



Covering events from January - December 2000

CAMBODIA

Kingdom of Cambodia

Head of state: King Norodom Sihanouk

Head of government: Hun Sen

Capital: Phnom Penh

Population: 11.1 million

Official language: Khmer

Death penalty: abolitionist for all crimes

2000 treaty ratifications/signatures: Optional Protocol to the UN Children's Convention on the involvement of children in armed conflict; Rome Statute of the International Criminal Court.



As in previous years, the main human rights problem in Cambodia was impunity for human rights violators, compounded by a weak and corrupt judicial system. The UN and the government reached agreement over the formation of a tribunal to bring to justice those suspected of responsibility for gross human rights violations during the period of Khmer Rouge rule (17 April 1975 to 7 January 1979). Debate on a bill allowing for the establishment of the tribunal began in the National Assembly at the end of 2000. Meanwhile, two Khmer Rouge suspects arrested in 1999 remained in pre-trial detention throughout the year. Torture in police custody was reported, and the police were complicit in vigilante killings of alleged criminals. Human rights workers were threatened and intimidated during the course of their work. Scores of people were arrested at the end of November after an attack in the capital by an armed group.

Impunity

The problem of impunity continued to have an adverse effect on the lives of Cambodians. Lack of confidence in the judicial system and the police led to an increase in vigilante killings. There were numerous reports by human rights monitors and in the local press, documenting mob killings of alleged criminals. Police officers often made no attempt to intervene and protect the individuals and in a number of cases actually handed over alleged thieves to crowds of angry people. In October, King Norodom Sihanouk appealed for an end to the killings. However, no steps were taken to investigate these killings or to bring those responsible to justice.

- In January Chhouk Rin, a former Khmer Rouge soldier, was arrested on charges of involvement in the murder of three Western hostages in 1994.

In 1999 he had given evidence at the trial of Nuon Paet, a former Khmer Rouge commander accused of ordering the murder of the hostages. Chhouk Rin was brought to trial in July, but was controversially acquitted on the basis of a 1994 law providing amnesty to Khmer Rouge forces who surrendered within a given time-frame, although the offence occurred after the law was passed. Nuon Paet appealed against his life sentence, a penalty which is not actually prescribed in Cambodia's Penal Code, but the sentence was upheld by the Appeals Court in October.

Khmer Rouge cases

Negotiations continued between the government and the UN over the establishment of a tribunal to bring to justice those suspected of responsibility for the gross human rights violations during the period of Khmer Rouge rule. After the rejection by the Cambodian side in 1999 of an international tribunal, a new compromise solution of a trial under Cambodian law with international participation was put forward by the USA. Senior UN delegations visited Cambodia in March and July for talks with the Cambodian negotiating team. By the end of the July visit, there was a draft Memorandum of Understanding between the two sides, which was not signed. The Cambodian side stated that the National Assembly would have to pass the required legislation in order to move forward. Debate on the draft law to establish a domestic tribunal began in the National Assembly at the end of December. The law raised serious human rights concerns, and fell short of international standards for fairness. Cambodian and international human rights groups expressed their concern throughout the year about the proposed tribunal and the need for an independent, impartial tribunal which would be able to conduct trials in accordance with international standards.

- Two Khmer Rouge suspects who were arrested in 1999 remained in detention in Phnom Penh's military detention facility throughout the year. In November, the new Special Representative of the UN Secretary-General on Human Rights in Cambodia was allowed to visit the two men in detention, the first independent human rights monitor to be given access to them.

Case developments

Kong Bun Hean and Mong Davuth, opposition party activists who had been arrested in September 1999 and detained in the Military Detention Facility were released in March. The President of the Military Court announced that investigations into their cases were ongoing and that they could be summoned to appear at any time. The two men fled the country to seek asylum.

Following the Prime Minister's December 1999 order to rearrest individuals previously released by the courts, dozens of people were detained without warrants, and without legal basis; more than 30 were still in detention at the end of 2000. In a related development, the chief of the Phnom Penh Municipal Court and the prosecutor were dismissed from their posts, accused of corruption.

Extrajudicial executions

Evidence emerged in August of the apparent extrajudicial executions of at least five men in Kratie and Kampong Cham provinces. Three of the men had allegedly been members of an armed group known as the *Khmer Serei* (Free Khmer) who then defected to become members of the Royal Cambodian Armed Forces, based

in Snoul district, Kratie province. Their bodies were found in Snoul district blindfolded and with their hands tied behind their backs. At least 20 other defectors from the group were reported missing.

The bodies of two men were found in Kampong Cham province. They had allegedly been executed after being taken into military custody. Cambodian human rights groups launched an investigation and called for an independent inquiry into the killings. The Ministry of Defence issued a statement which threatened to bring court action against the human rights workers, some of whom subsequently went into hiding.

Situation of minorities

People of ethnic Vietnamese descent remained at risk of human rights violations. Vietnamese refugees in Cambodia were vulnerable to arrest, detention and *refoulement* (forcible return).

- In March, a group of Vietnamese nationals were found to be working illegally at a factory in Phnom Penh. They had been trafficked into Cambodia to work, but were then arrested during a raid on the factory. Workers with non-governmental organizations who tried to assist the trafficked women prior to their forcible return to Viet Nam were threatened and harassed by the authorities and accused of trying to help the women to escape.

Mass arrests

In November, there was an attack in Phnom Penh, allegedly by a group called the Cambodian Freedom Fighters, the key target of which was the Ministry of Defence. Members of the Royal Cambodian Armed Forces were engaged in a gun battle, which left at least eight people dead. In the aftermath, scores of people were arrested in Phnom Penh, and in the provinces, including Sihanoukville, Pursat, Kampong Cham, Kampong Thom and Stung Treng. Those arrested in Phnom Penh were given immediate access to lawyers and to human rights monitors. Some of those arrested in the provinces were transferred to Phnom Penh, others remained in detention at the place of arrest. Dozens of people were released after a short period in detention, but dozens of others remained in detention at the end of the year, apparently facing charges of terrorism and organized crime. Some cases were placed under the jurisdiction of the Military Court while others appeared to be under that of the Municipal Court. The authorities issued arrest warrants for the alleged leaders of the Cambodian Freedom Fighters believed to be living abroad.

Intergovernmental organizations

The new Special Representative of the UN Secretary-General on Human Rights in Cambodia made his first visit to the country in November and met the Prime Minister. Reports were presented to the UN Commission on Human Rights and the UN General Assembly, both of which adopted resolutions requesting that reports should be submitted to their next sessions.

AI country report and visit

Report

- Kingdom of Cambodia: Law and order - without the law (AI Index: [ASA](#)

23/001/2000)

Visit

An AI delegate visited Cambodia in March.
