

AI INDEX: ASA 23/08/98

EMBARGO: 0001GMT Tuesday 17 March 1998

Cambodia: Military court summons dead man to trial

Amnesty International today condemned the Cambodian military court for summoning the late Chao Sambath to appear in court this morning. Brigadier-General Chao Sambath was extrajudicially executed after being captured by members of the Royal Cambodian Armed Forces (RCAF) on 8 July last year.

“It is farcical that the Cambodian authorities have brought a court case against a dead man, but not against those who killed him,” Amnesty International said today. “How can anyone take such proceedings seriously, when it is a well-known fact that Chao Sambath has been dead for months?”

This is the second time in a fortnight that the Phnom Penh military court has convened to hear charges against exiled First Prime Minister Prince Norodom Ranariddh and other senior members of his political party, FUNCINPEC. In the first case on 4 March, Prince Ranariddh and two others were found guilty during a grossly unfair trial *in absentia*, on charges of illegally importing weapons. An Amnesty International representative monitored the trial in Phnom Penh.

Today’s charges against Prince Ranariddh, Chao Sambath, Nhek Bun Chhay and Serei Kosal are that all four men were involved in crimes against the internal security of the country and in organising illegal armed forces. Trials in Cambodia are routinely unfair, and in political cases verdicts appear to have been decided well in advance of the court hearing.

“The shortcomings of Cambodia’s judicial system are well-known. But summoning a dead man to appear to answer charges is a new departure, not least when he was killed by government soldiers,” said Demelza Stubbings, who was Amnesty International’s representative at the 4 March trial

The court proceedings today take place against a background of ongoing political killings, including the high-profile assassination of FUNCINPEC Brigadier-General Thach Kim Sang in Phnom Penh on 4 March. Amnesty International has recorded dozens of political killings since the 5-6 July coup against Prince Ranariddh, for which no one has been called to account.

“There is institutionalised impunity for human rights violators in Cambodia. No one responsible for committing human rights abuses is ever brought before a court and trials that should happen never take place,” the organization said.

The Friends of Cambodia group of countries warned on 6 March that “in order to create conditions for free, fair and credible elections, steps were urgently required to ensure a climate free of human rights abuses and political intimidation.” Amnesty International believes that, unless immediate steps are taken to prosecute those responsible for such abuses, elections in Cambodia will

take place in a climate of fear.

BACKGROUND

Since the violent ousting from power of First Prime Minister Prince Norodom Ranariddh by Second Prime Minister Hun Sen in early July 1997, respect for fundamental human rights - already at a low level before the coup -- has declined still further. Dozens of Prince Ranariddh's supporters have been extrajudicially executed, and there are currently no indications that the situation will improve before the elections scheduled to take place in July 1998.

Political killings continue and the evidence against the security forces is in some cases overwhelming. Senior government ministers have promised that serious investigations into human rights violations will be undertaken, but their efforts appear to have directed at discrediting the work of human rights monitors rather than searching for the truth.

Before the July coup, Brigadier-General Chao Sambath was the Deputy Chief of the Intelligence Service Department, RCAF Supreme Command. After the fighting in Phnom Penh in July, Chao Sambath fled with his colleague General Krauch Yeum and a group of subordinates. The men were captured by RCAF troops loyal to Hun Sen on 8 July 1997, and the two generals were separated from their men. Krauch Yeum's body was exhumed by human rights workers on 15 October and Chao Sambath's on 28 October 1997. Chao Sambath appeared to have been shot dead execution style, with a bullet through the back of the head.
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