

KINGDOM OF CAMBODIA

Arrest and execution of political opponents

“The important thing is not to be killed.”

[Words of a village soldier in Siem Reap Province, 12 July 1997 ¹]

During the weekend of 5-6 July 1997, forces loyal to Cambodia’s Second Prime Minister Hun Sen launched violent and sustained attacks against forces loyal to First Prime Minister Prince Norodom Ranariddh in the capital Phnom Penh. The fighting left more than 40 people dead, including civilians, and over 200 injured. As the forces loyal to Hun Sen consolidated their hold on the capital and surrounding area, individuals loyal to Prince Ranariddh and his political party have been extrajudicially executed, while dozens have fled the country in fear of their lives, along with members of opposition parties. In spite of assurances from Hun Sen that “there is no persecution”² Amnesty International believes that more than 30 people have been deliberately killed since 4 July, and hundreds remain in detention. Human rights monitors have yet to be given access to these detainees, in spite of formal requests made to the Cambodian authorities, and there are grave fears for their safety.

Background

(There follows a short section on political background. Details on the events surrounding the coup can be found on p5).

¹ As quoted by *Reuters*, 12 July 1997.

² *AFP*, 10 July 1997

The coalition Royal Government of Cambodia came to power in September 1993, following the end of the mandate of the United Nations Transitional Authority in Cambodia (UNTAC), which oversaw Cambodia's transition to elected government under the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict (commonly known as the Paris Peace Agreements). The Paris Peace Agreements, designed to bring an end to the long-running civil war in the country were signed in Paris in October 1991 by the four warring factions.³ Under the terms of the agreement, UNTAC was given authority to take over the administrative functions of government, organize the cantonment of each faction's armed forces and the subsequent demobilization of 70 per cent of these armed forces, and to organize democratic elections in the country. Although the implementation of the Paris Peace Agreements was hampered, most notably by the refusal of the Partie of Democratic Kampuchea (PDK, commonly known as the Khmer Rouge), to cooperate in the cantonment process and its eventual withdrawal from the peace process, democratic elections organized by UNTAC in Cambodia were held in May 1993.⁴ Voter turnout was extremely high, and the result was a victory for the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (known by its French acronym FUNCINPEC), led by Prince Norodom Ranariddh. The Cambodian People's Party (CPP) led by Hun Sen came second, and the Buddhist Liberal Democratic Party (BLDP) was third in the poll. A coalition provisional government was formed and a new constitution drawn up, re-establishing Cambodia as a monarchy and detailing the Kingdom's system of government. Some of the rights and freedoms enshrined in the international human rights standards to which Cambodia is a state party have been included in the new constitution.⁵ With the departure of UNTAC personnel in September of that year the Royal Government of Cambodia assumed full control over the country's affairs. It had

³ The four factions which signed the Paris Peace Agreements were the State of Cambodia Government (SOC) run by the Cambodian People's Party (CPP); the Partie of Democratic Kampuchea (PDK) commonly known as the Khmer Rouge; the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia, known by its French acronym FUNCINPEC; and the Khmer People's National Liberation Front (KPNLF). Eighteen countries also signed: Australia, Brunei, Canada, China, France, India, Indonesia, Japan, Laos, Malaysia, New Zealand, the Philippines, Russia, Singapore, Thailand, Viet Nam, the United Kingdom and the United States of America.

⁴ For more details of the human rights situation in Cambodia during the UNTAC period, see Amnesty International reports: *Cambodia: Human Rights Developments 1 October 1991 to 31 January 1992* (ASA 23/12/92); *State of Cambodia: Update on human rights concerns* (ASA 23/04/92); *Cambodia: Human rights concerns July to December 1992* (ASA 23/01/93); and *Cambodia: Arbitrary killings of ethnic Vietnamese* (ASA 23/05/93).

⁵ See Amnesty International *Kingdom of Cambodia: Human rights and the new constitution* (ASA 23/01/94, January 1994).

two Prime Ministers - First Prime Minister Prince Norodom Ranariddh and Second Prime Minister Hun Sen. The First Prime Minister's father, Prince Norodom Sihanouk, who had been head of the Supreme National Council, the embodiment of Cambodian sovereignty during the UNTAC period, was crowned King of Cambodia in September 1993 and the new constitution was promulgated.

