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SPECIAL REPRESENTATIVE OF THE SECRETARY GENERAL
FOR HUMAN RIGHTS IN CAMBODIA/
REPRESENTANT SPECIAL DU SECRETAIRE GENERAL
POUR LES DROITS DE L'HOMME AU CAMBODGE



STREET RETRIBUTION IN CAMBODIA

The Commission on Human Rights, in its recent resolution on the human rights situation in Cambodia, reiterated its concern about the apparent lack of protection from mob killings. This is a problem that the Special Representative of the Secretary General for Human Rights in Cambodia has drawn attention to in successive reports. He appeals again now for effective action and prevention.

The Cambodia Office of the High Commissioner for Human Rights has documented some 65 assaults and murders by mobs since mid-1999. The purpose of this briefing paper is to furnish more information about the problem and to recommend effective remedies to assist the Royal Government of Cambodia in its efforts to end such violence. It is also prompted by an increase in incidents of mob violence after a year-and-a-half decline and as the country gears up for a general election next year. In the six months to the end of May 2002 angry crowds murdered and maimed on eleven occasions, compared with only three such incidents in the previous six months. This is a worrying development.

Members of Cambodia's police forces frequently fail to intervene, and have been directly complicit on several occasions. However, the past year has also seen the first known occasions in which police have successfully intervened to stop people being killed. Of the six individuals who survived mob attacks over the past year, five may owe their lives to police intervention. This is most encouraging, but more is needed.

Several attempts have been made over the years to explain the causes of mob violence in Cambodia. Reasons commonly given are low morality and education among a population that is still recovering from the trauma of war, and widespread absence of faith in the criminal and judicial systems. But the causes are clearly more complex, and need to be better understood if lasting solutions are to be found. It is for this reason that the SRSG recommends in this report the establishment of an independent board of inquiry to assess why these attacks occur and how to prevent them.

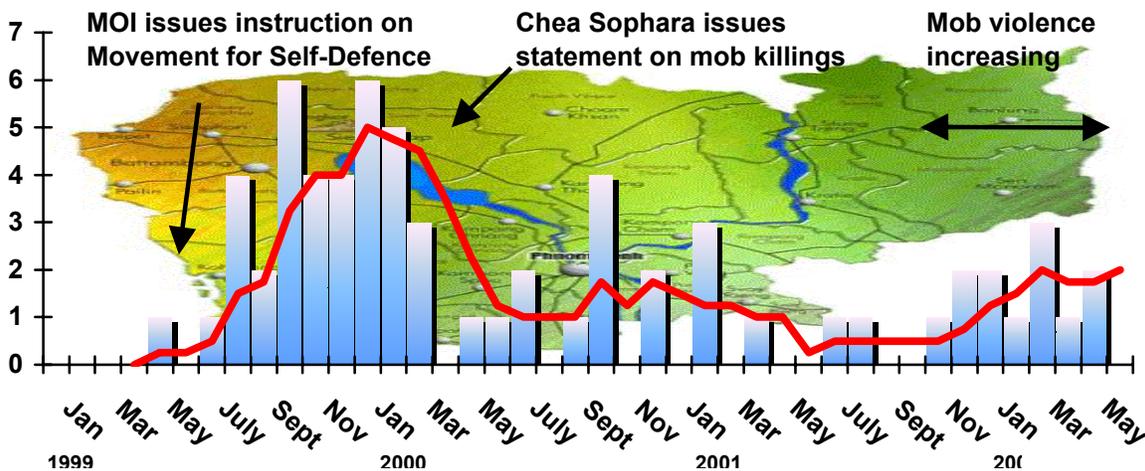
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Overview:

Cambodia’s national press has recorded at least 65 killings and assaults by enraged crowds since mid-1999 when the Cambodia Office of the United Nations High Commissioner for Human Rights started recording and investigating such incidents in cooperation with national human rights organizations. They tend to be confined to urban areas. Close to 50 have occurred in Phnom Penh.

