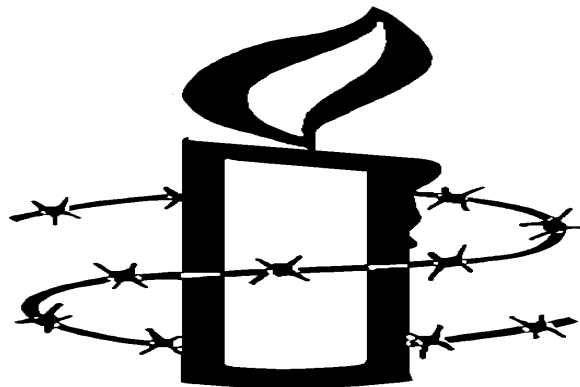


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CAMBODIA

**Briefing for
ASEM Foreign Ministers Meeting
March 1999**



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Briefing for ASEM Foreign Ministers Meeting March 1999

Total impunity for human rights violations continues to be the norm in Cambodia. To date, perpetrators of recent human rights violations, including extrajudicial executions, torture and arbitrary detention -- as well as those who committed acts of genocide, crimes against humanity and war crimes between 17 April 1975 and 7 January 1979 while the Khmer Rouge was in power -- have not been brought to justice.

The government's failure to bring to justice those responsible for recent violations has led to a climate where further human rights violations continue unabated in a self-perpetuating cycle. Without the political will to address the ongoing violations and halt impunity, the situation will not improve, and without institutional reform the ability to prosecute alleged violators will remain weak.

Since the violent removal from power in July 1997 of then First Prime Minister Prince Norodom Ranariddh of the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) by forces loyal to Cambodian People's Party (CPP) then Second Prime Minister Hun Sen, scores of FUNCINPEC supporters have been extrajudicially killed, and hundreds have fled the country.

Elections held in July 1998 were marred by a climate of intimidation and threats. Despite having won, the CPP failed to secure enough seats to form a government. However, a coalition government was formed after talks initiated by the King in November. In September 1998, police violently dispersed demonstrators who had -- by and large -- peacefully demonstrated against election rigging. At least three people were shot dead by the security forces, scores of people were arrested and dozens remain unaccounted for. In the aftermath of the crack-down, two dozen bodies were found in and around the capital Phnom Penh. To date, the Cambodian authorities maintain that the sudden appearance of so many corpses was unrelated to the violent dispersal of the demonstrators. However, no substantive investigations have so far been carried out into these killings.

Human rights defenders were the regular target of official criticism both before and after the July elections; some received death threats and two were arrested in December 1998 in the course of their legitimate human rights work.

Torture and ill-treatment by the police remains a very serious problem, as documented by Amnesty International. Current police practice routinely denies detainees access to lawyers, their families or medical personnel for the first 48 hours of detention -- the critical period during which all detainees are vulnerable to torture and ill-treatment. Court

convictions on the basis of confessions obtained under duress during the first 48 hours of detention are routine.

Impunity remains entrenched in law. Article 51 of the 1994 Law on Civil Servants provides that the Council of Ministers' consent is required for criminal proceedings to be instituted against civil servants -- including law enforcement officials -- effectively preventing the initiation of such proceedings by the competent authorities. The establishment of a National Human Rights Committee -- which lacks any independence, and which so far has not carried out any serious investigations into alleged human rights violations -- is a cause of serious concern, particularly as this body is intended to act as the precursor of a permanent national human rights commission.

In November 1998 a group of experts appointed by the United Nations visited Cambodia to examine evidence about serious human rights violations committed between 17 April 1975 and 7 January 1979 while the Khmer Rouge was in power. In late December 1998, Prime Minister Hun Sen welcomed the defection of two senior former Khmer Rouge leaders as a sign of the success of his policy of national reconciliation. This appeared to contradict previous requests to the UN "for assistance in responding to past serious violations of Cambodian and international law by the Khmer Rouge". This move contributed to the already overwhelming climate of impunity in the country and risked seriously undermining attempts to tackle past and recent human rights violations.

Strong measures must be taken by the new Cambodian government to protect human rights and prevent violations. The cycle of impunity must be broken.

Amnesty International calls on Foreign Ministers from Europe in their meetings with counterparts from Asia, either individually or in concert, and in their contact with the Cambodian authorities:

- **to raise the human rights situation in Cambodia as part of the ASEM political dialogue process.**
- **to urge that the Cambodian authorities must initiate full, independent inquiries into human rights violations in the country, including those associated with the events of 5-6 July 1997. While such inquiries are in progress, all those implicated in human rights violations, including the killings, should be suspended from duty pending prosecution or disciplinary action.**
- **to urge that the Cambodian authorities repeal laws, particularly Article 51 of the 1994 Law on Civil Servants, which provide impunity for state employees - including members of the police and armed forces - and that those who are suspected of having committed human rights violations are brought to justice.**
- **to ensure that the government of Cambodia takes effective steps at all levels to prevent extrajudicial executions.**

- **to ask for guarantees from the Cambodian Government that the fundamental rights to freedom of association, expression and assembly will be upheld in the country.**
- **to consider ways in which to support and offer protection to the families of victims of human rights violations and to human rights advocates in Cambodia.**
- **to urge the Cambodian authorities to take all necessary steps to bring to justice members of the Khmer Rouge political movement implicated in gross violations of human rights between 1975 and 1978, including cooperating fully with the experts appointed by the UN Secretary-General, as a vital step in ending the culture of impunity in Cambodia.**