Positive steps were taken for human rights promotion and protection during the UNTAC period. Cambodia acceded to all the major international human rights instruments, including the International Covenant on Civil and Political Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. A free press flourished for the first time, and the roots of civil society were formed, with the growth of a local human rights movement, and the subsequent formation of non-governmental organizations concerned with economic development. In spite of serious human rights problems which persisted during the UNTAC period, Cambodian people enjoyed basic human rights at a level they had not experienced during decades of civil war and repressive government. While only four political parties won seats in the National Assembly, many more fielded candidates in the elections, and the rights to freedom of association, assembly and expression were exercised by many for the first time. Amnesty International was able to make regular visits to Cambodia, both during and after the UNTAC period, and raised human rights concerns in discussions with government ministers.

Political Developments

Party divisions and tensions have been a hallmark of Cambodian politics since 1993. In July 1994, three senior CPP figures, including two National Assembly members were accused of leading an abortive coup attempt. One of those accused, Prince Chakropong, the son of King Norodom Sihanouk, was allowed to go into exile following the intervention of his father. A second, General Sin Song was placed under house arrest, but escaped to Thailand; both he and Prince Chakropong were sentenced *in absentia* to long prison terms.⁶ The third man, police General Sin Sen was sentenced to 18 years' imprisonment; he was removed from prison to house arrest in 1996, on health grounds.

Tensions within Cambodia's coalition government surfaced again in October 1994, with the sacking from office of prominent FUNCINPEC Finance Minister Sam Rainsy, after he criticised government corruption. He also criticised the wording of a draft law to outlaw the Khmer Rouge on the grounds that if implemented, it could lead to

⁶ For more details on human rights issues related to the coup attempt, see Amnesty International *Kingdom of Cambodia: Illegal detention of nine Thai nationals* (ASA 23/14/94, October 1994).

violations of human rights. After being sacked Sam Rainsy continued to criticise the actions of the Royal Cambodian Government. In May 1995, he was expelled from FUNCINPEC and in June from the National Assembly. In November 1995 Sam Rainsy founded a new political party, *Cheat Khmae* - the Khmer Nation Party (KNP). The legal status of this party has never been formalised, and its members have been subject to harassment. However, as relations between Prince Norodom Ranariddh and Hun Sen deteriorated throughout 1996, FUNCINPEC and the KNP declared an electoral alliance to contest the planned elections in 1998.

The Buddhist Liberal Democratic Party (BLDP) also suffered from internal division, and in mid-1995 split into two factions, one led by Son Sann, and the other by Information Minister Ieng Mouly. The two Prime Ministers recognised Ieng Mouly's faction as the legitimate BLDP and on 9 July 1995 this faction held a party congress at which a new executive committee was elected. Son Sann and his supporters did not attend the congress and they were not included in the new committee. Son Sann and five other elected BLDP National Assembly members who supported him were expelled from the Ieng Mouly faction of the BLDP. One of those expelled was the chair of the Parliamentary Commission on Human Rights, Kem Sokha, who has been a leading human rights advocate in Cambodia since the UNTAC period. The Son Sann BLDP faction attempted to hold a party congress in October 1995, but the proceedings were disrupted by grenade attacks.

As political tensions and insecurity increased, Amnesty International research showed a serious decline in the human rights situation in Cambodia, notably by the end of 1995. Prisoners of conscience were again detained in the country's prisons, reports of torture - greatly reduced by 1993 - began to rise again, and restrictions on the rights to freedom of expression and assembly were becoming obvious. Impunity for human rights violators, long the most serious human rights problem facing Cambodia, continued under the Royal Government; powerful individuals in the police and military implicated in human rights violations were never brought to justice. This was illustrated most starkly in 1996, when the Khmer Rouge political movement - which during its time in government between 1975 and 1979 was responsible for gross violations of human rights in Cambodia - split into two. One part of the movement, led by Ieng Sary, who had been Foreign Minister in the 1975-79 government, broke away from the rest of the movement and ceased fighting against the Royal Government. Following a request from the two Prime Ministers, Ieng Sary was granted a Royal Pardon in September 1996. Neither he nor any of his supporters were subject to an investigation into their activities during the period of the Khmer Rouge government, nor afterwards.

On 30 March 1997, an authorised, peaceful protest by supporters of the KNP led by Sam Rainsy, was the target of a grenade attack, in which at least 16 people died and over 100 were injured. In the aftermath of the attack, the Royal Government was divided on party lines over alleged responsibility and even over what would constitute appropriate memorial to the victims. Relations between the two Prime Ministers, which had been poor for some months deteriorated still further.

