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Holding Cambodia Accountable for Its Descent into One-Party Rule

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On July 29, 2018, Cambodia held its sixth national election since the country emerged from the horrors of war in 1991. Cambodia's perennial despot, Hun Sen, extended his nearly 35-year reign for yet another five years, and the ruling Cambodia People's Party (CPP) secured all 125 seats in parliament.¹ The 2018 elections formalized Cambodia's status as a one-party state and demonstrated just how far Cambodia's democracy has retreated. Without swift accountability for this farce of an election, the future of Cambodian democracy may be permanently imperiled.

The State of Democracy in Cambodia Post-2018 Election

Election day was marred by corruption that included falsified election-turnout statistics and voter intimidation at the polls.² In the face of election boycotts, Hun Sen threatened to punish non-voters.³ Post-election, the Cambodian National Election Committee (NEC) claimed more than 82 percent voter turnout, a close to 20 percent increase over 2013 elections.⁴ This statistic "did not correspond with the sight of empty polling stations and residents walking around with fingers untouched by the ink used to denote those who voted."⁵ Of the

ballots cast, the NEC claims that 8.4 percent of ballots were spoiled, or cast improperly as a protest vote by ordinary Cambodians who felt they could not support the direction the ruling party is taking the country.⁶

The foundation for sullied 2018 elections was laid long before election day. The arrest and ongoing detention of opposition Cambodian National Rescue Party (CNRP) leader Kem Sokha on false charges of treason and collusion with the U.S. set off a series of degenerating events for Cambodia's democracy.⁷ In November 2017, the Cambodian Supreme Court outlawed and dissolved the CNRP.⁸ The decision barred 118 opposition parliamentarians from participating in the political process for five years and led to a mass exodus of opposition leaders.

Concurrent with these political developments were efforts to undermine freedom of the press, freedom of association, and freedom of expression. Countless newspapers are outlawed, including the *Cambodia Daily*, one of the few opposition press outlets in the country.⁹ Radio Free Asia (RFA) suspended its in-country Cambodia service last September due to "unprecedented" intimidation.¹⁰ Civil society organizations, including the National Democratic Institute, were expelled from the country last year in an effort to intimidate nongovernmental organization (NGO) voices ahead of 2018 elections.¹¹ Other smaller NGO outfits were also barred from the country. In the days leading up the vote, the Cambodian government ordered Internet service providers to block radio broadcasts from Voice of America, RFA, and a number of other pro-democracy radio outlets.¹²

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The outcome of elections was, in many regards, determined before Cambodians rang in the New Year, with Hun Sen saying that he intended to rule for another 10 years and then retire.¹³ Cambodia is no longer a democratic nation, and instead a one-party state.

The U.S. Response to Deteriorating Conditions in Cambodia Ahead of the 2018 Elections

The U.S. responded swiftly to deteriorating conditions in Cambodia by quickly condemning the Cambodian government's actions after Kem Sokha was detained last September.¹⁴ When the opposition was dissolved last November, the U.S. government withdrew its electoral support for the 2018 elec-

tions.¹⁵ As a follow-on response to Hun Sen's dissolution of the CNRP and ban on political participation of opposition parliamentarians, the U.S. in December announced visa restrictions against Cambodian officials found to be undermining democracy in the country.¹⁶ When visa restrictions were implemented the U.S. indicated that the restrictions could be lifted should the ruling party choose to reverse course. That obviously did not happen.

As it became increasingly clear that the free nature of elections in 2018 was a foregone conclusion, the U.S. Treasury fired another warning shot, issuing its first Global Magnitsky sanction against a Cambodian official, General Hing Bun Hieng.¹⁷ Global Magnitsky authorities permit the U.S. government to place individuals on the Specially Designated

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Nationals (SDN) list on human rights and corruption grounds. Bun Hieng, a notorious human rights abuser, serves as the head of the bodyguard unit and effectively operates as Hun Sen's personal army.¹⁸ He played a role in an egregious episode in 1997 when the unit killed 16 men and wounded 100 others, including an American, in a brutal grenade attack at an opposition party rally, attacked unarmed protestors in 2013, and instigated an attack on lawmakers in front of the Cambodian National Assembly in 2015.¹⁹

In the aftermath of the July 2018 elections, the U.S. issued a statement condemning the elections and reiterating their call on Hun Sen to release Kem Sokha. The announcement signaled that follow-on actions are coming, including potentially expanding the visa ban instituted last December.²⁰

Congress is also taking steps to hold Cambodia accountable. The House Foreign Affairs Committee passed the Cambodia Democracy Act in late July 2018.²¹ The act specifically names Hun Sen and 16 other CPP officials for sanctioning. If passed by the full Congress and signed by the President, the legislation could have a chilling effect on these individual's efforts to undermine human rights and democracy in the Southeast Asian nation.