The frequency of such incidents has varied, as the following chart shows. More than half of all the attacks took place in the nine months to March 2000. This intense period of crowd violence followed a May 1999 Interior Ministry instruction authorizing the establishment of civilian security groups in Phnom Penh and elsewhere, known as Movement for Self-Defence forces. Although no clear or direct evidence of a causal link exists, the SRSG is of the view that the rationale for introducing and publicizing such a measure in an environment where violence is already occurring was ill considered. This directive has not been annulled but appears to have stalled because of problems in its implementation

Mob Attacks: May 1999 to June 2002



Action by the authorities has, on occasion, also played a positive role. On 8 February 2000, Phnom Penh Governor Chea Sophara issued instructions for mob violence to be reined in, and calling for judicial authorities to be allowed to play their role in dealing with people through legal channels. Within a matter of weeks mob incidents fell to below one per month from a previous average of four per month. Although other causes for this decline can not be ruled out it does appear that such demonstrations of political determination have a valuable effect.

However, in the past six months the rate has been rising again. Mob attacks are currently occurring at an average of two per month. On 31 December 2001 two schoolboys were beaten to death in Phnom Penh and another injured after the parents of a bullied schoolmate condemned them by shouting in public “stop, thieves”. On 18 March 2002, in the first known case of a mob attack in a former Khmer Rouge area, two men were dragged away from police, who were taking them from Pailin to Battambang, and beaten to death by a waiting crowd. On

21 March 2002, Leng Ratanak, a student at the National Institute of Management was severely beaten after being set upon by a crowd that had been told he was a thief. His survival owes itself to police intervention.

Mob violence and the news media

Mob attacks have generally been well documented by Cambodia's domestic and foreign press, where they are sometimes referred to as people's courts. Efforts by determined individuals to intervene have on occasion proven effective. In April 2000, for example, a report in *The New York Times* described how a French national, Olivier de Bernon, confronted a mob that was kicking and punching a young man accused of stealing a motorbike, and then held the crowd back for two hours until an ambulance arrived. Sadly, such intervention is rare.

Members of the police and others with authority or influence seldom intervene (see following section), and are sometimes directly complicit. During the de Bernon incident, for example, around a dozen police officers stood by passively, as did a number of monks. In a separate incident, on 28 December 1999, and documented in a report in the *Phnom Penh Post* newspaper, Seng Vannak, a senior police officer in Phnom Penh's Chamcar Morn district, led a suspect from the station, unlocked his handcuffs and handed him over to a waiting crowd. The man was dead within minutes. Neither his name nor other details of the incident found their way into police records. The SRSB knows of no disciplinary or criminal action taken in this case.

Most mob attacks arise extremely quickly, with victims allowed almost no chance to prove innocence. Simple accusations appear to be sufficient, as the "stop, thieves" incident described above shows. The ensuing violence can be directed against almost any individual, irrespective of whether that person is known to the crowd. During the General Election in 1998 at least three Vietnamese residents in Phnom Penh were stoned to death, and others beaten, amid rumours that the city's food and water supplies had been poisoned. On other occasions mobs have come still closer to causing international incident. In March 2001 the German news agency, Deutsche Presse-Agentur, reported that a group of Thai tourists visiting Angkor Wat had to be escorted by police back across the border after anger erupted among a crowd that had taken offence at their throwing sweets at beggars and children.

Police Intervention and Judicial Response

A positive development in recent months is that police have, for the first time, shown some willingness to intervene. The first example known to the Cambodia Office of the High Commissioner for Human Rights occurred in March 2001, when police gave protection to five youths (later identified by the press as being sons of Interior Ministry officials) who were being chased by a mob after apparently stealing a necklace. Police intervention on 21 March 2002 almost certainly saved the life of 20-year-old Phnom Penh student, Leng Ratanak (mentioned above). Similar intervention occurred on 6 May 2002 after two men accused of stealing a motorbike, Nhaem Nhanh and Aom Koem Hun, were set upon by a crowd.

