroneous reporting to be corrected through a retraction. The law authorizes the government to order a correction to be printed, issue fines, or order a temporary suspension of activities for the media outlet. However, none of those options are taken up in the treatment of VOD. As noted, VOD printed a correction to the story in question as well as submitted two letters to PM Hun Sen expressing its regret in order to apologize for the mistake, which was actually a quote of the ruling party spokesperson.

Despite the evident and apparent lack of fault on the part of VOD and attempts to remedy the situation by VOD, the Ministry responded to the petition by the youth organizations, stating: "The revocation of any media outlet license follows legal procedures," the statement said. "The revocation of media outlets which violate law, seriously abuse professional and ethical code of conduct, defy other people's right and not admit the mistakes can't be considered as the restriction of rights to freedom, threats or persecution against media or journalists." It is worth highlighting the fact that Prime Minister Hun Sen gave VOD 72 hours — later shortened to 24 hours — to issue a retraction and apology for a February 9 Khmer language report stating that his son, Hun Manet, had signed an authorization of aid to Turkey. Though the outlet issued both an apology and retraction, its license was revoked.

In May, at an event to commemorate World Press Freedom Day, civil society organizations called for the government to permit VOD to reopen. In response, a Ministry of Information spokesperson asserted that the closure of VOD was not detrimental to press freedom in Cambodia and that the closure was merely the result of following the law. Chhan Sokunthea of the NGO Cambodian Center for Independent Media posited: “After ordering to close VOD, how many media outlets

dare to report about demonstrations and strikes?” She noted how topics such as land disputes, natural resource appropriation, and labor demonstrations were treated as off-limits by the vast majority of remaining licensed media outlets. Chak Sopheap of the Cambodian Center for Human Rights noted: “Press cannot be free when places, like VOD, can be shut down very arbitrarily. We can only hope that the call from many of us can touch the leader’s heart.” She also highlighted that “[P]eople question the legality of the shutdown of VOD. When it comes to these arbitrary decisions from the top leader, people just call for the reversal because debating the legality of the decision is not very helpful.” Reporters without Borders have stated that the free press was strong in Cambodia until “Hun Sen launched a ruthless war against independent journalism before the 2018 elections.” Ministry spokesperson Meas Sophorn claimed: “The implementation of the right to freedom of the press shows that we have seen a good situation in carrying out their duty of national and foreign journalists who are working in our Cambodia.”

Online Space

Cambodia continues to exhibit a steadily closing online public sphere. Whereas the scope of internet use, online commerce, and the plurality of applications (social media as well as creative apps ranging from publishing to architecture and design to film and music production) is increasing, the extent to which online space can be used to express dissent, mobilize citizen action or impact policymaking is in sharp decline. Since the challenge to ruling party hegemony and personalist power manifested in the 2013 parliamentary elections, the regime has steadily increased its capacities to monitor and punish online activity as well as to use related applications to control the narrative in support of the ruling party.

In Cambodia, the broad extent of online and social media use (estimated at more than 80 percent of population) along with a myriad of both traditional and online media (with the latter increasing at a rapid pace), present the pretense of freedom of expression and press. However, the reality is that well-publicized legal persecutions, based on charges of either incitement or defamation, effectively create an entrenched and substantially normalized context of self-censorship. When individuals or media organizations seek to exceed these norms through the investigation and publication of corruption and abuses of power, swift and highly visible enforcement by the state allows the regime to effectively use them as examples, which, in turn, ensures the subservience of the vast majority. The everyday reality is that Cambodians are afraid to discuss abuses of power, challenges to rights, or even politics in general, and have learned to coexist in social and discursive contexts in a manner in which such topics are steadfastly avoided. As such, actual cases of journalists arrested or individuals threatened or prosecuted for expression must be placed in the pervasive context of individual self-censorship and peer pressure, which effectively delimits the discussion of issues of paramount importance to the realization of an inclusive and sustainable society.

Freedom House’s 2023 Report on Freedom on the Net for Cambodia found the country to be ‘partly free’, with a ranking of 44/100 (with 100 being most free). Based on those three main measures of online rights and freedoms, the assessment determined the situation to rate the situation as 13 out of 25 for Obstacles to Access, 17 out of 35 for Limits on Content, and 14 out of 40 for Violations of User Rights. This assessment encompasses both individual user experience and freedom of expression, as well as the online media space. The 2022 ranking placed Cambodia at 43 out of 100, and the assessment over time shows serious challenges to online freedom.

