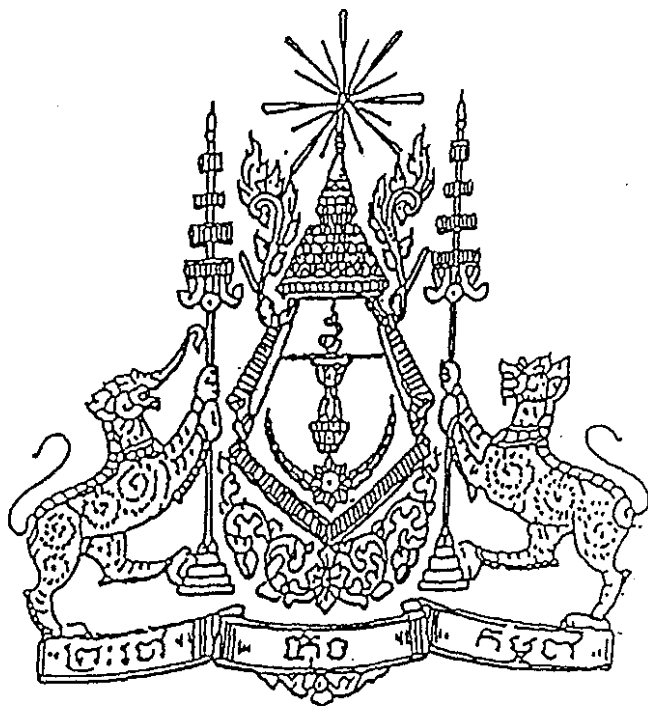


*Cambodia*

Note of Ambassador Sisowath Sirirath Permanent Representative of the Kingdom of Cambodia to the United Nations on the Secretary-General's Report on "The Situation of Human Rights in Cambodia," contained in Documents A/49/735 and A/49/635 ADD. I, under agenda item 100C

"Human Rights Situations and Reports of Special Rapporteurs and Representatives."

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# CAMBODIA

NOTE OF AMBASSADOR SISOWATH SIRIRATH  
PERMANENT REPRESENTATIVE OF THE KINGDOM  
OF CAMBODIA TO THE UNITED NATIONS  
ON THE SECRETARY-GENERAL'S REPORT ON  
"THE SITUATION OF HUMAN RIGHTS IN CAMBODIA"  
CONTAINED IN DOCUMENTS A/49/635 AND  
A/49/635 ADD.1, UNDER AGENDA ITEM 100C  
"HUMAN RIGHTS SITUATIONS AND REPORTS OF  
SPECIAL RAPPORTEURS AND REPRESENTATIVES"

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NEW YORK, TUESDAY, NOVEMBER 22, 1994

MR. PRESIDENT,

FIRST OF ALL MY DELEGATION WISHES TO EXPRESS OUR SINCERE THANKS AND APPRECIATION TO THE HONOURABLE JUSTICE MICHAEL KIRBY, U.N. SECRETARY-GENERAL SPECIAL REPRESENTATIVE FOR HUMAN RIGHTS IN CAMBODIA FOR HIS MOST INFORMATIVE AND COMPREHENSIVE REPORT HE PRESENTED TODAY ON « THE SITUATION OF HUMAN RIGHTS IN CAMBODIA » BEFORE THE SOCIAL, HUMANITARIAN AND CULTURAL COMMITTEE ( 3<sup>RD</sup> COMMITTEE ). JUSTICE MICHAEL KIRBY WAS KIND ENOUGH ALSO TO BRIEF US INFORMALLY YESTERDAY AT THE U.N. HEADQUARTERS IMMEDIATELY AFTER HIS ARRIVAL FROM PHNOM PENH.

THE KINGDOM OF CAMBODIA WELCOMES THE VISITS TO CAMBODIA OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, HIS EXCELLENCY SENIOR JAIME AYALA LASSO, AND THE SECRETARY-GENERAL'S SPECIAL REPRESENTATIVE FOR HUMAN RIGHTS IN CAMBODIA, AND PLEDGES ITS FULL COOPERATION WITH THE UNITED NATIONS, AND IN PARTICULAR WITH THE UNITED NATIONS CENTRE FOR HUMAN RIGHTS IN PHNOM PENH FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS WITHIN THE COUNTRY.

