

KINGDOM OF CAMBODIA

Accountability for gross human rights violations:  
Open letter to King Sihanouk and the National Assembly

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The controversy surrounding a possible amnesty for Ieng Sary, who held the post of Foreign Minister of Democratic Kampuchea (April 1975 to January 1979), raises once again for the Kingdom of Cambodia the broader issue of the need to confront the truth about the country's recent past. Amnesty International recognises and appreciates the need for national reconciliation in Cambodia. However, the organization believes that any conciliatory steps which are taken independent of an effort to identify and hold accountable those responsible for human rights violations in the past, may seriously jeopardise human rights protection in the future.

In an open letter in November 1990 to all those involved in the Cambodian peace negotiations, Amnesty International highlighted the fact that whenever new political authorities ignore the need for accountability for past serious human rights violations, the problem does not disappear. It is important that all those engaged in the quest for national reconciliation in the interests of Cambodia's future do not lose sight of the need to uncover the truth about Cambodia's past. International standards require the governmental authorities of a country where gross human rights violations have occurred to undertake proper investigations and to bring to justice - in line with international standards for fairness - those against whom there is credible evidence.

Amnesty International believes that impunity - literally the exemption from punishment - is one of the main contributing factors to continuing cycles of human rights violations worldwide. It is the duty of the state to undertake proper investigations into human rights violations, and to ensure that those responsible are brought to justice. Amnesties which have the effect of preventing the emergence of the truth and subsequent accountability before the law should not be acceptable. Amnesty International takes no position on post-conviction pardons once the truth is known and the judicial process complete. It is up to every country's government and society to decide if such post-conviction amnesties, indemnities or pardons for people suspected of responsibility for extrajudicial executions and torture may contribute to national reconciliation. However, no government can relinquish its responsibilities to search for the truth and bring to justice those against whom there is sufficient evidence.

At this critical time in Cambodia's history, Amnesty International asks all of you to ensure that full, impartial investigations into the gross human rights violations of the past are undertaken; that the evidence uncovered by such investigations is made available to the public, who have a right to know what happened; and that individuals against whom there is sufficient evidence are brought to trial, in accordance with international standards. By ensuring that the truth is known about past human rights violations, all of you will be making a contribution to the protection of human rights of Cambodians in the future.

Yours sincerely,

Pierre Sané  
Secretary-General