Given the scope of the party, which encompasses the entirety of the state bureaucracy and civil service, as well as the clear designation of (former) PM Hun Sen as the highest-ranking member of the military, the control of online public space enables regime ideologues to foment narratives and shape public opinion in a way which has cemented single-party rule and increased the personalization of power which has now made the possible dynastic familial rule. Due to the dearth of critical discussion and alternative points of view, only supportive or sycophantic expression is articulated in the online public sphere, creating the semblance of a supportive and contented public. Effectively, the citizenry that is already unable to enjoy its right to assembly and right to expression in traditional real-world forums is further denied such rights in virtual forums.

The RGC has announced a policy of implementing a national internet gateway through which all internet traffic would need to flow. This would severely hamper the independence of thought and freedom of expression by generating a substantially increased capacity of the state to surveil communications. In February 2022, Cambodia's implementation of the controversial National Internet Gateway (NIG) sub-decree, adopted in February 2021, was delayed. This sub-decree aimed to centralize government control over all internet traffic through a single gateway, with monitoring powers granted to government-appointed NIG operators and regulators like the MPTC (Ministry of Posts and Telecommunications) and the TRC (Telecommunication Regulator Cambodia). As of the report's end date, the NIG remained uninstalled. Civil society groups have questioned the government's ability to handle such a large-scale project.

According to The Internet Society, a global nonprofit with the mission to defend online access to information and freedom of expression: “Since no other networks in the country can access the global Internet directly or independently, this will severely impact a network’s global reach and limit collaboration between Cambodia and the rest of the world by establishing barriers across the Internet ecosystem. The result is likely to be a significant degradation of network performance and an increase in costs. In all likelihood, these costs will ultimately be passed on to Internet users. Having designated providers run the gateway that funnels all Internet traffic in and out of the country while maintaining a few locations as local exchanges creates a rigid hierarchical network structure that scales less efficiently than the distributed Internet network. The approach severely impacts networks’ global reach, limits collaborative internetworking, and thus has a negative effect on the open Internet. This decree also says that ISPs must retain all traffic data for 12 months and are required to report activity to the government in a way that’s traceable to specific individuals. This could include financial transactions, visiting certain websites deemed a threat to the government, or even your location data. The Cambodian government says this will bolster national security and help crack down on tax fraud. But the impact on Cambodian network connections will affect anyone who connects with those networks, which could have serious consequences for social and economic life and potentially endanger free expression.”

In 2023, it was reported that 47 websites were blocked by the RGC in 2022. It was found that the blockage of VOD’s website had occurred more rapidly and extensively than in previous cases. The order was carried out through the combined action of dozens of private internet service providers. The RGC Ministry of Post and Telecommunications has created a Telegram group to convey commands and policies to those organizations. The group was made on the morning of Feb. 13, 2023, just hours before the appointed time of VOD’s closure.

On the one hand, many of the ISPs are owned by business tycoons linked to the ruling party. On the other hand, ISPs are very aware of the willingness of the TRC (Telecommunications Regulator of Cambodia) to take legal action against them for a failure to comply. For example, the CEO of Smart Axiata, a subsidiary of the Axiata group headquartered in Malaysia, fled the country after being faced with legal prosecution after the courts were instructed to do so by the TRC. Stephen Higgins, founder and managing partner of Cambodia-based investment firm Mekong Strategic Capital, said internet service providers were left with little room to maneuver. "Given ISPs require a government license to operate, they obviously can't ignore instructions from the government when it comes to things like this." CCIM's media director, Ith Sothoeuth, pointed out that by blocking VOD's websites, years of archived news and information were effectively denied to the citizenry: "Because the government revoked the license, [this] means [VOD] can produce no more content. But what has been published already should still be available to the public." It is notable that the Phnom Penh Post (which changed ownership to an individual linked to the regime in 2018) archive has also been taken offline, and internet users can no longer access past content.