These positive developments should be built on. Sadly, they are isolated. Press coverage of incidents over the past three years, as well as the work of human rights organizations, records too many cases in which police or others in positions of authority have refused to help people who are being killed, or have actively participated in instigating mob violence. The Cambodia Office of the High Commissioner for human rights has conducted detailed

investigations, with national human rights organizations, into nineteen of the mob attacks that have occurred over the past three years. Evidence of complacency or complicity has been found in ten of these cases. Several of these events have been captured by photos that show the insignia, boots, trousers and guns, and sometimes faces, of police officers who were present. One such example (see also appendix) occurred on 21 July 2000 in Phnom Penh when two youths, Song Veasna and Dy Hor, were arrested by police on suspicion of robbery. Veasna was taken to the 7 Makara police station for questioning. After a while he was brought back to the scene of the arrest and handed over to the crowd. He was beaten to death and his body set on fire. Dy Hor, was taken away separately and shot dead by police who say he tried to escape. To the knowledge of the SRSG, no disciplinary action was taken in this or in other cases.

The extent to which police reports of mob attacks are being completed and passed on to courts for action is not clear (court officials often say they don't receive files from the police, including for example, on the Song Veasna case). This is worrying, as it provides room for blame passing between the courts and police over who is responsible for this failure of law enforcement. In only two cases, known to the Office of the High Commissioner, have courts taken cases up (neither has yet resulted in any person being jailed). These involve the sentencing *in absentia* of a person involved in the 4 January 2000 killing in Kompong Ro district, Svay Rieng province, of Ey Saroeun (who was falsely accused of robbery after falling sick and straying into an unfamiliar village on his way home from Sihanoukville), and the 31 December 2001 beating to death of the two schoolboys mentioned above. In this latter case the parents of the bullied schoolmate were initially detained along with one of the teenage survivors. The teenage victim was released on 5 March 2002. As of late May the parents were still being held, pending an expected trial.

Policies that encourage / discourage mob violence

Cambodia's mob killings problem has over the years been ascribed to the impunity that arises out of criminal and judicial systems that do not function and are prone to corruption and political or other external interference. Whatever the reasons, the circumstances that give rise to mob violence, also stem from more specific causes:

Prominent among these is a belief that mob justice is condoned or even rewarded. On 8 March 2000, for example, Song Tam, an ethnic Vietnamese construction worker, was beaten by police and then handed over to a mob that killed him, for apparently attempting to steal a motorbike. Members of the crowd later complained to human rights investigators that police had refused to hand over an alleged award from the municipal authorities of around one million Riel for having had a robber killed. A similar request for reward was made by a crowd that on 21 March 2000 murdered Nob Hong, a 38-year-old farmer who was mistaken for a thief after becoming lost in an unfamiliar village and asking for a glass of water. The reward claim was withdrawn when it was pointed out that an innocent person had been murdered.

Such expectations of reward play to popular notions that the killing of a 'bad person' is acceptable, condoned and justified. These are reinforced when members of Cambodia's police forces are directly involved in handing a person over to the crowd instead of arresting and charging them: It thereby demonstrates that the police are above the law, that such punishment is officially tolerated and condoned, and that it can be meted out by a body other

than the court, especially since disciplinary action against the police officers involved does not occur.

It is critical in tackling such violence that the authority of law is upheld. There is a clear need for effective measures to halt and deter acts of complicity by police or others in positions of authority. All mob incidents need to be thoroughly investigated, with particular scrutiny given to determining whether any attempt at intervention was made. Outside investigators who are unconnected with the community in question should be part of such investigations. Disciplinary action should be taken against any officer or official who is negligent in preventing mob acts, and criminal charges pursued vigorously if those responsible for upholding the law are suspected of having been complicit.

Determined statements of political will could also have a positive effect. However, it is vital that such statements are supported by proper and effective follow-through action on the part of courts and police. As pointed out earlier, Phnom Penh Governor Chea Sophara's February 2000 statement does appear to have had an effect in reducing crowd violence. But there was no successful follow through, such as a determined programme of law enforcement by police and courts, to ensure long-term effectiveness. Future efforts by the authorities should be sensitive to the need for both words and determined action.