The catalyst for the events of 5 - 6 July was the attempt by FUNCINPEC, and in particular senior FUNCINPEC General Nhek Bun Chhay, to negotiate with the remnants of the Khmer Rouge. Throughout the month of June, there were various claims that Pol Pot (the reclusive leader of the Khmer Rouge), had been captured by his own forces, who no longer supported him, and that they were willing to hand him over to the Royal Government. General Nhek Bun Chhay led the negotiations, which were supported by Prince Norodom Ranariddh - who himself met senior Khmer Rouge leader Khieu Samphan in June 1997 - but vehemently opposed by Hun Sen. Although both Prime Ministers signed a letter to the Secretary-General of the UN, asking for help to bring Pol Pot before an international tribunal, it was very clear that Hun Sen was opposed to the ongoing negotiations, and he publicly accused Prince Ranariddh of breaking the law by meeting Khieu Samphan.⁷

The events of 5 and 6 July 1997

On Friday 4 July Prince Norodom Ranariddh left Cambodia, ostensibly for a private visit to France. By early morning on Saturday 5 July, there were reports of fighting to the southwest of Phnom Penh, and troop movements around the country's only international airport, and by late morning, fighting between CPP and FUNCINPEC troops had spread to the area around the airport. A commercial flight to Phnom Penh from Bangkok turned back without landing, and the airport was closed. From the outset, it became clear that the targets for the CPP troops were the residences of senior FUNCINPEC officials - including those of General Nhek Bun Chhay and General Chao Sambath - and FUNCINPEC buildings, notably the FUNCINPEC headquarters at the northern end of Norodom Boulevard, and the residence of Prince Norodom Ranariddh on Street 214, in the centre of the city. An announcement by Second Prime Minister Hun Sen, broadcast on CPP-controlled radio and television throughout the day on Saturday 5 July stated that the offensive had been launched in order to stop "irregular forces" including alleged Khmer Rouge troops from

⁷ Hun Sen was referring to the "Law on Outlawing the "Democratic Kampuchea" Group", adopted by the National Assembly on 7 July 1994.

infiltrating the city. During the day, civilians were among those killed when mortar rounds exploded in several parts of town.

At around 5am on Sunday 6 July, shelling began again in the vicinity of the airport. The suburb of Tuol Kork - where several senior FUNCINPEC military personnel lived - was also a centre of the fighting. A FUNCINPEC military base near the airport was the main target of the fighting there. The FUNCINPEC headquarters and Prince Ranariddh's house were again the target of heavy firing throughout the day, until early evening when both buildings were captured by CPP troops. At about 10pm, Second Prime Minister Hun Sen appeared on television, and stated that the use of force had been necessary to stop the infiltration of "illegal Khmer Rouge troops", and that violence had been the only way to solve this problem. He stated that no FUNCINPEC officials had been arrested, and said that FUNCINPEC should choose a new First Prime Minister to replace Prince Ranariddh, whom he accused of being a traitor. Hun Sen alleged that General Nhek Bun Chhay had been commanding a group of 200 Khmer Rouge troops during the fighting, and accused Chao Sambath of being involved in terrorism and hostage-taking. He said that FUNCINPEC needed to choose a new First Prime Minister.

Since the events of 5-6 July, most of the press has ceased to publish, and the pro-FUNCINPEC and pro-KNP press has shut down completely. Many Cambodian journalists and editors have fled the country. The FUNCINPEC television and radio stations have been under the control of the CPP since the fighting on 5-6 July.

The immediate aftermath

Following the fighting in Phnom Penh, the rapid defeat of FUNCINPEC forces and the large-scale looting that followed in which many people's houses and offices were stripped bare, prominent supporters of Prince Ranariddh either fled the city or went into hiding, fearing for their lives. In announcements on the broadcast media, senior CPP officials including Second Prime Minister Hun Sen and CPP Minister of Interior Sar Kheng stated that ordinary FUNCINPEC supporters were not being targeted, and that the only people who were at risk of arrest were Prince Norodom Ranariddh (who was not in the country), General Nhek Bun Chhay, Special Advisor to Prince Ranariddh Serei Kosal, Secretary of State at the Ministry of Interior Hor Sok and Director of the Department of Intelligence and Espionage at the Ministry of Defence Chao Sambath. The climate of fear that prevailed in the city among FUNCINPEC and BLDP members and also among opposition party activists from the KNP, and pro-KNP and FUNCINPEC journalists was heightened by the arrest and extrajudicial execution of Hor Sok, the FUNCINPEC Secretary of State at the Ministry of Interior