In January, the Human Rights NGO Licadho was compelled to remove a rap video posted on its website. The video of the song 'Workers' Blood' addressed the topic of the killings of protesting laborers by government security forces in 2014. In relation to the posting of the video, staff of two NGOs, Licadho and CENTRAL (Centre for Alliance of Labour and Human Rights), were ordered to submit to questioning by the police and faced the prospects of prosecution.

In March, two men who had been members of the dissolved and banned Cambodia National Rescue Party (CNRP), Yim Sinorn and Hun Kosal, were arrested and charged with violations of the lese majeste law following posting photos on Facebook of Hun Sen with King Norodom Sihamoni. They were accused of incitement to cause severe social unrest and face up to five years in prison. The court did not specify what the post said, and the photo was of Hun Sen standing next to the King at the torch relay ceremony for the SEA games. Hun Sen declared on Facebook: "This is an insulting act that cannot be tolerated or excused." He added that the two men should never be forgiven.

Human Rights Watch asserted: "Simply sharing opinions on Facebook about a government ceremony should not be considered a crime, so the truth of the matter is political activists Yim Sinorn and Hun Kosal did nothing that they should be detained for." Under the current legal regime in Cambodia, any questioning of the power distribution between the PM and the King, along with any invocation for the King to involve himself in politics in support of liberal pluralism or constitutionalism, is treated as an insult to the monarch and prosecuted.

In June, a widely disseminated Facebook user based in the US named Tim Sochea issued a public apology for criticizing PM Hun Sen on social media. He referred to his criticism of the RGC as mistakes he regretted. In response, PM Hun Sen declared that he would be allowed to enter Cambodia without facing legal prosecution. Hun Sen stated: "Son Tim Sochea, a Facebook user named Reachbot Soryakay, made a video expressing his regret and apology for past mistakes. Son, I welcome your return. For the past, set it aside. The motherland of Cambodia belongs to all Cambodians."

In April 2023, the Facebook page of Keat Hul, Governor of Poipet City, was hacked and replaced by a Vietnamese clothing store page. The working group of the municipal administration was tasked with recovering the page. Although they were able to recover one page within one day, the other remained hacked. They did not stipulate what their technical recovery efforts included, and

it remained unclear whether such efforts consisted of actions beyond seeking a remedy from the Facebook company personnel. On 19 September, two government-linked Facebook pages were hacked. The Ministry of Information confirmed that two government Facebook pages had been hacked—the General Department of National Television of Cambodia (TVK) and Radio National of Kampuchea (RNK). Minister of Information Neak Pheaktra (who became the minister following the selection of Hun Manet as PM) announced on social media that the hacks had occurred. The Ministry spokesperson would then declare that the authorities were actively searching for culprits and trying to remedy the problem. The Anti-Cyber Crime Unit informed the media that they had not received any request to assist. The Executive Director of the Youth Council of Cambodia (YCC) pointed to the problem of poor training of relevant officials: “There are a number of factors that make it possible for hackers to gain control of any government Facebook page. The administrators may be negligent when they take their computer or mobile phone to be repaired without logging out of Facebook.”

In December 2023, The Cambodian Journalists Alliance Association (CamboJA) released a report titled "Impacts of Digital Right Restrictions on Press Freedom and Freedom of Expression on the Internet". This report raises concerns about the state of digital rights and free speech in Cambodia. The findings highlight widespread anxieties surrounding internet security, limited internet freedom, and government monitoring that leads to self-censorship. CamboJA's report also identifies a lack of trust in Internet Service Providers (ISPs) and restrictions placed on internet usage. The report further emphasizes the concern that the government uses legal means to limit online activity, with an additional worry that the recently implemented National Internet Gateway could further restrict freedom of expression online.

Case Study – Facebook and Incitement of Violence

A major issue related to online freedom in 2023 pertained to the Facebook page of the former PM Hun Sen, and the potential suspension of that account as a result of fomenting violence through posts. At issue is the limitation of the right to expression of social media users resulting from autocratic expressions or threats of violence, and whether or not social media corporations reliably and responsibly regulate online space to protect users' rights. In late June, the board of content moderators for Facebook, known as the ‘oversight board,’ ruled that Facebook itself had been remiss in allowing Hun Sen to make a livestream posting of a speech (made in January 2023) in which he threatened opposition party supporters with violence.

