

*Introductory Statement for the Report on the Situation of Human Rights in
Cambodia*

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INTRODUCTORY STATEMENT FOR THE REPORT ON THE SITUATION
OF HUMAN RIGHTS IN CAMBODIA

by

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CAMBODIA - TURNING THE TIDE?

A CAMBODIAN METAPHOR

I have just come from Cambodia. My visit -- the fourth since my appointment as Special Representative for Human Rights in Cambodia -- coincided with the Water Festival on the Mekong River: with boat races in front of the Royal Palace in Phnom Penh. Like democracy, the boat races have proved very popular. But because the Festival always coincides with the time when the flow of the river is altered by the end of the rainy season, conditions are often turbulent. Some boats are swamped. Some rowers fail when they are tested. Yet many make it to the finishing line, with much credit and achievement to all involved. This metaphor is applicable to Cambodia's achievements and failures in human rights upon which I report. There have been failures. Many of these have been reported by the media, and rightly so. But there have also been successes -- and it is necessary to recognise and appreciate these for they rarely make it to the news.

Cambodia has earned the attention of the international community by the unparalleled suffering of its people -- through war, genocide, revolution, land mines. It has won the involvement of the United Nations through the general success of the UNTAC operation and the democratic elections which give legitimacy to Cambodia's constitution and government. The needs of Cambodia are not over. Indeed they are only just beginning. Cambodia deserves the sustained commitment of the United Nations. But that support must be based on complete honesty of reporting, an understanding of history and a sensitive appreciation of the countless problems for human rights which face Cambodia and its people.

HUMAN RIGHTS FAILURES

My second report, which I now present, contains a detailed catalogue of the problems which have presented since my first mission in January 1994.

- The main source of human rights abuses can be traced, directly or indirectly, to the security situation. The refusal of the PDK (Khmers Rouges) to participate in the democratic elections, and their continuing control of strategic parts of Cambodia, present a destabilizing force which undermines the building of a civil society and sound economy. My report describes the unsuccessful military operations of the Government

forces, the failed talks in Pyonyang and the numerous consequences inimical to human rights. Where a country is locked in a civil war against a ruthless opponent which has contempt for human rights and which increasingly turns to banditry, terror and kidnap, respect for fundamental rights is all too often a victim. The military gain a power which cannot then be readily subjected to civil authority. My report tells how this has occurred:

- by a military raid on the prison at Battambang to release a prisoner;
 - by an assault on a judge at Sihanoukville in retaliation for a brave verdict and
 - by the apparent maintenance of a "secret prison" at Cheu Kmau, still under investigation: where torture and gross violation of basic rights were allegedly carried out by elements of the very military forces sworn to uphold the Cambodian constitution, with its guarantees of human rights.
- The Khmer Rouge radio contrives to whip up hatred against the ethnic Vietnamese minority in Cambodia. This plays on traditional fears. It leads to demands for forms of ethnic cleansing which are contrary to basic rights. It has produced an Immigration Law with many unsatisfactory features. It leaves, isolated at Chrey Thom, near the Vietnamese border, hundreds of refugees who fled there under the protection of the United Nations flag. I saw them on their little boats -- their only offence is that they are ethnic Vietnamese. Most claim to have lived in Cambodia, peacefully and lawfully for generations. Their children are sick and receiving no education. Every entreaty to permit their return to their villages has been denied.
- In response to the Khmer Rouge insurgency and banditry, an Outlawry Law has been enacted by the National Assembly. This measure was greatly improved during its passage. But the human rights organisations which have flourished since UNTAC -- and with the help of the Office of the Centre for Human Rights in Phnom Penh -- express fear that their legitimate activities to defend "outlaws" against that accusation will imperil themselves. A recent demand for the list of NGO members and for photographs has aggravated their fears. The human rights NGO's are, in a sense, the children of UNTAC. They have a special claim on our continuing support.
- The Khmer Rouge attack on a train travelling to Sihanoukville on 26 July 1994, led to the immediate killing of 16 Cambodians and the later murder of three Western hostages. This lawless act of cruelty evidences a dangerous new turn in the