on Monday 7 July. The exact circumstances surrounding his arrest and execution remain unclear. However, what is known is that he was arrested by forces loyal to the CPP in the afternoon of Monday 7 July, apparently while attempting to find a country that would give him asylum. Information received by Amnesty International indicated that he was executed later that day inside the Ministry of Interior compound. Initial reports from Ministry of Interior sources claimed he had committed suicide in custody, but later an official said that he had been shot dead by people who “were angry with him.”⁸ The arrest and apparent extrajudicial execution of General Chao Sambath on Wednesday 9 July, which became public knowledge a day later added to the fear experienced by many associated with FUNCINPEC. Only three days after the defeat of FUNCINPEC forces in Phnom Penh, two of the five people who had been announced as wanted men had been arrested and killed.

Elected National Assembly members loyal to Prince Ranariddh, and from the Son Sann faction of the BLDP were anxious to leave the country, as were many senior FUNCINPEC officials who had worked closely with Prince Ranariddh. The Singapore Government organized an evacuation flight for their nationals on 9 July, in which several members of the Cambodian Royal Family and some FUNCINPEC officials left. More National Assembly members left the country the following day, on a flight to Bangkok. There was a widespread panic amongst many in the political hierarchy who were not connected to the CPP, and as increasing numbers of foreign nationals left the country on specially organized evacuation flights, attempts to leave the country in order to seek refuge elsewhere became more urgent.

Further executions

Amnesty International has received reliable reports of other apparent extrajudicial executions which took place in the days after the weekend 5-6 July, and believes that at least 35 people have been extrajudicially executed. At least four senior FUNCINPEC Generals are among those believed to have been unlawfully killed. General Krauch Yeum, who was Under-Secretary of State at the Ministry of Defence and a close associate of Nhek Bun Chhay was reported to Amnesty International as having been killed on 7 July. General Ly Seng Hong, Deputy Chief of Staff in the General Staff of the Royal Cambodian Armed Forces was killed, on 8 or 9 July. It is believed he was with Chao Sambath and was captured at the same time. General Sam Norin, Deputy Commander of the Special Military Region was killed - almost certainly executed - probably on 8 July. General Maen Bun Thon

⁸ *Reuters*, 9 July 1997.

who held the post of Director of Logistics and Transportation at the Ministry of Defence was killed, believed executed, again probably on 8 July. It is not clear whether these killings were carried out on the orders of the central authorities in Phnom Penh, or were the random actions of individual commanders carried out without express orders; however, the effect of them has been to instill fear amongst FUNCINPEC supporters loyal to Prince Ranariddh and also amongst opposition party activists and journalists.

Further reports of executions of lower-level FUNCINPEC personnel continue to reach Amnesty International. Some illustrative cases are outlined below. It is not possible to ascertain exactly when all of the victims were killed, but it would appear that the majority of the victims were executed in the days immediately after 5-6 July. In at least one case, the mutilated bodies of victims were left on the public highway for two days, apparently as a warning to the local population. Eye witnesses reported to Amnesty International on 9 July that in the morning of 7 July, they had seen the bodies of four men, left at a temple in Phnom Penh. There were marks around the wrists of the victims, indicating that they had been tied up, and at least one of them had been gagged. They had apparently been executed and their bodies dumped at the temple. Unconfirmed reports suggested that they had worked as bodyguards for Chao Sambath. Amnesty International also believes that the Deputy Director of the First Bureau of the Navy, Commander Meas Sarou was arrested with four of his associates late in the evening of 4 July, by naval forces loyal to the CPP. His body and those of his colleagues were found on 9 July, in two locations near Phnom Penh. Information has reached Amnesty International that three FUNCINPEC bodyguards who had fled Phnom Penh to their home villages in the province of Kampong Cham, were arrested and executed by soldiers loyal to the CPP, from the Second Military Region. According to witness reports, their bodies were dumped in the river in Kang Meas district, Kampong Cham province. Human rights monitors also found a cremation site in a ditch in Kampong Speu province where at least four bodies were cremated on 11 July.

