

MEMORANDUM TO THE ROYAL GOVERNMENT OF CAMBODIA

submitted by the Special Representative of the United Nations  
Secretary-General for Human Rights in Cambodia

13 May 1998

## TABLE OF CONTENTS

INTRODUCTION.....	(Pages 1-3)
I. CASES OF TORTURE AND ALLEGED EXECUTIONS BY FUNCINPEC FORCES ON 5-6 JULY 1997 .....	(Pages 3-5)
II. UPDATE ON SEVERAL CASES OF SUMMARY KILLINGS DESCRIBED IN THE 21 AUGUST 1997 MEMORANDUM .....	(Pages 5-8)
III. FURTHER CASES OF SUMMARY KILLINGS AND MURDERS.....	(Pages 8-37)
IV. CASES OF "DISAPPEARANCES" .....	(Pages 38-41)
APPENDIX: PHOTOGRAPHIC EVIDENCE	

## INTRODUCTION

This document is in part a follow-up to the Memorandum presented to the Royal Government on 22 August 1997 by the Secretary-General's Special Representative for Human Rights in Cambodia and in part a presentation of further information verified by the Cambodia Office of the United Nations High Commissioner for Human Rights (hereinafter referred to as "the Office") about serious human rights violations.

The information in this Memorandum is primarily based on eyewitness testimonies from a wide range of individuals. For reasons of confidentiality and protection their identities are not revealed in the document. The testimonies have been verified for accuracy and corroborated, whenever possible, with other testimonies and evidence.

It is organised in four sections. The first section provides initial clarification concerning the alleged execution by FUNCINPEC personnel of 15 soldiers in Tang Krasang on 5-6 July 1997. The second section updates several cases of summary killings documented in the 21 August Memorandum 1997 and the status of the 16 missing persons listed in it.

The third and fourth sections provide further information on killings and disappearances since 2-6 July 1997. They describe 24 instances of summary killings and murders in which 42 persons were killed and at least 20 were injured, several of them very severely. It also describes five instances of disappearance involving seven persons.

None of these cases have occurred in the context of combats. In all but six cases, the victims were members of the FUNCINPEC. The six other cases are: the execution of a villager in Siem Reap accused of having "betrayed" his party to the FUNCINPEC; the murder of a KNP representative and his daughter in Prey Veng; the disappearance of a former FUNCINPEC officer and KNP network chief in Kompong Cham; the grenade attack against representatives of the Son Sann party in Takeo; the grenade attack which killed a woman and injured an advisor of the President of the CPP; and the killing of a civilian during an apparent attempt to conscript him.

Twenty-eight out of the forty-nine victims were police, military officers or soldiers affiliated or formerly affiliated with the FUNCINPEC party (several of them formally changed allegiance following after 1997).

Among the 28 FUNCINPEC police, military officers and soldiers,

at least 14 are known to have been involved in the July 1997 fighting on the FUNCINPEC side, either at Tang Krasang, at the residence of the First Prime Minister, at the party headquarters, or in the provinces, or were members of the families of these officers. Most of the 28 were veterans of the royalist resistance from the early nineteen-eighties and had risen to positions of prominence in the FUNCINPEC security apparatus. They mostly belong to the same generation and were associated with the senior FUNCINPEC police or military officers who were arrested and executed or managed to escape in July 1997. They were known to be faithful royalists. Some of them were active and influential party organisers and commanded hundreds of followers in the police or the military.

In 22 cases there are indications that the victims were suspected of being in contact with or supporting the armed opposition of Gen. Nhek Bun Chhay. Among these 22, five, including four children, were killed because they were relatives of soldiers involved in that armed movement.

The victims in the other cases are either civilians with no known political affiliation or active and influential party activists and organisers such as party representatives and network chiefs at the local (village, commune or district) levels who command the support of numerous followers in their area of residence.

While there have been no serious efforts to investigate most of these cases and to bring perpetrators to justice, police or Government authorities have in many of them promptly concluded that they were "robberies", "personal disputes" or "acts of revenge". Many of these cases indeed contain elements that indicate that the possible motive might be robbery, personal disputes or revenge. But the motives may also be mixed, and the possibility that the killings and disappearances are political but have been arranged so as to suggest other motives must also be considered. Only rigorous investigative procedures by the relevant authorities will allow accurate and credible determination of the motive after full consideration of all the aspects of the case.