MY GOVERNMENT HAS TAKEN CAREFUL NOTE OF ALL THE POINTS MADE BY THE SPECIAL REPRESENTATIVE FOR HUMAN RIGHTS AND WISH TO EXPRESS OUR THANKS AND APPRECIATION FOR THE TIME HE SPENT WORKING IN CAMBODIA AND THE COMPREHENSIVE DETAIL OF THE SECRETARY GENERAL'S REPORT CONTAINED IN DOCUMENT A/49/635 ENTITLED « THE SITUATION OF HUMAN RIGHTS IN CAMBODIA ». AS WE SHARED MOST OF HIS REMARKS AND RECOMMENDATIONS, MY GOVERNMENT WOULD LIKE TO ADDRESS THIS SERIATIM AS FOLLOWS:

(A) ON RIGHTS TO HEALTH

THE CAMBODIAN GOVERNMENT ACCEPTS THE NEED FOR A PROGRAM OF HIV/AIDS AWARENESS AND EDUCATION, RECOGNISING THE FAILURE TO DO SO WOULD LEAD TO SERIOUS CONSEQUENCES. WE WELCOMED AND CO-SPONSORED WITH SEVERAL NON-GOVERNMENT ORGANIZATIONS TO WORK IN THIS AREA. THE COUNCIL OF MINISTERS HELD A SPECIAL MEETING ON THIS SUBJECT UNDER THE HIGH PRESIDENCY OF HIS ROYAL HIGHNESS

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SAMDECH KROM PREAH NORODOM RANARIDDH AND HIS EXCELLENCY SAMDECH HUN SEN, FIRST AND SECOND PRIME MINISTERS RESPECTIVELY, AND HAVE DRAWN UP, AND ENACTED, A NUMBER OF PREVENTIVE MEASURES TO PROTECT TARGET GROUPS FROM BECOMING INFECTED.

CAMBODIA NOW FACES MANY OTHER DISEASES WHICH ARE ENDEMIC AND CLAIMED A LARGE NUMBER OF LIVES EACH YEAR. OUR HEALTH INFRASTRUCTURE DESTROYED BY TWO DECADES OF WAR IS STRUGGLING TO COPE WITH THIS PRESSING PROBLEM. WE ACKNOWLEDGED THE ASSISTANCE OF W.H.O., UNICEF AND WORKS OF OTHER BILATERAL AND NGO DONORS THAT ARE HELPING US TO MEET THE HEALTH CRISIS IN OUR COUNTRY. THIS INCLUDES THE PROVISION OF ADVICE ON THE SALE AND USE OF INAPPROPRIATE PHARMACEUTICALS PRODUCTS.

(B) ON CULTURAL RIGHTS

THE ROYAL GOVERNMENT IS KEENLY AWARED OF THE NEED TO PROTECT CULTURAL PROPERTY IN CAMBODIA, PARTICULARLY THE ANGKOR WATH COMPLEX IN SIEM-REAP PROVINCE. WE HAVE RECEIVED DETAILED ADVICE, ASSISTANCE AND CONTRIBUTIONS FROM MANY SOURCES, PRIVATE AND FOREIGN GOVERNMENT ALIKE, IN PARTICULAR UNESCO. WE HIGHLY WELCOMED IT AND HAVE ESTABLISHED THE BEGINNING OF A REGIME TO PRESERVE AND PROTECT OUR CULTURAL HERITAGE.

AS THERE ARE OTHER PRESSING PRIORITIES FOR LEGISLATIVE ACTION, PLAN TO CODIFY CUSTOMARY LAW AND ENACT IT IN THE NATIONAL ASSEMBLY IS IN THE PROCESS OF DRAFTING.

(C) ON EDUCATION, INCLUDING LEGAL EDUCATION

THE ROYAL GOVERNMENT AGREED FULLY WITH ALL THE POINTS MADE ON HUMAN RIGHTS AND LEGAL EDUCATION. IT LOOKS TO THE UN CENTRE FOR HUMAN RIGHTS AND THE PROLIFERATION OF HUMAN RIGHTS AND NGOS IN CAMBODIA TO TACKLE WITH THE PRIVATE SECTOR, AND PARTICULARLY IN REGARD TO LEGAL EDUCATION, THE ROYAL GOVERNMENT IS DEEPLY COMMITTED TO RETURN CAMBODIA TO BEING AN « ETAT DE DROIT ». IT IS IN THIS REGARD THAT WE GREATLY APPRECIATED THE ASSISTANCE PROVIDED TO US BY FRANCE AND UNITED STATES GOVERNMENTS.