Hun Sen had made the public declaration that the opposition party only had two options, simply for being an alternative party, either legal prosecution for undesignated crimes of physical violence. The board issued a final report on the matter: “Hun Sen uses social media to amplify threats against his opponents, spreading them more widely and causing more harm than he would be able to do without access to Meta’s platforms.” It designated Hun Sen’s call for violence as a ‘serious breach’ of its standards. It also stated: "Given the severity of the violation, Hun Sen's history of committing human rights violations and intimidating political opponents, as well as his strategic use of social media to amplify such threats, the Board calls on Meta to immediately suspend Hun Sen's Facebook page and Instagram account for six months."

Facebook is supposed to monitor expression on its platform and decide whether to allow questionable content, partly based on its ‘newsworthiness’. The oversight board decided that the newsworthiness of Hun Sen’s livestream speech was not sufficient to allow for the posting, which

called for political violence. Initially, Facebook moderators found no problem with Hun Sen's invocation of violence against political opponents, but when the oversight board took up the case, it was judged to be problematic. The oversight board's ruling followed the decisions of two levels of moderators that did not decide to censure Hun Sen's violent rhetoric on the basis that Facebook's 'community standards' were not violated. Such standards supposedly ban: 'threats that could lead to death', 'threats that lead to serious injury', and 'statements of intent to commit violence'.

The decisions of moderators, as a result of an appeal, were taken up by a more senior level of moderators who ruled that Hun Sen's speech was problematic but should be allowed because of its 'newsworthiness' on the basis of his position as a high-level authority of a nation-state. This decision was then further appealed by three outside users, as well as Meta, and was taken up by the oversight board. Following the conclusion of the oversight board, the media company removed the content (the video of Hun Sen's speech), which had already been successfully live-streamed and left as a video for several months. Meta also announced it would make a further determination (within 60 days) on whether or not to accept the board's ruling. Hun Sen has long used the platform to effectively cultivate the discourse of this own strength (through images of the subordination of ministers and obedience of military officers and troops) as well as benevolent paternalism (through images of charity donations of gifts to the poor, linking him to the construction of infrastructure, or spending time with his grandchildren).

The enactment of the oversight board's recommended suspension of six months would have shuttered the (former) PM's social media page during the month preceding the 2023 national elections as well as for several months following the poll. According to analysts, the decision of the board reflects an example of a more recent trend to censure political leaders who violate the rules of the platform and pertains to Meta's election integrity efforts.

Hun Sen's response to the threat of suspension to the Meta oversight board was a declaration, issued one day prior to the announcement of the board's ruling, that he would cancel his Facebook account and would instead utilize his Telegram app to share information with the public, as well create a TikTok account. Immediately following that announcement, pro-government media widely disseminated the QR codes for those social media accounts. Hun Sen's Facebook account has 14 million followers, although there has been speculation that a large number of those are bought 'ghost' accounts procured through click farms. Hun Sen took to Facebook in 2015 after the now -exiled leader of the former opposition party CNRP leader, Sam Rainsy, demonstrated how effective social media was for mobilizing support and spreading information.

Following this departure from Facebook, Hun Sen publicly threatened to block the social media application for the entirety of Cambodia, effectively severing all Cambodian accounts. The stated reason for doing so was to block the ability of opposition politicians to communicate with the public and spread information. He posited: "This is to warn the foreigners that I will shut down Facebook if you are arrogant. I will shut down Facebook in Cambodia for a short time or permanently. I do not want to hurt the people, but you must not be confused with Hun Sen's strategy." At the same time, he urged Cambodians to transition to other social media or messaging platforms such as TikTok and Telegram. Sebastian Strangio, author and expert on Cambodian politics, noted that such a move is consistent with the broader trend in Cambodian foreign policy, entailing pivoting to and allying with China (where TikTok is based) and Russia (where Telegram is based). He noted: ""Based on their track record, it is much less likely that these two platforms

will restrict Hun Sen from using them as he sees fit, including as a vehicle for baiting, goading, and threatening his opponents."

A legal adviser for the International Commission of Jurists stated that Hun Sen's threats were an unveiled retaliation against the decision of the oversight board and that Facebook users were being forced to pay the cost for Hun Sen's violation of the platform's regulations. Chak Sopheap of the Cambodian Center for Human Rights noted that Hun Sen was free to cancel his account and move to other applications. Still, closing access to Facebook nationwide was a large-scale violation of people's right to expression.