The lack of proper investigation into these and earlier cases further illustrates the general problem of impunity which, if not corrected, will continue to undermine the efforts to establish the rule of law. Failure to punish well-publicised crimes of violence may encourage members of the armed forces and the police in the belief that they will also enjoy impunity for crimes they commit. Evidence gathered by the Office indicates that this climate of impunity is widespread.

The issue of impunity has particular relevance in the context of the coming elections. Failure to investigate crimes of the kind described in this Memorandum may cause politicians, their supporters and the public to fear that engaging in political activities or expressing political views or allegiances involves risks of violence, including death, and that the perpetrators of such acts of violence will not be punished. Such fears inevitably compromise the rights of freedom of expression and association essential to the holding of free, fair and credible elections.

**I. CASES OF TORTURE AND ALLEGED EXECUTIONS BY FUNCINPEC FORCES ON 5-6 JULY 1997**

In early September 1997, the Office began verifying an allegation that 15 soldiers had been taken into custody by FUNCINPEC forces on 5 July 1997 and executed. The Office has interviewed six eyewitnesses who were present in the FUNCINPEC base of Tang Krasang between 12:00 am on 5 July and 5:30 a.m. on 6 July when it was evacuated. Based on their statements, and the review of a videotape of the interrogation apparently by FUNCINPEC military of 4 men, the following facts can be stated.

Twelve men were taken into custody by FUNCINPEC forces into the FUNCINPEC bodyguard base of Tang Krasang on 5 July 1997 between 1:00 and 3:00 pm. At least four were dressed in military uniforms. At least one of the four was wearing one of the red ribbons which CPP soldiers wore for identification. One of the four had a bleeding injury at the left side of the head when he was taken in. Several had their hands tied behind their backs. One of them was a moto-taxi driver who had not stopped at a check-point. One source said that eight of them had been arrested at Samrong train station. All were apparently interrogated for about 15 to 20 minutes each. They were not witnessed being beaten before, during or after the interrogation, except one who was seen being kicked once. After interrogation they were held in an open-air building in the base overnight and given food and water. At about 5:30 a.m. on 6 July, the base was evacuated. None of the witnesses saw or heard any of the twelve being executed.

In addition, the Office has reviewed video footage of the interrogation of four soldiers apparently by a FUNCINPEC interrogator. The interrogation seems to have taken place in Tang Krasang base and filmed on video by a FUNCINPEC reporter. The four men on the tape appear to be the four soldiers described by the eyewitnesses.

1. The first man appears twice on the tape. His arms are tied

behind his back. He wears a military uniform with a red ribbon on the right shoulder. He looks tired and scared. Some blood running down the right side of his face indicates a head injury. The injury may have been sustained before or at the time of arrest or during interrogation.

He states that his name is Mam Samân, 24, a native of Svay Rieng province but living in Amleang, Kompong Speu. He joined the RCAF in 1994 in Battalion 5, Special Military Region and was sent to fight in Kompong Speu. He did not want to fight fellow Khmers and deserted. He became a farmer and got married. Because of the drought he went to Phnom Penh on 26 June 1997 to look for a job but could not find any. On 28 June 1997 he joined the army again under the name of Tim Pheng and was based in Samrong, beyond Pochentong airport. In the evening of 4 July he went to visit his ailing brother in Phnom Penh. Upon return to the base he was given a red ribbon and ordered to get ready to fight the FUNCINPEC in Phnom Penh. He was assigned to Samrong train station on the railway line with about ten others in a mixed unit of militia and police.

At the end of the first sequence the interrogator is heard threatening to kill him if he does not tell the truth. In the second sequence, the interrogator presses him to provide details about the instructions he received. Mam Samân repeats that he has been instructed only to get ready to fight and that no other explanation was given to him and his colleagues.

2. The second man who appears on the tape does not identify himself. His arms are also tied up behind him. He appears to be scared. He is dressed in a white undershirt. He answers the interrogator by stating that he came to Phnom Penh from Tram Knar in Takeo province, with about twenty other military recruits, most of them young boys. He says that he has been assigned with about ten others to Chom Chao and instructed to be ready to fight the FUNCINPEC in Phnom Penh. The interrogator is also heard telling him several times that he may kill him if he does not tell the truth.

