

Human Rights Situation in Cambodia
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Civil Rights	
The right to life and personal security	<p>In the last couple of years media has frequently reported of mob killings, mainly in Phnom Penh but also in provinces. According to investigations in some cases police and/or military are taking part in the lynching or bystanders who did nothing to interfere. Authorities have launched no serious investigations of these killings.</p> <p>A significant number of women and children in Cambodia become victims of rape and indecent assault. They are victims not only of the sex crimes against them but also of the violence, humiliation and physical injury associated with them. In particular, children are vulnerable to the crime of rape. According to LICADHO, sexual crimes committed against minors, under the age of 18, has risen from 17 in 1999 to 130 in 2000, an increase of 49%; 23% of those rapes were committed against children twelve years of age and under. While it is difficult to determine if the increase of reported rape cases indicates an actual rise in the total number of rapes committed, nevertheless the perpetrators are rarely convicted due to inadequate legislation, rampant corruption and ignorance of the seriousness of the crime. Often the authorities are involved in helping to broker monetary settlements instead of carrying out their legal obligations to investigate and prosecute these serious criminal offenses.</p>
The right to a fair trial	<p>The independence of the judiciary remains a major concern. At present, the courts are too much under the influence of the executive branch. There is no mechanism to guarantee the independence of the judiciary as stated in the Cambodian Constitution and UN Basic Principles on the Independence of Judiciary. Low salaries, no autonomous budget and lack</p>

	<p>of competent judges are some of the factors affecting the proper functioning of the judiciary.</p> <p>In addition, there is no law to control the conduct of judges and prosecutors. There is a Supreme Council of Magistracy (SCM), but this institution has not been functioning properly so far. It is recommended that the Law on the Supreme Council of Magistracy be amended and establish a Law on the Statute of Judges and Prosecutors for its operation.</p> <p>The government should expedite the legislation of the new Criminal Procedures Code and Penal Code, which are currently being discussed at the Council of Ministers. The National Assembly should ensure that these codes comply with the Cambodian Constitution and international instruments to which Cambodia is a party.</p>
<p>The right of prisoners</p>	<p>The prison population in Cambodia has steadily grown over the years. Generally, very little has been done to accommodate the growing prison population, which has led to overcrowding in most Cambodian prisons. Prisoners' physical well being is jeopardized by overcrowding, maltreatment, lack of sufficient food and water, poor personal hygiene and sanitation, and lack of exercise and fresh air. Some prisons continue to use shackles. Most Cambodian prisons do not separate the pre-trial detainees from convicted criminals, or minors from adults. Often women prisoners are detained in close proximity to male prisoners. Excessive pre-trial detention remains a serious problem for both adults and minors.</p> <p>In recent months, lawyers have faced serious problems in providing legal services to their clients due to bureaucracy and political reasons. According to a legal NGO, lawyers must first request letters of appointments from judges before being allowed to interview their clients. The letters are often not recognized by the police who claim the need to obtain approval from their superiors, which can take up to two weeks. Furthermore, in the past month, lawyers have not been allowed to interview Cambodian Freedom Fighters</p>

	<p>suspects even when suspects were in serious need of medical treatment.</p> <p>The number and treatment of minors in conflict with the law is becoming an issue of special concern especially as illicit drug use and drug related crime spreads among Cambodian youth. In December, 239 minors were found to be detained in prison; of these 31% were still awaiting trial; in some cases minors had been detained up to 11 months contrary to the law which permits only 2 months pre trial detention. Furthermore, minors are frequently housed with adult prisoners leaving them especially vulnerable to serious and violent abuse in living conditions that have been found to be inadequate.</p> <p>Torture is still widespread in Cambodia, especially of newly arrested persons in police custody. Police officers, prison guards and other state agents, as well as sexual traffickers and others, continue to practice torture as a matter of course to extract confessions/information, extort money, instill discipline and otherwise exert power on those in custody. From January to September 2000, LICADHO interviewed 2228 prisoners: 19 % of inmates claimed to have been tortured in police custody; 2% claim to have been abused in prisons. With few services available, victims suffer physical and psychological effects on a long-term basis; perpetrators are rarely punished and continue to abuse without consequences.</p>
<p>Political Rights</p>	
<p>The right to participation in political life</p>	<p>Impunity continues to be one of the country's most pressing concerns allowing members of the military, police and government institutions to commit serious human rights violations, including murder, with little chance of being prosecuted and punished. Lack of political will; lack of independence of the judiciary; corruption at every institutional level and easy access to firearms and weapons remain major obstacles to overcome the culture of impunity that reigns in Cambodia.</p> <p>From January to October 2000, LICADHO processed 532 cases of human rights violations</p>

	<p>in Phnom Penh and 14 provinces; 378 cases are still pending and 21 cases cannot be resolved. More than 64% of those crimes involve the armed forces, police and civil servants. Whether state agents or civilians; perpetrators are rarely brought to justice.</p> <p>In preparation for the commune elections, NGOs have documented a number of serious violations committed against members of the opposition party including threats, harassment, killings and physical assaults. According to information collected by NGOs, in August 2000, a member of FUNCIPPEC was subjected to a death threat by the commune chief of Doung commune in Kampong Thom province. In November 2000, a member of SRP was threatened by the chief of police from Svay Tong commune in Kampot province. During the same month, the wife of the chief for the FUNCIPPEC office in Svay Meas base, Ta Ung commune in Kampong Cham province was seriously wounded by 6 unidentified persons while her husband hid in the house. In January 2001, a member of SRP died after being shot in the neck by a soldier in regiment 43 who also fired at people attempting to assist the victim. In the same village, another SRP member had to flee from his house after being informed that his life may be in danger. Prior to August, a number of opposition members have been subjected to threats and harassments from village and district authorities.</p>
The right to freedom of opinion	<p>During the past year, several newspapers have been warned by the Ministry of Information and high-ranking officials of closure and suspension when they have reported information about corruption and criminal activities by authorities. Although national newspapers have been allowed to operate in the country, authorities have been found to provide financial support to certain newspapers; broadcasting media is still entirely controlled by the gov't in Cambodia.</p>
The right to freedom of association	<p>The work of NGOs is an important contribution to the challenge of establishing lasting and meaningful peace and development for Cambodia. Sadly, in recent months, NGOs have been unfairly accused in the media of protecting robbers, harboring terrorists and interfering with govt investigations by the</p>

	<p>Prime Minister. At this time, Cambodian NGOs, especially human rights NGOs, fear for the security of its workers.</p>
<p>The right to freedom of peaceful assembly</p>	<p>During the past year, peaceful demonstrators such as students, factory workers, landless farmers, teachers and other groups have been subjected to threats and harassment by authorities and have been beaten and seriously wounded by counter-demonstrators. The authorities often make no attempt to stop the violence; information collected indicates that authorities sometime provoke the violence and often pay counter-demonstrators to attack peaceful demonstrators.</p>