(D) ON RIGHTS TO WORK

UNEMPLOYMENT AND POVERTY ARE MAJOR PROBLEMS WHICH AFFECTED CAMBODIA TODAY. IT IS FOR THIS REASON THAT THE GOVERNMENT HAS NOT YET BEEN ABLE TO RATIONALISE THE NUMBERS OF PEOPLE WORKING IN THE ARMED FORCES AND OTHER PUBLIC ORGANS. OUR PRESENT POLICY, IS TO TRY TO CUT DOWN ON UNNECESSARY STAFF AS MUCH AS WE CAN. AND IT IS NOT IN OUR BEST INTEREST TO RECRUIT PEOPLE INTO THE ARMED FORCES WHEN WE ARE AT PRESENT IN THE PROCESS OF DEMOBILIZING OUR TROOPS STRENGTH TO A MORE ACCEPTABLE AND PROFESSIONAL LEVEL OF REQUIREMENT. WE COULD MEET THE IMF/WORLD BANK REQUIREMENT FOR DEMOBILIZATION AND PERSONNEL REDUCTION IF WE WERE TO RECEIVE SUFFICIENT ASSISTANCE IN RETRAINING AND JOB CREATION. ASSISTANCE AT THE VOLUME PREPARED AND REQUIRED NOW HAS NOT BEEN FORTHCOMING.

(E) ON RIGHTS TO ENVIRONMENT AND TO SUSTAINABLE DEVELOPMENT

THE ROYAL GOVERNMENT IS EXTREMELY CONSCIOUS OF THE TOLL WHICH POVERTY IS TAKING ON THE CAMBODIAN ENVIRONMENT. THIS IS ONE OF THE MOST SERIOUS, AND PERHAPS INSOLUBLE PROBLEMS WE ARE FACING: THE PEOPLE NEED TO SURVIVE HAS MEANT THAT ENVIRONMENTAL CONCERNS HAVE OFTEN HAD TO TAKE A SECOND PRIORITY. WE ARE KEENLY AWARED THAT THIS IS NOT SUSTAINABLE AND THAT IMMENSE DAMAGE IS BEING CAUSED TO CAMBODIA'S ECOSYSTEMS. ONLY AN ALLEVIATION OF POVERTY, HOWEVER, WILL GIVE THE ROYAL GOVERNMENT THE BREATHING SPACE TO REPAIR THE ECOLOGY. THE MINISTRY OF ENVIRONMENT IS BUILDING UP ITS EXPERTISE WITH FOREIGN ASSISTANCE ON THIS IMPORTANT PROBLEM. THE GOVERNMENT HAS RESCINDED ANY RIGHTS OF THE ARMED FORCES TO HANDLE TIMBER EXPORTS, AND REMAINED WITHIN THE GUIDELINES SET BY THE IMF FOR THE PAYMENT OF SALARIES TO THE ARMED FORCES PERSONNELS.

(F) ON NEW LAWS AND PRACTICES

THE GOVERNMENT NOTES THE SPECIAL REPRESENTATIVE'S CALL FOR NEW LAWS TO BE ENACTED. IT WOULD LIKE TO POINT OUT THAT AN IMMIGRATION LAW HAS ALREADY BEEN PASSED; A PRESS LAW WAS PUT BEFORE THE

NATIONAL ASSEMBLY, BUT WAS REJECTED AND IS BEING REDRAFTED.

WE ALSO NOTE THE SECRETARY GENERAL'S CONCERNS REGARDING THE LAW ON THE OUTLAWING OF THE « DEMOCRATIC KAMPUCHEA GROUP » OR KHMER ROUGE, BUT WE WISH TO STATE THAT WE DO NOT HAVE ANY RECORDS OF COMPLAINTS OF ABUSE OF THAT LAW. THE ONLY CONTENTIOUS ISSUES WHICH HAVE ARISEN UNDER THAT LAW HAVE BEEN THE GRANTING OF AMNESTY CONTAINED IN THAT LAW TO KHMER ROUGE PERSONNEL WHO HAVE ALLEGEDLY COMMITTED MAJOR CRIMES. WE NOTED THE COMMENTS ON THE JUDICIAL SYSTEM AND HAVE PASSED THEM TO THE RELEVANT AUTHORITIES.