As noted by Phil Robertson of Human Rights Watch: "This kind of clear incitement to cause physical harm is precisely where Meta should be drawing the line. The real problem in the region is no institutions or organizations ever hold the likes of Hun Sen accountable for his words and actions, so it's entirely appropriate for Facebook to make it clear they are a global platform with international standards not beholden to local dictators like Hun Sen."

Aim Sinpeng, a senior lecturer at the University of Sydney specializing in Southeast Asian digital politics, said that there have not been cases of content moderation or sanctions against political authorities in Southeast Asia and noted other leaders making similar threats of violence in the past had not been restricted: "This is, in my view, something Meta has to tread carefully [with] to make sure it won't appear to be 'picking on' a poor country but at the same time wanting to show strong support for human rights."

One university student informed the media that the university's student association was convened, and students were instructed to follow Hun Sen's TikTok and Instagram accounts, as well as monitor other students' social media activity and report whether or not they were following his accounts on these platforms. In mid-July, a student at a Phnom Penh university reported (requesting anonymity) that over 15 employees from the Ministry of Posts and Telecommunications visited classrooms, distributing printed QR codes for the Prime Minister's social media accounts. Evidence in the form of photos was shared with VOA. This pressure to follow the Prime Minister online was widespread. School administrators were monitoring student activity in classroom group chats, tracking how many follow the accounts. Additionally, several tycoons urged citizens and local authorities to subscribe. The trend went even further - at least two ministries have issued public statements requesting employees to follow the accounts, and pro-government media continues to promote them heavily.

Almost immediately following Hun Sen's announcement that he would leave Facebook, tycoon Leng Navatra also announced he would close his account. He urged his 2.2 million followers to sign up to his Telegram and TikTok accounts. This raised the issue of a large-scale exodus from Facebook by senior ruling party officials and party-linked business tycoons. The very next day, the tycoon publicly declared he would not be leaving Facebook. By the beginning of July, Hun Sen announced that he would not close down access to Facebook country-wide and that he still intended to shutter his own page. Facebook is the primary online forum for communications and e-commerce in Cambodia, and closing access would have a tremendous political and economic impact. Many online sellers faced the prospect of a loss of their livelihoods.

At the beginning of July, Meta made a public announcement seeking clarify misunderstandings related to the decision of the oversight board, emphasizing that it did not close Hun Sen's Facebook page but rather Hun Sen himself decided to delete the page. Hun Sen charged the social media

company with bias, censoring his Facebook page and overlooking the same behavior on the part of opposition politicians and party supporters. At the same time, the RGC Ministry of Foreign Affairs announced a policy of expelling and/or banning all Facebook oversight board members from entry into Cambodia for life. The Ministry of Posts and Telecommunications also stipulated that it would cease all activities with Meta on 30 June 2023, including company relations, government relations, and public-private partnerships. The Ministry announced the decision was made after assessing the “creation of fraudulent accounts, the risk of private data, use and collection of private data, dissemination of false information, lack of accountability and transparency, and interference in the political affairs of the country.”

By the third week of July 2023, PM Hun Sen announced his decision to return to Facebook, and his page was reactivated. This occurred three days prior to the 2023 national elections. Duong Dara, the individual responsible for overseeing the social media accounts of the 70-year-old Cambodian Prime Minister, Hun Sen, announced that he, rather than Hun Sen, had initiated the process of reactivation by seeking permission from Hun Sen. He claimed that the motivation behind this request was framed in terms of national interest. Importantly, Duong Dara clarified that he would be the one uploading content rather than the prime minister himself. In his message, Duong Dara emphasized the importance of maintaining the existing Facebook page, which has been in use for the past 13 years, as a means of direct communication with the Cambodian people both within and outside the country.