Religious leaders have an important role to play in reinforcing this message. A message published in October 2000 in The Phnom Penh Post from His Majesty King Sihanouk pointed out that the killing of other human beings was both alien to Khmer traditions and strongly condemned by Buddhist precepts. The 31 May 1999 mob murders of Prak Duong and an unidentified male friend by a crowd at the Wat Botum Vatey pagoda in Phnom Penh shows, tragically, the need for such reminders. As crowd anger can target people from any political, ethnic, or social background, the problem also lends itself to cross party political cooperation.

The need for determined measures to stop these acts is urgent. As the country moves towards a general election in 2003, the rule of law must prevail, and Cambodia's police forces must enforce and uphold the law, not act outside it. Although there is no proven correlation between mob killings and election violence, the SRSB reminds the Government and all political parties of the street killings of ethnic Vietnamese in Phnom Penh during the 1998 general election. Such acts should not be allowed to recur.

Conclusions and recommendations

Cambodia's efforts to tackle mob violence are proving insufficient because of poorly-conceived or inadequate measures to deal with the causes. These include a problem of police acting above the law. Statements of political will appear to have positive short-term effect in reducing mob violence, but need to be supported by a robust follow-through effort by police and community leaders to ensure a sustained solution. In formulating policies to deal with mob violence the need to improve standards of law enforcement should be a top priority.

That police should be instigating such attacks or not passing on files to the courts raises very serious questions about the conduct of the police force, and points to an absence of proper oversight. It also suggests an alarming absence of faith in the judiciary on the part of both police and ordinary citizens.

Claims by police officers that they are powerless to act against a mob might have more credibility if they weren't so often complicit. Non-action by police officers needs to be thoroughly investigated and disciplinary or criminal charges brought against individuals where evidence of negligence or other misconduct arises.

Close monitoring of police actions in regard to mob violence is essential. The Ministry of the Interior and the Director of Police both have an important role here. Effective oversight would help to ensure that police do not act above the law and that thoroughly documented police files are compiled and forwarded to the courts.

The provisions of the United Nations Code of Conduct for Law Enforcement Officials should be made known to all members of the Cambodian Police Forces and enforced. Articles 2, 5, 6 and 8 of this document, which refer to the need for suspects to be protected from ill treatment and for law enforcement officials to prevent violations of the law, are particularly relevant here.

Prosecutors need to reflect on their own shortcomings and ask why police and mobs are allowed to break the law, why they are not prosecuted, and why legal processes are not pursued. Action is needed to ensure that those responsible for acts of mob violence are being dealt with in full accordance with Cambodia's own laws as well as with the international treaties that Cambodia is bound by.

A majority of Cambodia's citizens need to ask why they do not react to mob violence with shame and horror, when the killing of a human being is contrary to Khmer traditions and Buddhist concepts, and why they have not done more to press the authorities to act.

An independent board of inquiry, or a body comprised of responsible representatives from political parties, NGOs and religious organizations, should be established as soon as possible to scrutinise police and prosecutorial conduct in all mob killings. This body should have the power to recommend criminal or disciplinary measures. It should also examine why these attacks occur and how to prevent them.

The Special Representative reminds all members of society that everyone has the inherent right to life. This right should be protected by law. No one should be arbitrarily deprived of their life.

APPENDIX

The following sequence shows the 21 July 2000 murders of Song Veasna and Dy Hour, in Phnom Penh. Both men were arrested on suspicion of robbery. Veasna was handed over to a crowd that killed him. Dy Hour was taken away and shot dead. No known criminal or disciplinary action has been taken against any of those involved.

1. Police detained Veasna briefly then brought him back to the place of arrest, where a crowd began beating him. A police officer, immediately behind Veasna, appears to be restricting his arms.



2. Sticks and kicking are used to deal severe blows. Veasna begins losing consciousness.



3. Having set fire to Veasna's body, the crowd disperses.



4. Dy Hor is placed in a police car. He was driven away and shot dead by police, who say he tried to escape.



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