(G) ON JUDICIAL INDEPENDENCE AND THE RULE OF

LAW

THE PRINCIPLES REFERRED TO IN THIS SECTION, AS WELL AS SECTIONS (H) FAIR AND OPEN TRIAL, (I) RIGHTS OF APPEAL AND REVIEW (J) THE POLICE AND THE MILITARY, AND (K) PRISONS AND OTHER CUSTODIAL DETENTION ARE ALL ACCEPTED BY THE GOVERNMENT AND THE COMMENTS ON INDIVIDUAL BREACHES HAVE BEEN PASSED TO THE RELEVANT AUTHORITIES FOR APPROPRIATED ACTION. WE ARE VERY PLEASED TO NOTE THAT THE INDEPENDENT JUCIDICIAL SYSTEM HAS IMPROVED IN OUR COUNTRY AND IN ORDER TO CONTINUE TO PROGRESS WE HOPE THAT MORE TRAINING ON THIS FIELD COULD BE PROVIDED TO US BY THE U.N. CENTER FOR HUMAN RIGHTS.

(L) ON PRESS LAW AND FREEDOM OF EXPRESSION

AS STATED ABOVE A NEW PRESS LAW WAS PUT TO THE NATIONAL ASSEMBLY, BUT WAS REJECTED AND A NEW LAW IS BEING DRAFTED ALONG THE LINES OF THE INSTRUCTIONS FROM THE NATIONAL ASSEMBLY. THIS ISSUE RECEIVED FULL AND OPEN DEBATE WITHIN CAMBODIAN INSTITUTIONS AND SOCIETY. WHATEVER THE OUTCOME WILL BE THE SPECIAL REPRESENTATIVE CAN BE ASSURED THAT IT WILL REACH BY DEMOCRATIC MEANS. BUT, THE LEVEL OF CAMBODIAN JOURNALISM IS UNPROFESSIONAL. THEIR REPORTS CONTAINED MAINLY LOW DEMEANING INSULTS AGAINST PUBLIC OFFICIALS AND GOVERNMENT IN PARTICULAR, AND THEY SEEMED TO BE IRRESPONSIBLE OF THEIR ACTS. A REVISED SECOND DRAFT PRESS LAW IS QUITE SIMILAR TO PREVIOUS UNTAC'S PRESS



LAW. IT PROTECTS JOURNALIST AGAINST THE ABUSE OF THE GOVERNMENT AND SOME CIRCLE WITH FINANCIAL MEANS.

(M) ON RIGHT TO BE ELECTED

THE CAMBODIAN CONSTITUTION GUARANTEES THE RIGHT OF ELECTION TO EXECUTIVE AND LEGISLATIVE POSITIONS. BUT, LAWS AND REGULATIONS ON OTHER LESSER POSITIONS HAVE NOT YET BEEN DRAFTED.

(N) ON VULNERABLE GROUPS, INCLUDING WOMEN, CHILDREN, THE ELDERLY AND MINORITIES

SPECIAL REPRESENTATIVE FOR THE VULNERABLE GROUPS IN CAMBODIA, AND HAS TWO MINISTRIES DEVOTED TO THEIR WELFARE: THE MINISTRY OF SOCIAL ACTION AND THE SECRETARIAT OF STATE FOR WOMEN'S AFFAIRS. THE SPECIAL REPRESENTATIVE'S HELPFUL SUGGESTION HAVE BEEN ALREADY PASSED TO THOSE AUTHORITIES FOR CAREFUL CONSIDERATION.

ON THE QUESTION OF ETHNIC GROUPS WITHIN CAMBODIA, THE SECRETARY-GENERAL CAN BE ASSURED THAT THE IMMIGRATION LAW WAS ONLY PASSED AFTER LONG THOROUGH DEMOCRATIC DEBATE. REGULATIONS UNDER THE LAW WILL BE DRAWN UP WITH DUE CONSIDERATION OF INTERNATIONAL LAWS AND PRACTICES. THE GOVERNMENT OF CAMBODIA RESERVES THE RIGHT, AS DO ALL OTHER COUNTRIES, TO HAVE OUR OWN POLICY ON WHICH NON-CAMBODIANS ARE TO BE ADMITTED TO OUR COUNTRY AND FOR HOW LONG. THE FORTHCOMING NATIONALITY LAW, WHICH WILL AGAIN BE DEBATED IN A FULL AND DEMOCRATIC FASHION, WILL DETERMINE WHO IS A CAMBODIAN, AND WHO IS NOT.

