

£KINGDOM OF CAMBODIA

@Illegal detention of nine Thai nationals

Amnesty International is concerned at the continued illegal detention of nine Thai nationals in T3 prison, in the Cambodian capital, Phnom Penh. The nine men, all of whom have been detained since 3 July 1994, are being held without charge or trial. Amnesty International is calling on the Royal Government of Cambodia to release these men or to charge them with a recognizable offence under existing laws. If insufficient evidence exists to charge them under existing Cambodian law, Amnesty International believes they should be released immediately.

Amnesty International is concerned that the Cambodian authorities may be holding the nine Thais in detention in an attempt to exert pressure on the Thai government. The Cambodian authorities want the Thai government to allow a Cambodian investigation committee access to as many as 14 Thai nationals in Thailand, in order to interview them about suspected involvement in a failed coup attempt in Phnom Penh on 2 July. The detention of nine Thai nationals in Cambodia in order to further this cause constitutes an infringement of the human rights of the detainees, whose continued detention is a violation of international and Cambodian law. It is unacceptable that the basic human rights of these nine men should be subjugated to the interests of a government investigation committee. The men in detention in T3 prison are:

Somsak Surattananun
Anuchit Thungphonphoum
Prathuang Pholyiam
Narongchai Tandavanit
Amnuay Nimmuan
Sakhon Chartsuk
Adisak Yutthamongkol
Phongsan Phukklakhang
Aram Kromkrot

Background

On July 2, there was a failed coup attempt in Phnom Penh, led by two prominent Cambodian politicians, Prince Norodom Chakrapong, and General Sin Song. Following the collapse of the coup attempt, Prince Norodom Chakrapong was allowed to leave the country, and General Sin Song was placed under house arrest. Other arrests linked to the coup attempt took place at Phnom Penh airport on July 3, when 14 Thai nationals were arrested as they attempted to leave the country on a flight bound for Bangkok, Thailand.

The 14 men were all taken to a hotel in Phnom Penh, and detained there for questioning by the Cambodian authorities. Reports released by the Cambodian authorities indicated that they believed the Thai men had come to Cambodia to take part in the coup attempt. Some reports from Cambodian officials investigating the cases of the detainees, suggested that a number of the Thais were technicians employed by a telecommunications company. It was alleged that during the coup, these technicians were to sabotage the telecommunications system in the country. Amnesty International has learned that of the nine men currently detained in T3 prison, only three have links with a telecommunications company.

While detained in hotels and guesthouses in Phnom Penh, the 14 Thai men were able to receive visits from their diplomatic representatives. In spite of high level diplomatic and political contacts between the Thais and the Cambodians, including a meeting between Cambodian First Prime Minister Prince Norodom Ranariddh, and Thai Foreign Minister Prasing Soonsiri, no progress was made on establishing exactly why the Thai nationals were under arrest, or for how long they were expected to be held. At no point were charges filed against the men, and they were not brought before a court. On 20 August, five of the men were released from detention, and the Thai ambassador to Cambodia was able to arrange for them to be sent back to Bangkok. Speaking to the Press at the time of the release, the Thai Ambassador said that the Cambodian authorities had told him that the questioning of the Thai nationals was necessary, as they may know facts *"which can lead them to their own people...Information from our people may be useful to them."* The five men who were released all denied being linked to any telecommunications company, and said they had been recruited to work in Phnom Penh by an agency which had promised them well-paid jobs in a shoe factory.

Since the release of the five men in August, the remaining prisoners have been transferred from the hotel and guesthouse where they were being detained, to T3 prison in Phnom Penh. Amnesty International has learned that the men are being held in very cramped conditions, with poor toilet facilities. Diplomatic representatives from Thailand are able to visit the men for half an hour each week.

Illegal detention

The ongoing detention of the nine Thai nationals contravenes the Cambodian constitution, article 38 of which states:

"Accusations against, arrest, detention or imprisonment of a person may be made only when they are carried out correctly by virtue of the provisions of law."

It also contravenes Article 13 of the Cambodian penal code, adopted in 1992 by the Supreme National Council (the highest source of authority in Cambodia at that time), which states:

"No one may be detained more than 48 hours without being brought before a judge, following charges filed by a prosecutor."

Their detention is also a violation of Article 9 of the International Covenant on Civil and Political Rights (ICCPR) to which Cambodia is a state party:

"No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge ... and shall be entitled to trial within a reasonable time or to release."

At the end of August, United Nations Special Representative for Human Rights in Cambodia, Justice Michael Kirby wrote to the Cambodian Foreign Minister, Prince Norodom Sirivudh, on behalf of the nine men still detained. In his letter, Justice Kirby pointed out that the men were being held in contravention of the Cambodian constitution, and the Cambodian penal code. In spite of Justice Kirby's attention to the case, the conditions of detention for the nine men remain unchanged. Three months after the failed coup attempt, no charges have been brought against these men, they have never appeared before a court, and they do not have legal representation.

Cambodian government ministers have indicated that they wish to interview Thai nationals currently residing in Thailand, including a former police colonel and member of Parliament, with reference to the attempted coup in Cambodia in July. Cambodian officials have said that they believe as many as 14 Thai nationals currently in Thailand may have been involved in the coup attempt. The Cambodian authorities have implied that these people came to Cambodia some time before 2 July, but managed to leave Cambodia immediately after the failed coup attempt, thus escaping arrest. Cambodian Interior Ministry You Hok Kry told reporters on 23 September that:

"The issue of the [detained] Thais is not because of the Khmers nor the royal government, it is the problem of the Thai side. The Thais promised to let our investigation committee go to Thailand to interview the Thais who escaped but they have not given us permission yet."

Amnesty International believes that whether or not there are Thai nationals in Thailand who may have been involved in a coup attempt in Cambodia in July, is not pertinent to the cases of the nine Thai nationals currently detained in Phnom Penh. Further, the organization believes that the release of these nine men should not be dependent upon access to alleged suspects in Thailand. The basic human rights of the nine

Thais listed above have been ignored by the Cambodian authorities throughout the investigation into the coup attempt, and at no point have proper procedures surrounding the arrest, detention and charging of suspects been followed. Amnesty International believes that if the Cambodian authorities have sufficient evidence against the nine Thai men currently held at T3 prison, then they should charge them with a recognizable offence under existing laws, and the men should then be given a fair and prompt trial. If no such evidence exists, then Amnesty International calls upon the Royal Government of Cambodia to release the nine men named above immediately.