

ESTATE OF CAMBODIA @KILLINGS OF DEMONSTRATORS

Amnesty International is concerned by the possibly excessive use of force by State of Cambodia (SOC) security forces which resulted in the killings of demonstrators during suppression of the protest demonstrations that erupted in Phnom Penh, the nation's capital, on 21 December 1991. The organization has direct information about the deaths of eight people, seven by gunshot wounds and one by truncheon beatings, and gathered reports that at least three other people were killed by security forces on 21 or 22 December. An additional 26 people were admitted to Phnom Penh hospitals after having been beaten or shot by the security forces during the demonstrations.

Amnesty International is concerned that the security forces' use of lethal force may have been disproportionate to the need to control crowd violence, and that the resulting deaths of unarmed civilians may therefore have been unlawful. International standards permit lethal force to disperse violent assemblies only when absolutely necessary and in order to protect life. The use of force must always be in direct proportion to the seriousness of the situation and the legitimate objective it is intended to achieve.

Under the terms of an internationally-sponsored peace settlement signed on 23 October 1991, important aspects of Cambodia's governance are to be placed under the control or supervision of the United Nations Transitional Authority in Cambodia (UNTAC), a group of up to 10,000 UN military and civilian personnel who will be deployed in Cambodia. The Supreme National Council (SNC), comprised of members of the four Cambodian factions, is meant to embody Cambodian sovereignty during the run-up to general elections in 1993. Although the SNC has been convened by Prince Norodom Sihanouk, UNTAC is not yet in place and 90% of the country is still administered by the Government of the State of Cambodia, headed by Prime Minister Hun Sen.

A wave of demonstrations broke out in Phnom Penh from 17-20 December, led by several hundred state employees, who were protesting against allegedly widespread corruption among high-ranking SOC government officials. Some state employees claimed that money from the sale of state assets by the SOC Government was embezzled by corrupt officials, and that some civil servants had lost their jobs after the sale of state-owned enterprises. On 20 December, Transport Ministry personnel staged a demonstration protesting the sale of state-owned apartment buildings by Transport Minister Ros Chhun, who allegedly kept the proceeds. Demonstrators threw stones and bricks at his home and eventually set it on fire. Ros Chhun was later dismissed by Hun Sen, who admitted that official corruption was a problem.

On the morning of 21 December, amid rumours of continued demonstrations, police were deployed near the City Hall. As students on their way to the university stopped to find

out what was happening, police asked them to disperse. When some of the students refused, an argument ensued and students reportedly insulted the police, who retaliated by beating at least two students and arresting another, Choun Pharin, a law and economics student. Several hundred students and others gathered to protest the arrest, marching to the traffic police station at the crossroads of Achar Mean Boulevard and the road to Pochentong airport. Believing that Choun Pharin was held there, demonstrators threw rocks at the police station. Police responded by firing rounds from automatic weapons above their heads.

Blows were exchanged between demonstrators and police, who beat several of the demonstrators and arrested at least three others. Those arrested included Touch On and To Vichara, who were reportedly later released.

One of those beaten by the police was an unnamed young man, thought to be a student, who was admitted to Calmette hospital late that morning with a severe skull fracture from police beatings with a truncheon. He died shortly afterwards, and his body was taken away by unidentified people. Between 10 and 15 demonstrators were also admitted that morning to Calmette Hospital, with less severe injuries from police beatings.

At about 2.30 in the afternoon students chanting slogans demanding the release of their fellow students and human rights marched through Phnom Penh and gathered in front of the National Assembly building, where they asked to speak with its president Chea Sim. Apparently after talking with a National Assembly representative, a student leader announced that Choun Pharin had been released. However, approximately 2,000 demonstrators continued to demand that other detainees be released as well. At 5.30 in the evening most of the crowd dispersed peacefully, but three to four hundred demonstrators marched to Daun Penh sub-district police station and began to throw stones and bricks at policemen guarding the station, slightly injuring some of them.

Demonstrators then marched to the Municipal Police Station where they believed other detained demonstrators were still held. They threw stones in the direction of the station and also set fire to a truck and a motorbike. Police opened fire, shooting above the heads of the demonstrators. One policeman shot onto the ground in front of the demonstrators, hitting one of the demonstrators, Mock Paeng, a 26-year old high school student, with a ricochet bullet in the back. Mock Paeng died shortly thereafter in Calmette hospital.

Demonstrators marched on to the traffic police station, where they began to shout slogans and throw rocks, in spite of requests by student leaders that they disperse. Reinforcements from the Ministry of Interior police force and army Division Seven were then called in, and proceeded to clear the area of people. Eyewitnesses say at one point stones were thrown from the roof of a building next to the Monorom Hotel, and in response soldiers fired automatic weapons in the air, on the ground, and at building facades. Security

forces fired in the area for several hours and eventually dispersed the crowd later that evening.