Prisoners

In addition to at least 35 people Amnesty International believes were captured and executed during and after the 5-6 July, the organization has received credible reports of hundreds who have been detained. Some were held for short periods, while others remain in detention at the time of writing. Human rights monitors, including the UN Centre for Human Rights and the International Committee of the Red Cross have yet to be given access to these people. Their conditions of detention are not known. Most of those detained appear to be former FUNCINPEC bodyguards and

combatants, but civilian officials are also among the detainees. In Kandal province alone, Amnesty International believes that more than 600 people were detained in different districts, of whom approximately 400 are believed to be still in detention. They include FUNCINPEC soldiers, some bodyguards of two FUNCINPEC members (General Nhek Bun Chhay and Por Bun Sreu MP), and individuals described by the detaining authorities as “illegally recruited soldiers”. Detainees in other provinces include 31 FUNCINPEC members arrested in Prey Veng on 5 July, and currently detained in the provincial prison, under Article 36 of the Penal Code, relating to “organized crime”. Among those detained are Im Kim Uon, Deputy-Commander of the Provincial Armed Forces, and Kong Bun Thoeun, Deputy Commander of the Military Police in the province. In Battambang province, the Provincial Police Commissioner Vorn Chun Ly and 12 other FUNCINPEC members were arrested on 7 July, but were later released. Reports of the arrest of district and commune FUNCINPEC officials in this and other provinces could not be confirmed by Amnesty International at the time of writing. One hundred FUNCINPEC soldiers are currently detained in Siem Reap province, at the main base of the Fourth Military Region. A further 100 civilian FUNCINPEC officials in Siem Reap are reported to have been detained, although there are also reports that their release is imminent.

Political developments

On 14 July, FUNCINPEC Foreign Minister Ung Huot, who had been out of the country when the violence took place, returned to Phnom Penh. Two days later, on 16 July, it was announced that he would be willing to replace Prince Norodom Ranariddh in the post of First Prime Minister. The National Assembly is scheduled to meet on 28 July, to vote on the appointment. Ung Huot was quoted in the press on 17 July as saying that steps were being taken to halt any human rights abuses in the country.

"Hun Sen is taking measures to solve this by sending members of parliament from FUNCINPEC and the CPP to places where there is trouble. Measures are being taken every hour," he said.⁹

Hun Sen has publicly stated several times since the 5-6 July that elections scheduled for May 1998 will go ahead as planned.

Recommendations

⁹ *Reuters*, 17 July 1997

Amnesty International remains deeply concerned about the events which took place in Cambodia during the weekend 5-6 July, and the apparent arrests and executions that followed. The organization fears for the safety of those in detention. In spite of the assurances from both the CPP, and from the FUNCINPEC members who have remained in the government that human rights violations will not be tolerated and that political parties, the press and human rights groups should continue to function as normal, many people in Cambodia remain fearful for their safety and a large number have already fled the country. It is vital that the Cambodian authorities back their statements up with practical action, such as the recommendations outlined below.

Amnesty International recommends:

To the Cambodian authorities -

- immediate access to all those in detention should be given to human rights monitors;
- details of the names, numbers and location of all those detained should be made available immediately, along with any charges laid against them. Those held solely for their peaceful political beliefs should be released immediately and unconditionally;
- full, impartial investigations into all alleged executions should be carried out at once, with the results made public, and those responsible brought to justice;
- no one should be targeted because of their political affiliations. Fundamental human rights as guaranteed in the ICCPR and in the Cambodian constitution must be upheld, including the right to life and the right to freedom of expression;
- ensure that members of the military and police in Cambodia abide by international human rights and humanitarian law and standards.

To the International Community -

- honour the solemn commitments undertaken in the Paris Peace Agreements, in particular “to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia ... in order in particular to prevent the recurrence of human rights abuses.”

- work together with ASEAN governments at regional fora in the next week, to promote diplomatic initiatives that will secure human rights protection in Cambodia;
- condemn unequivocally the executions that have taken place and press for immediate investigations to be undertaken into the circumstances of these killings;
- urge the Cambodian authorities to provide details on all those in detention in connection with the events of 5-6 July, and that they give immediate access to human rights monitors to the detainees;
- provide safe passage and asylum to all those Cambodians currently in need of protection;
- recognise the fact that the issue of impunity for human rights violators continues to play a destructive role in Cambodian society, and that the efforts begun in recent weeks to bring to justice those implicated in gross human rights violations in the past should not be dissipated.