NO CAMBODIAN, ANYWHERE ON EARTH, LIVING IN ANY COUNTRY-CAN GO ABOUT FREELY WITHOUT HAVING ANY PROPER IDENTIFICATION CARD ON WHERE HE/SHE LIVES AND WHEN HE/SHE CAME TO THE COUNTRY AND WHAT HE/SHE DOES FOR LIVING? OUR LAW ON IMMIGRATION IS VERY MUCH IN LINE WITH VARIOUS OTHER COUNTRIES. IT APPLIED AND PROTECTED ALL FOREIGN RESIDENT IMMIGRANTS AND VISITORS ALIKE WITHOUT DISCRIMINATION AND PREJUDICE. CAMBODIA WILL CONTINUE TO WELCOME HARD WORKING FOREIGN IMMIGRANTS AND LIVE WITH THEM IN HARMONY PROVIDED THAT THEY HAVE PROPER AUTHORIZED DOCUMENTS ON THEM, BECAUSE THEY HELP TO DEVELOP AND PROSPERE OUR COUNTRY AS WELL.

(O) ON COMMISSION ON HUMAN RIGHTS AND RECEPTION OF COMPLAINTS OF THE NATIONAL ASSEMBLY

THE GOVERNMENT FULLY AGREES WITH THE SECRETARY-GENERAL'S REPORT ON THE IMPORTANCE OF THE NATIONAL ASSEMBLY COMMISSION ON THE PROTECTION OF HUMAN RIGHTS AND RECEPTION OF COMPLAINTS WHICH IS WHY THE GOVERNMENT WORKED HARD FOR ITS ESTABLISHMENT. ACCESS OF MEMBERS OF THE NATIONAL ASSEMBLY TO PRISONS MUST BE DETERMINED BY THE RELEVANT LEGAL AUTHORITIES AND THE COMMENTS IN THE SECRETARY-GENERAL'S REPORT HAVE BEEN PASSED TO THEM. THE COMMISSION HAS A VERY IMPORTANT STATUS WITHIN CAMBODIA, SUPPORTED BY OUR CONSTITUTION AND IN PARTICULAR BY HIS MAJESTY THE KING NORODOM SIHANOUK VARMAN.

(P) ON RATIFICATION OF AND REPORTING UNDER INTERNATIONAL INSTRUMENTS

THE GOVERNMENT, WITH THE ASSISTANCE OF THE UN CENTRE FOR HUMAN RIGHT, HAS COMMENCED ON THE PROCESS OF PREPARING REPORTS DUE UNDER VARIOUS CONVENTIONS AND WE BELIEVED THAT THE FIRST REPORT WILL BE READY FOR SUBMISSION IN EARLY 1995. COLLECTION OF THE MATERIAL REQUIRED FOR THE REPORT IS A TIMELY PROCESS. THEREAFTER, WITH THE FIRST REPORTS AS A POINT OF REFERENCE, WE BELIEVE THAT OUR FUTURE REPORTING SYSTEM WILL BE MORE TIMELY.

(Q) ON SECURITY ISSUES

THE ROYAL GOVERNMENT OF CAMBODIA LENDS ITS ALL OUT SUPPORT TO THE DANGEROUS AND IMPORTANT DEMINING EFFORTS PROVIDED BY FRIENDLY COUNTRIES TO CMAC ( CAMBODIA MINE ACTION CENTER ). WE BELIEVE THAT IT IS ESSENTIAL FOR THE BETTERMENT AND SAFETY OF OUR PEOPLE AND TO THE DEVELOPMENT AND REHABILITATION OF OUR COUNTRY. WE ACKNOWLEDGED THAT THERE REMAINS A GREAT PROBLEM YET STILL TO BE TACKLED WITH IN THE FIELDS OF BANDITRY, KIDNAPPING OF INNOCENT FOREIGN AND CAMBODIAN CITIZENS ALIKE, EXTORTION AND PHYSICAL THREAT AND HARRASSMENT COMMITTED BY A SMALL GROUP OF PEOPLE WHO STILL ABUSED THEIR POWER. THE ROYAL GOVERNMENT OF CAMBODIA STRONGLY CONDEMNED THIS BARBAROUS ACT AND PUTS



ALL ITS EFFORTS TO INVESTIGATE AND PURSUE THIS MATTER IN ORDER TO BRING THE CULPRITS TO JUSTICE. THE INTERNATIONAL COMMUNITY CAN REST ASSURED THAT THE ROYAL GOVERNMENT OF CAMBODIA WILL CONTINUE TO FIGHT TO COMPLETELY RID THIS UNDESIRABLE ELEMENT WITHIN THE COUNTRY AND TO PROVIDE A MORE SECURED ENVIRONMENT SOON AS THINGS PROGRESSED.