Yin Taorm, aged 43, died as a result of a ricochet shooting by a soldier who fired on the ground at close range in front of local residents near the Sukhalay hotel. According to eyewitness testimony, none of the group was armed or threatened the soldier in any way. On the contrary, they raised their arms as a sign of surrender and attempted to speak with the soldier approaching them.

Others who died on 21 December included Kim Phy, a 17-year-old high school student, who was shot by what appeared to be a ricochet bullet; Tang Long, aged 21, who died from a bullet wound in the head; an unidentified young man who was admitted to the Military Hospital with a bullet wound in the head and died there; and an unidentified man seen killed on the street near the Pailin Hotel. Another unidentified man was seen being shot twice by soldiers and then beaten to death by a soldier near the Monorom Hotel. In addition to these killings there were at least three other reported deaths: an unidentified man is said to have been shot by security personnel near a police station on the road to Pochentong airport on the morning of 22 December; and two other men are said by medical personnel at the 7 January hospital to have died there about midnight on 21 December.

Phnom Penh hospital personnel say that on 21 December five people were admitted with bullet wounds to Calmette Hospital. Six people, five of them with bullet wounds, were admitted to the 17 April Hospital. Those injured included a 74-year-old woman admitted to hospital with a bullet in her back and a young woman who was paralyzed as a result of a bullet lodged in her neck.

In addition to the at least four people arrested during the morning of 21 December, at least 24 students were arrested that evening by army Division Seven troops and held in what is known as Tuol Sleng prison, the SOC armed forces' national detention centre. They included 11 law students who were arrested at about 11.30 p.m. on 21 December near the central market and Hak Sopheap, another law student, arrested at around 11.00 that evening. A Ministry of Defence official told Amnesty International on 28 December that all 24 had been released by 26 December. On the morning of 22 December, another seven students were arrested near the Institute of Technology and in the afternoon two students believed to be named Kim Pisethavi and Or Sothani were also arrested. All nine were released that evening.

However Amnesty International remains concerned about eyewitness reports suggesting that other demonstrators who were arrested on the night of 21 December might still be held. Amnesty International believes that the full list of students and other demonstrators taken into custody by security forces on 21 December and the following days should be made public by the SOC Government. The list should include the names of any

detainees, their current place of detention and the reason for their detention. Any prisoners of conscience, that is, those held solely for the peaceful expression of their opinions, should be released immediately and unconditionally. Those detainees charged with a recognizably criminal offence should be brought to trial fairly and promptly, or released.

In early January 1992 Prime Minister Hun Sen stated in an interview that to his knowledge only five people were killed during the suppression of demonstrations that erupted on 21 December. He reportedly said that some of the victims had been killed by what he described as "bad elements" who had allegedly infiltrated the demonstrations and fired on security forces, and that other victims had been killed when police or troops responded to violent attacks on the security forces. Earlier Foreign Minister Hor Nam Hong had said that "an armed element" had infiltrated the students' protest, firing on a police station from the roof of a building. However eye-witnesses interviewed by Amnesty International did not see or hear anyone firing on police in the area mentioned by the Foreign Minister, and nor did they see students using Molotov cocktails, as was also claimed by SOC officials. To Amnesty International's knowledge, none of the demonstrators was armed with firearms. Rather, SOC army troops and police resorted to the use of firearms to control crowd violence that did not involve the use of firearms, and the security forces did not attempt to employ less extreme measures before themselves opening fire.

On 22 December, the government announced a curfew in Phnom Penh from dusk to dawn. On 23 December all universities were closed in Phnom Penh, but were subsequently reopened on 8 January 1992. Government officials also said all demonstrations would require prior government permission, and on 27 December the National Assembly passed a law regulating demonstrations. Article 8 of the new legislation calls for punishment according to the law of any official committing an offence during a demonstration. However, to Amnesty International's knowledge, the SOC authorities have not launched any full-scale enquiry into the killings of civilians by security forces on 21-22 December 1991, nor has any legal action against security force members been initiated for possible violation of the laws in existence at the time of the demonstration.

Amnesty International therefore urges the Government of the State of Cambodia to investigate all the cases of possibly unlawful killings committed in breach of international standards, and to bring to justice any members of the security forces who may be responsible for unlawful killings. It also urges the authorities to make international standards on the use of force, such as the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted in September 1990 by the Eighth UN Congress on the Prevention of Crime and Treatment of Offenders) and the UN Code of Conduct for Law Enforcement Officials (adopted by the General Assembly on 17 December 1979), known to all security forces involved in dealing with demonstrations or civil unrest, and to act to ensure compliance with them. These principles state *inter alia* that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their

duty. Generally, firearms should not be used except when suspected offenders offer armed resistance or otherwise jeopardize the lives of others, and when less extreme measures are not sufficient to restrain or apprehend them.