At the end of August 2023, several weeks after the national election, Meta Platforms Corporation announced it would reject the ruling of its own oversight board and not enact the suspension of Hun Sen’s account. Immediately afterward, the Ministry of Post and Telecommunications announced that Facebook employees would be permitted to continue working in Cambodia, but members of the oversight board would remain banned on the basis they made “bad recommendations, which were political in nature, and interfered with Cambodia’s internal affairs.” The Cambodian Ministry of Foreign Affairs released a statement asserting that the oversight board decision: “[I]ntends to obstruct the freedom of the press for the citizens of Cambodia and the right to receive credible news from a leader whom they support and admire.” Meta claimed that: “suspending accounts outside our regular enforcement framework would not be consistent with our policies, including our protocol on restricting accounts of public figures during civil unrest”. At the beginning of September 2023, Hun Sen publicly announced his return to Facebook, stating: Dear compatriots. I decided to use Facebook again, combined with Twitter, YouTube, TikTok, Telegram, and Instagram after Facebook rejected the corrupt group's recommendations and gave me justice. I hope that Facebook will adhere to the code of ethics, not blind, like a group of corrupt people who are not welcome in Cambodia.”

In a clear demonstration of the priorities of the social media giant, the decision of the board was ultimately rejected, as the threat of the loss of either the Facebook page of former PM Hun Sen (along with his millions of followers) or the loss of the Cambodian market overall, took priority for Facebook. As noted by the Associated Press at the time, “The case is being closely watched as an indicator of where Facebook will draw the line in countries with volatile political situations.” The decision of the oversight board was that Hun Sen’s account should be suspended for six months (along with his Instagram account). The oversight board found that Facebook moderators should not have allowed the content in question, and Meta deemed the oversight board to issue nonbinding decisions regarding content moderation. The board had declared: “Hun Sen’s use of the platforms to incite violence against his political opposition, taken in the context of his history,

his government's human rights abuses, and the upcoming election combine to require immediate action." The assertion by Hun Sen that opposition criticism of election quality in Cambodia would be met with prosecution or violence was viewed more than 600,000 times.

Conclusion

2023 painted a bleak picture of Cambodia's media landscape. Freedom of the press and online freedom continued their downward spiral, with independent voices silenced and a climate of fear gripping journalists. This decline manifested in several worrying trends.

The year witnessed the systematic closure of independent media outlets. The shuttering of Voice of Democracy (VOD) in February, a critical platform for investigative journalism, sent shockwaves through the industry. The revocation of licenses for several Khmer-language publications in March followed this. These closures left a gaping hole in Cambodia's media ecosystem, depriving citizens of diverse perspectives and fostering an environment dominated by government-aligned narratives.

The Cambodian government further tightened its grip by blocking access to news websites critical of its policies. July 2023 saw the blocking of prominent outlets like The Cambodia Daily and Radio Free Asia (RFA), further restricting access to independent information. This move coincided with the national elections, raising concerns about the government's attempt to control the flow of information during a crucial political period.

Journalists working in Cambodia faced a constant threat of harassment and violence. Reports documented numerous cases, including physical attacks, threats of violence, and intimidation. These tactics served as a chilling reminder of the risks associated with independent reporting. The environment fostered self-censorship, as journalists avoided covering sensitive topics for fear of reprisal. The Cambodian government weaponized legal tools to silence dissent. Several journalists faced legal charges, often on dubious grounds, for their critical reporting. This tactic further intimidated journalists and instilled a sense of vulnerability within the profession.

The decline wasn't limited to traditional media. Online spaces faced increasing restrictions. Online speech critical of the government was routinely targeted by legal action. This sent a message to users, urging self-censorship and stifling online discourse. Additionally, reports documented a rise in government surveillance of online activity, creating a climate of fear and paranoia amongst online users.

Observers cannot omit the reality that dictatorial power in authoritarian states creates conditions where the social media corporation is dependent on the discretion of the ruler. This would seem to contradict conceptions of social media as a democratizing force directly, given that content regulations do not apply to autocratic political authorities and social media companies are accountable to the ephemeral benevolence of dictatorial rulers on the basis of the overriding need to maintain market access for the purpose profit. The future of Cambodia's media landscape appears even more concerning. The implementation of the National Internet Gateway in 2023 raised significant concerns. This centralized system paves the way for increased government control over online content, potentially enabling more sophisticated surveillance methods.

The 2023 marked a significant setback for media freedom in Cambodia. The systematic silencing of independent voices, website blockages, and the targeting of journalists paint a grim picture. Looking ahead, the increasing threats to online freedom and the potential for enhanced government

surveillance cast a long shadow over the future of a truly free and independent media space in Cambodia.

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