

# KINGDOM OF CAMBODIA

## The killing of Thach Kim Sang

The human rights situation in Cambodia, which deteriorated sharply during and after the July 1997 coup against First Prime Minister Prince Norodom Ranariddh continues to give cause for concern. In March 1998, Prince Ranariddh and a number of his close associates were tried *in absentia* in two separate court cases. The trials were conducted inside the Ministry of Defence and fell far short of international standards for fairness. Political killings have continued, and no one has yet been brought to justice for any of the extrajudicial killings that have taken place since July 1997. The case below is one example among many. The timing of this killing was particularly significant; it took place on the morning of 4 March, just an hour before the Military Court assembled to hear the first case against Prince Ranariddh.<sup>1</sup>

### The killing of Thach Kim Sang

Brigadier-General Thach Kim Sang, aged 41 was shot dead at about 7.30am on 4 March 1998. He left his house and drove a short distance when two men on a motorbike came alongside his car and shot him with an AK-47 assault rifle. One bullet entered his left arm and passed right through his torso, exiting under his right armpit. A second bullet was fired into the top of his head. Eyewitnesses described how two men sat in a cafe from around 7.00am. Both were dressed in olive green police uniforms, with recognisable markings, and one was wearing an olive green military-style coat. When Thach Kim Sang drove by the cafe, the two men got onto a motorbike and followed. The man in the overcoat was on the back of the motorbike and he fired the shots. Thach Kim Sang's vehicle ran out of control after he had been hit by the bullets, and hit an elderly woman who was killed. A young woman in a nearby house was hit by a stray bullet; she remains in a serious condition in a Phnom Penh hospital.

Thach Kim Sang was a member of FUNCINPEC, Prince Ranariddh's party. Before the 1991 Paris Peace Agreement on Cambodia, he was a member of the armed resistance movement based on the Thai-Cambodian border where he was part of the Moulinaka group, whose members appear to have been particularly at risk of assassination since the July 1997

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<sup>1</sup> For details on the situation leading up to these trials, see Amnesty International documents: *Kingdom of Cambodia: Arrest and Execution of Political Opponents* (AI Index: ASA 23/29/97, 18 July 1997); *Kingdom of Cambodia: Time for Action on Human Rights* (AI Index: ASA 23/36/97, 23 October 1997); *Kingdom of Cambodia: Human Rights at Stake* (AI Index: ASA 23/04/98).

coup. Thach Kim Sang was a close associate of former Royal Cambodian Armed Forces Deputy Chief of Staff General Nhek Bun Chhay, who is now the commander of resistance forces loyal to Prince Ranariddh. He may have been suspected of having contacts with the resistance. Amnesty International believes that his killing was politically motivated, and is one more in a long list of FUNCINPEC soldiers and police who have been extrajudicially executed since July 1997. No one has been brought to justice for any of these killings.

### **Human rights sidelined**

A Japanese peace plan known as the “four pillars initiative” and approved by the Friends of Cambodia group in the Philippines on 15 February 1998 was aimed at allowing Prince Ranariddh to participate in the July elections. One of the “four pillars” was that the Cambodian legal authorities should conclude Prince Ranariddh’s trial as soon as possible and the Cambodian Head of State King Norodom Sihanouk should then bestow an amnesty to the Prince on the basis of a petition from his family. King Norodom Sihanouk is the father of Prince Ranariddh. Under the Constitution, the King - who reigns but does not rule - has the power to grant amnesty to individuals. Prince Ranariddh has maintained that he will not request an amnesty from the King, as he believes that this would be tantamount to admitting guilt. The Japanese proposal to allow a family member to petition on his behalf was apparently designed to bypass the problem.

The two trials (which were grossly unfair) took place *in absentia* on 4 March and 17-18 March 1998. Prince Ranariddh and several close associates (including Chao Sambath who was killed by members of the Royal Cambodian Armed Forces on 8 July 1997), were found guilty on all charges. Prince Ranariddh was sentenced to a total of 35 years’ imprisonment from the date of arrest, and also payment of civil damages amounting to more than US\$50 million.

A petition was submitted by the Prince’s sister to the King requesting an amnesty for Prince Ranariddh, so that he could then return to Cambodia and campaign for the July 1998 elections. King Sihanouk sent a letter to Cambodia’s two Prime Ministers requesting their approval for the amnesty. On Friday 20 March they sent a letter to the King stating that the decision to amnesty Prince Ranariddh rested with him, but that they were concerned that Prince Ranariddh did not seem to accept the verdicts against him. When the King responded on 21 March that he would not make such a decision, Second Prime Minister Hun Sen formally requested him to grant a full amnesty to Prince Ranariddh clearing him of major and minor offences, and also of compensation. The full amnesty was granted to Prince Ranariddh by the King on the same day.

Amnesty International is concerned that the Japanese “four pillars initiative” lacks a human rights element. The organization believes that human rights must be at the centre of any political solution in Cambodia, and that without human rights guarantees for all Cambodian people and an end to political killings and other abuses, the elections scheduled for July 1998 will take place in a climate of fear. Developments throughout March 1998 have only served to underline Amnesty International’s concerns. Human rights must be

placed firmly on the agenda in Cambodia if the situation for Cambodia's people is to improve.