Internal conflict of Cambodia, which I describe in my report. It presents an immediate threat to the hundreds of foreign workers in Cambodia seeking to assist in the task of rebuilding the social and economic infrastructure essential to respect for human rights. Unfortunately, such attacks have not been confined to these bandits. In recent weeks attacks have occurred on the property and even the life of those associated with the U.N. office in Phnom Penh. A U.N. vehicle was recovered from the premises of a senior military officer. The 5 year old daughter of an officer of the Human Rights Centre was not so lucky -- she was abducted and shot in the leg: apparently as a warning. No arrests have been made in either of these cases, although it is believed that the perpetrators are known.

- My immediate concern during my recent visit was to provide advice on the draft Press Law, soon to be presented to the National Assembly. It has several important defects which I have called to attention and which I hope will be addressed before enactment. But of even greater concern are the many attacks -- verbal and physical -- on journalists: many of them collected in my report. To those listed must now be added the unresolved murder of a leading editor, the closure by executive order of a leading newspaper and the apparent censorship of a television programme containing an interview with a former Minister. It goes without saying that a free media is an essential guardian of human rights in Cambodia.

- Many other problems for human rights, identified in my first report, remain to be tackled in Cambodia. These include the enactment of laws on the judiciary, on nationality, on land law, on refugees. Progress in lawmaking is painfully slow.

HUMAN RIGHTS ACHIEVEMENTS

As against these, and other, failings and difficulties listed in my report, there have been undoubted achievements for human rights in Cambodia in the year past.

- In respect of the right to health, a national AIDS committee has been established. I hope to give priority to this vitally important issue in my fifth mission to Cambodia in January 1995. One of the few advantages of Cambodia's isolation before UNTAC was its low contact with HIV, the virus which causes AIDS. But there is a need for a new sense of urgency now to protect the most vital human rights -- to life, against an epidemic which has the potential to be a scourge greater even than the Khmer Rouge.

- In the right to education, painstaking progress is being made. Rigorous and uncorrupted examinations have been

introduced for school leavers and for judicial officers. I must pay tribute to the assistance of France and the United States of America in the field of legal education.

- The judiciary is functioning with growing assurance. Although there are many problems, I have met judicial officers in the three main cities of Cambodia and am impressed by their dedication and apparent anxiety to conform to the basic rules of judicial independence. The Judge in Sihanoukville who was chased at gunpoint out of his courthouse by military elements, was back at his desk the next day. Not an easy thing to be a judge in Cambodia.

- The prisons are improving. Last week, I saw the PJ prison in Phnom Penh. In the place of previous overcrowding I saw a reduction from 206 prisoners to 33. In the place of unrelieved gloom, I saw freshly painted cells and light. In the place of a leaking roof over women prisoners, huddling out of the rain, I saw new corrugated roofing. In the place of the stench of unremoved human excrement, I saw a repaired sewer system. There have been similar improvements in other prisons. I pay tribute to the Government of Australia which provided part of the funds -- and to the Cambodian Government which provided the rest and cooperated fully in these reforms.

- Whilst there have been attacks on the media, the fact remains that Cambodia still has one of the freest and most vigorous media in the region. There are more than 20 Khmer language newspapers. There are numerous foreign and foreign language media present in Cambodia. Against the past of strict limits on free expression, this remains an important achievement for human rights that must be defended. With liberty comes responsibility. The standards of journalism, perhaps unsurprisingly, are often very poor. UNESCO and the Office of the Centre for Human Rights in Phnom Penh are striving to improve journalistic standards.

- The human rights non-governmental organisations continue to operate with vigour and courage. I was accompanied to Chrey Thom -- to see the ethnic Vietnamese boat people -- by leaders of several of the Cambodian human rights NGO's. They lent their support to the rather unpopular cause of these refugees. The work of these NGO's is strongly supported by all the U.N. agencies in Cambodia, particularly UNHCR, UNDP and the Office of the Centre for Human Rights.