Each side of Congress is also considering the 2019 State, Foreign Operations, and Related Programs Appropriations bill that would severely condition assistance to Cambodia. Both versions of the bill propose withholding assistance to Cambodia on the basis of holding free and fair elections and respecting the rights of civil society and all political parties to participate in the political process, among other conditions. Should the legislation proceed—and, in fact,

be updated to reflect the fraudulent results of the recent election—the Administration should make clear to Cambodian officials that this is far more than a one-year measure should Cambodia continue on the path of one-party rule.

Next Steps for Accountability

Given these new developments, the U.S. should take concerted action to hold Hun Sen and other cronies in the Cambodian government to account. The U.S. and other key actors in the international community, including the European Union, signaled their disapproval of the dissolution of the opposition and deteriorating conditions in the country. These actions may have been too little too late. A more robust response should have been carried out five years ago after flawed 2013 elections revealed a state of deteriorating democracy in Cambodia.²²

The U.S. should take further steps to hold the Cambodian government accountable:

- **Name and sanction Hun Sen and other party cadres for the role they play in undermining democracy in Cambodia.** The U.S. Treasury Department should use all available tools in its toolbox to freeze and seize assets of known individuals actively obstructing freedom in Cambodia. It should expand its use of existing Global Magnitsky authorities and use any other relevant authorities to place individuals on the SDN list. Such an action would send a clear signal to Hun Sen that the U.S. will intervene in necessary ways to get Cambodia back on the path toward democratic reform.

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- **Expand existing visa restrictions on Cambodian officials undermining democracy.** The U.S. State Department should follow through on promises made in its condemnation of the July 2018 election to expand existing visa restrictions on Cambodian government officials. One potential way to expand these authorities would be to extend visa restrictions unequivocally to family members, especially to Hun Sen’s direct family members. (Current visa restrictions only apply to family members on a case-by-case basis.)²³
 - **Create and convene an emergency meeting of the Cambodia Contact Group comprised of parties to the 1991 Paris Peace Agreement,** including the United States, Japan, Indonesia, Australia, the U.K., and France, to monitor and press for democratic reform. Among the purposes of the Paris agreement was to ensure “the right to self-determination of the Cambodian people through free and fair elections” and “assuring protection of human rights.”²⁴ The signatories have a continuing moral obligation in this regard. The contact group should be used to coordinate human rights policies and assistance programs toward Cambodia. In short order, leaders from all of the countries at the foreign-minister level should convene to draw up coordinated plans to hold the Cambodian government accountable and get Cambodia back on the path toward reform.
 - **Condition assistance to Cambodia on the health of democracy.** The U.S. should adopt stringent metrics for determining whether Cambodia is eligible for key assistance programs. Such language could mirror proposed conditions in the 2019 State, Foreign Operations, and Related Programs Appropriations bill.²⁵ Language in the Senate version of the appropriations bill is particularly strong and specific. The U.S. government should conduct a thorough review of all assistance to Cambodia and consider instituting more severe restrictions on aid. Emphasis should be placed on holding the Cambodian government accountable without harming the people themselves.
 - **Continue to press for the release of Kem Sokha.** Every U.S. government statement issued in response to deteriorating conditions in Cambodia should continue to reference Kem Sokha’s imprisonment and request that the Cambodian government release him immediately. The U.S. government should also make clear that there will be additional consequences if Kem Sokha continues to be held.
- Without a swift, coordinated plan democracy may never be restored in Cambodia. The U.S. and the international community should learn from the mistakes of its limited response after the 2013 election and respond to the 2018 elections in an offensive, rather than defensive, manner. The U.S. should plan for conditions to continue to deteriorate and put in place mechanisms that ensure Hun Sen and his CPP cronies are held to account.
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