THIS SITUATION ON INSECURITY IS MAINLY CREATED BY THE OUTLAWED KHMER ROUGE GROUP WHICH CONSTITUTED THE WORST ABUSES AND VIOLATIONS OF HUMAN RIGHTS AS REPORTED IN THE SECRETARY GENERAL'S REPORT.

(R) ON GOING TECHNICAL SUPPORT AND ASSISTANCE

AS STATED IN MY OPENING REMARK THAT, THE ROYAL GOVERNMENT AGREED FULLY WITH THE COMMENTS OF THE SECRETARY-GENERAL ON THE QUESTION OF THE ACTIVITIES OF THE U.N. CENTRE FOR HUMAN RIGHTS IN CAMBODIA. IT IS VERY IMPORTANT TO US AND TO OUR NEWLY FOUND DEMOCRATIC VALUE SYSTEM. THE PRESENCE OF THE CENTRE IS VITAL TO OUR SURVIVAL BECAUSE CAMBODIA NEEDS ASSISTANCE, GUIDANCE AND RECOMMENDATION ON THIS FIELD FOR A LONG TIME TO COME IN ORDER TO MOVE AHEAD TO FULL RESPECTS AND IMPLEMENTATION OF HUMAN RIGHTS IN THE COUNTRY.

FOR THIS, MY GOVERNMENT IS DEEPLY GRATEFUL TO THE SECRETARY-GENERAL THE HONOURABLE **BOUTROS BOUTROS-GHALI**, THE HIGH COMMISSIONER FOR HUMAN RIGHTS AND TO THE SPECIAL REPRESENTATIVE OF THE SECRETARY GENERAL FOR HUMAN RIGHTS IN CAMBODIA JUSTICE MICHAEL KIRBY AND WISH TO HIGHLY COMMEND THE TIRELESS DEDICATED STAFF OF THE U.N. CENTRE FOR HUMAN RIGHTS FOR A WONDERFUL JOB PERFORMED IN CAMBODIA. THEIR BRAVERY AND WORKS WON HIGH ADMIRATION FROM THE GOVERNMENT AND PEOPLE OF CAMBODIA.

THE CAMBODIAN GOVERNMENT HIGHLY VALUES THEIR PRESENCE AND WILL CONTINUE TO WORK AND COOPERATE VERY CLOSELY WITH THE U.N. CENTRE FOR HUMAN RIGHTS. WE DEEPLY REGRETTED THE MOST UNFORTUNATE INCIDENT WHICH HAPPENED TO LITTLE MONICA OLIVEROS, THE DAUGHTER OF Mr. LUIS OLIVEROS, FORMER ADMINISTRATIVE ASSISTANT IN CAMBODIA OF THE U.N. CENTRE FOR HUMAN RIGHTS. WE PRAY FOR HER SPEEDY RECOVERY AND SINCERELY PRESENT OUR

HEARTFELT APOLOGY TO MR. LUIS OLIVEROS AND HIS WONDERFUL FAMILY WHO HAD DONE SO MUCH TO HELP IMPROVE THE HUMAN RIGHTS SITUATION IN CAMBODIA. WE WANT TO REASSURE THEM THAT THE CAMBODIAN GOVERNMENT CONTINUES TO INVESTIGATE ON THIS APPALLING CRIME AND TO BRING TO JUSTICE THE CULPRIT AND HIS COLLABORATORS BEFORE THE COURT OF LAW.

WE DEEPLY APPRECIATED THE CONTINUED SUPPORT AND ASSISTANCE IN ALL FIELDS PROVIDED BY FRIENDLY FOREIGN GOVERNMENTS AND NGOS ALIKE SO CAMBODIA COULD ACHIEVE A SPEEDY WORKS ON PROTECTION AND IMPLEMENTATION OF HUMAN RIGHTS.

WE NOTED WITH GREAT SATISFACTION IN THE SECRETARY GENERAL'S REPORT THAT THERE ARE IMPROVEMENTS IN THE FIELDS OF EDUCATION, WORKS RELATED MATTERS, MEDICAL HEALTH CARE, ADMINISTRATION OF JUSTICE AND PRISONS SYSTEMS.

MY GOVERNMENT CALLS ON ALL OF YOU HERE PRESENT TO CONTINUE TO ASSIST, GUIDE AND RECOMMEND US IN OTHER FIELDS AS WELL IN ORDER TO HELP US IMPROVE THE HUMAN RIGHTS PROBLEMS IN OUR COUNTRY.

I THANK YOU FOR YOUR KIND ATTENTION./.