

KINGDOM OF CAMBODIA

Killing of Thun Bun Ly

“I have been threatened by soldiers and police who keep me under surveillance, and people who know me say I should stop publishing...but the newspaper is my sweat and blood. I won't forsake it.”¹

Thun Bun Ly, the editor of the newspaper *Oddomkete Khmae* (Khmer Ideal), and a party worker with *Cheat Khmae* (Khmer Nation Party or KNP) was shot dead in Phnom Penh on 18 May 1996, hours after three provincial KNP offices were opened in Sihanoukville, in defiance of a government ban. At 10am, only half an hour before his death, Thun Bun Ly telephoned a friend in Phnom Penh and expressed fears for his safety; he said he had been followed home from the house of Sam Rainsy, who is the leader of the KNP and a prominent government critic.

At about 10.30 in the morning on Saturday 18 May, Thun Bun Ly left his house and got on a motorbike taxi. As the taxi drove along Street 95, two men on another motorbike drove up behind; the pillion passenger fired a K-59 pistol, hitting Thun Bun Ly three times from the rear. Thun Bun Ly fell off the motorbike taxi onto the road, while his assailants drove away. Most witnesses to the shooting recalled that the driver of the motorbike was wearing clothes resembling a uniform, while the man who fired the gun was dressed in civilian clothes. The driver of the motorbike taxi fled the scene.

Thun Bun Ly died in the street from his injuries. His body was taken to a nearby Buddhist temple. Amnesty International has received reports that officers from the Phnom Penh municipal police came to the temple later that morning and removed two bullets from Thun Bun Ly's body. In the afternoon, a man allegedly from the Ministry of Interior came to the temple, and removed the third bullet. The whereabouts of these important pieces of evidence are not currently known. Thun Bun Ly's body was moved to the main office of the KNP, on Street 214.

Background to the killing

Thun Bun Ly was 39 years old, and had a wife and children. Before 1975 he completed a diploma at the 18 March Lycee in Phnom Penh. During the period 1975 to 1978, when Cambodia was ruled by the Government of Democratic Kampuchea (commonly known as the Khmer Rouge period), Thun Bun Ly was sent to the province of Kampong Speu. When the Khmer Rouge government fell in 1979, after the invasion of the Vietnamese army, Thun Bun Ly returned to Phnom Penh and worked as a forestry official; he was also involved in an anti-Vietnamese political group, which later collapsed. He later went to the Thai-Cambodian border, to a refugee camp there. Thun Bun Ly returned to Cambodia under the repatriation program organized by the United Nations, prior to the 1993 elections. He worked as an activist with the FUNCINPEC party, which is led by Prince Norodom Ranariddh, now the first Prime Minister of Cambodia, but gave this up when he founded *Oddomkete Khmae*, which began publishing during the election campaign in 1993.

Thun Bun Ly was well known to the Cambodian authorities. The editorial stance of his newspaper was strongly critical of the Royal Government, and he had been prosecuted and

¹ Thun Bun Ly, in an interview with Amnesty International, Phnom Penh, 14 November 1995.

convicted twice on charges relating to articles published in his newspaper. The articles were critical of the Royal Government; they were peaceful critiques which did not advocate the use of violence. At the time of his death, the sentences imposed on Thun Bun Ly (fines of five million Cambodian riels or a year in prison in one case, and ten million riels or two years in prison in the other case) were stayed, pending a final appeal to the Supreme Court. Had Thun Bun Ly been sent to prison as a result of these convictions, Amnesty International believes he would have been a prisoner of conscience.

In addition to his work as a newspaper editor, Thun Bun Ly worked for the KNP since the party was established in November 1995. Thun Bun Ly was a member of the Steering Committee and was involved in party administration, which included the development of the party in the provinces.