- I have already mentioned the way in which U.N. advice and technical assistance has led to improvement in legislation -- such as the Outlawry Law and the draft Press Law. A major part of my activity and that of the Centre lies in providing advice and suggestions. To this end, I am in almost daily contact with the Office in Phnom Penh. Annexed to my

report is a list of the formal recommendations placed before the Government of Cambodia with notes on its responses. There have been 10 further such communications since the published list. I am hopeful that a new system for processing these recommendations will result in earlier attention to my advice.

- A new inter-Ministerial committee has been established to supervise Cambodia's reporting on the several international treaties, relevant to human rights, which Cambodia has ratified. With assistance from the Office of the Centre in Phnom Penh, UNICEF and U.N. Volunteers, it is expected that early in 1995 Cambodia will submit full reports on its compliance with the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

- Appended to my report is a resolution passed at a meeting on Landmines in Cambodia, which I attended. It calls for new national and international initiatives to ban the import, stockpiling and use of landmines which claim almost 350 victims in Cambodia every month. On 2 October 1994, His Majesty the King repeated his strong call for the destruction of stockpiles of land and anti-personnel mines and for the enactment of effective laws by the National Assembly. Earlier, in August 1994, the Government indicated its intention to subscribe to the 1980 Convention and to legislate to ban all land mines in Cambodia. All civilized people will support these urgently needed initiatives. Success in the struggle against land mines depends, in part, on the security situation and, as the Government of Cambodia has recognised, in part, upon the full cooperation of other countries including its neighbours. In this context, I welcome the recently reported statement of the Prime Minister of Thailand that any official of that country "found to be abetting the Khmer Rouge will be severely punished." (The Nation, Bangkok, 15 November 1994, p. A4). For the cause of human rights and the rule of law, as well as for peace and economic prosperity in the region it is essential that the sources of supply of weapons, land mines and other support to the Khmer Rouge, wherever occurring, should be turned off. Period. They have rejected the proffered path of democracy and legitimacy. They have preferred the path of genocide, ethnic cleansing, war crimes, banditry, land mines and abuse of human rights. These things must be said bluntly when identifying the primary cause of human rights abuses in Cambodia today.

A TEST FOR UNITED NATIONS STAYING POWER

In closing, I express my thanks to the High Commissioner for Human Rights who made a most timely visit to Cambodia during my third mission there and has given unwavering support. As has the Centre for Human Rights in general and its Office Phnom Penh

whose report on its activities is published in Addendum I to my report. I express thanks to the High Commissioner for Refugees and her officers in Cambodia and to the Secretary-General's Special Representative in Cambodia, Mr. Benny Widyono with whom I have the closest liaison. I also thank the Royal National Government of Cambodia, which has opened every door that I have requested and has responded positively to many of my recommendations.

My special thanks go to the people of Cambodia -- long suffering and proud. I can still see the eyes of the prisoners of PJ prison in Phnom Penh, peering at me from their cells before the light of human rights reduced the overcrowding and let in the air. I can still see the Cambodian citizen -- a victim of the "secret prison" at Cheu Kmau, armless and nearly blinded but with courage to speak against his illegal gaolers. I can see the patient officers engaged in clearing landmines north of Battambang, each precious square metre reclaimed with fastidious care. I can see the judge at work in Battambang clearing the prison of cases whose trial was long delayed. I can see the newsstands full of robust newspapers. I can see the brave spirits of the Khmer NGO leaders reaching out to the ethnic Vietnamese brothers and sisters of Chrey Thom where they have been confined on little boats these past eighteen months.

Although there is still discouraging news from Cambodia, this does not present the full picture. There are also images of hope and faith in the United Nations, and in universal human rights. We must ensure that those who trust the United Nations and the new Government which it helped to secure for Cambodia, are not disappointed. A loss of support will mean that the genocides, the autocrats and bandits will reclaim Cambodia. That must not happen. Cambodia is a test for the United Nations' staying power -- and for the sustained commitment of the international community to human rights as the foundation stone of the Charter.