The KNP connection

The KNP was declared illegal by Cambodia's First Prime Minister Prince Norodom Ranariddh, shortly after the opening ceremony took place on 9 November 1995. The only law pertaining to political parties in Cambodia is the law dating from the time of the United Nations Transitional Authority in Cambodia (UNTAC), regarding the conditions political parties were required to meet in order to participate in the May 1993 elections in the country. Under the terms of the law, particular documentation and evidence of popular support as well as details of party officials, statutes, symbols and bank accounts had to be provided, in order to receive permission to field candidates in the 1993 elections. The leadership of the KNP claim that they have submitted the required documentation to the Cambodian authorities, as specified in the UNTAC Electoral Law; however, the Ministry of Interior has yet to recognise the party as a legal entity. The KNP has to date defied an order to close its office in Phnom Penh, and has been recruiting membership throughout the country. Local authorities in Sihanoukville had apparently tried unsuccessfully to prevent the KNP from opening offices there on the day Thun Bun Ly was killed.

Sam Rainsy, the leader of the KNP is a former Minister of Finance who was dismissed from his post in October 1994 because of his outspoken criticism of the Royal Government. He was later expelled from his political party FUNCINPEC, and then from the National Assembly in June 1995. He has challenged the legality of his expulsion from the National Assembly. Sam Rainsy has received death threats in the last year, apparently as a result of his outspoken political opposition to the government; Amnesty International has issued appeals for his safety. Thun Bun Ly was closely connected to Sam Rainsy through his work with the KNP.

Two days after Thun Bun Ly's death, Sam Rainsy made a statement claiming that another party worker in Siem Reap province had also died on 18 May, as a result of injuries sustained during an attack some days earlier. He also stated that three KNP workers had been arrested in Kandal province. At the time of writing, Amnesty International had not been able to obtain independent confirmation of these claims.

Thun Bun Ly's fears

Speaking to Amnesty International delegates in November 1995, Thun Bun Ly expressed concern for his safety, because of his activities as a newspaper editor and KNP activist. He told the organization that he had been followed by soldiers and police, and received threats against him, but was determined to continue publishing his newspaper, in spite of problems finding a printer and the threats to his safety. Thun Bun Ly told Amnesty International that his concern was democracy, and he saw his work with the newspaper in that context. He said: *"I want to do whatever I can so that Cambodia has democracy the same as other people in the world ... There is less democracy if we can't print."* As a politically neutral organization which neither supports nor opposes any government, Amnesty International takes no position on Thun Bun Ly's political stance; however, the organization defends the right of all people to hold and express their peaceful political opinions.

The rights to freedom of expression and association

Since the Royal Government came to power in 1993, Amnesty International has noted a clear pattern of increasing restrictions on the rights to freedom of expression and association. Of particular concern to the organization is the fact that journalists have been killed in similar circumstances to Thun Bun Ly, and no one has ever been brought to justice for the killings. Nuon Chan, who was editor of the newspaper *Samleng Yuvachen Khmae* (Voice of Khmer Youth) was shot dead in broad daylight in Phnom Penh on 7 September 1994, after being warned by the Royal Government about the content of his newspaper. Like Thun Bun Ly, Nuon Chan was riding on a motorbike when he was killed; he was approached by a group of men on motorbikes, who surrounded him and shot him twice in the back. Phnom Penh police also removed the bullets from Nuon Chan's body; no one was brought to justice for his killing. Ek Mongkul, a popular radio personality was shot and wounded in an unexplained attack by men on a motorbike on 8 February this year, for which no one has been brought to justice.

Amnesty International also notes with concern that other newspaper editors in Cambodia, who are currently facing prison sentences because of the opinions they have published in their newspapers, are linked to the KNP. The organization calls upon the Cambodian authorities to ensure that journalists, editors, politicians and political party activists are not harassed, threatened or killed for exercising their rights to freedom of expression and association.

Failure to uphold basic rights

Cambodia is a state party to the International Covenant on Civil and Political Rights, which guarantees the rights to freedom of expression and association. Amnesty International is extremely concerned that these rights are being increasingly undermined in Cambodia. In the last 18 months, newspaper editors have been prosecuted because of the peaceful opinions they published, prisoners of conscience have been detained in Cambodia's prisons, grenades have been thrown into a gathering of members of a political party, newspaper offices have been attacked, journalists have been shot, and one has been killed.

Amnesty International calls upon the Royal Government to set up an immediate investigation into the violent death of Thun Bun Ly, to make the results of the investigation public and to ensure that those found responsible are brought to justice. The organization also reminds the Royal Government of its responsibility to uphold the fundamental human rights of all people in Cambodia, including those working in the media, and those involved in peaceful political activities.