3. The third man is not tied up. He is dressed in military uniform. He appears more relaxed than the other two. He states that his name is Ty Chin Seng, 30, a native and resident of Boset, Srae Ampil commune, Kompong Speu. He states that he belongs to Division 70 and is a bodyguard and driver to a division commander named Gen. Pou Sipphan. He explains that he was arrested on his way back home after he had come to Phnom Penh to collect a rice ration in Tuol Kork and pick the general's son up at Sisowath High School. He states that he did not notice anything unusual on the way, except small groups of soldiers and policemen on Russian Federation boulevard near Pochentong market. Then he was arrested. He repeats



that he does not understand what is going on.

4. The fourth interrogation footage is the briefest. The man is dressed in military uniform. He also appears relaxed. He states that his name is Un Chanthan but has joined the army under the name of Sek Sarim. He claims to be a FUNCINPEC member and appears to be a policeman or a gendarme. He states that he lives in Srae Nho, Tuol Key commune in Chom Chau, and that he is permanently posted there to crack down on criminal activities.

Details about the identity of the 8 other men held in Tang Krasang could not been obtained as no record could be found. The Office is attempting to trace the four above-mentioned individuals to verify their fate and whereabouts.

## II. UPDATE ON SEVERAL CASES OF SUMMARY KILLINGS DESCRIBED IN THE 21 AUGUST 1997 MEMORANDUM

1. Exhumation and identification of the corpses of Gen. Chao Sambath and Gen. Kroch Yoeum.

These two senior FUNCINPEC officers were allegedly executed in military custody on 7 July 1997 after they were arrested by paratroopers from regiment 911 in Damanch Smach, Udong district (see August Memorandum, cases 2-3).

On 8 October 1997, the Office visited Udong district to verify an allegation that two graves containing the bodies of two men believed to be those of Chao Sambath and Kroch Yoeum had been found. The two graves were identified, photographed and a partial exhumation confirmed that they contained two bodies. Witnesses stated that they were the bodies of two senior officers who had been arrested by paratroopers in Damnach Smach commune on 7 July together with some 30 other soldiers. They were temporarily held in Viel Pong school before being executed. These statements confirmed earlier statements received by the Office. The bodies of the officers were apparently intended to be buried behind the school where two graves had been dug but they were eventually buried several kilometers away in the ricefields, north of Krang Sovan pagoda. This is where the two contiguous graves were found. The two bodies were said by witnesses to have been buried there by military personnel on or around 7 July 1997.

On 15 October 1997 the Office assisted the family of Kroch Yoeum to exhume the body presumed to be his in order to identify him. The exhumed body was dressed in a dark officer's suit and

sport shoes. The legs were tied. A bullet and two casings were found in the grave. Kroch Yoeum's military ID card as well as other cards bearing his name and picture were found in his wallet. His wife further recognised the clothes and shoes. Photographs of the exhumation were taken (see appendix, photograph #5). A group of armed soldiers from the local military threatened the group and attempted to stop the exhumation. It was explained that the family of one of the victims had identified it and was taking the body home for funerals. The remains of the general were brought back to Phnom Penh and cremated in Lanka pagoda the following day.

On 28 October 1997 the Office assisted the family of Chao Sambath to exhume the body in the second grave in order to identify him. The Ministry of Interior dispatched a team of forensic experts as well as an armed escort to protect the exhumation. The body had no shoes and was dressed in a olive-green bodyguard style military uniform. No identification papers were found. The forensic team conducted an autopsy. Fingerprints were collected. Three bullet casings were found in the grave, corresponding to three bullet injuries, in the back of the head, in the left shoulder and in the left wrist. The teeth and teeth crowns were examined. His tongue had not been cut off as alleged in press reports. His left arm displayed a distinctive tattoo. This and a scar on the same arm enabled relatives to positively identified the body as that of Chao Sambath. The body displayed signs of torture. It was transported to Phnom Penh and cremated on 29 October in Lanka pagoda. The forensic department of the National Police has reportedly completed its report which is still to be issued. A senior official from that Department informed the Office that General Chao Sambath had been executed like Gen. Kroch Yoeum and not killed in combat (see appendix, photograph #4).

## 2. Tentative identification of Col. Seung Sovanna and Lt. Col. Sun San, executed on 6 July 1997

Two soldiers reportedly executed near the University of Phnom Penh library on 6 July 1997 (see Memorandum of 21 August 1997, cases 15-16 and photograph No. 24) have been tentatively identified by the Office as Col. Seung Sovanna, aged 45, and his bodyguard Lt. Col. Sun San. According to reliable sources the two men were arrested not on 6 July, as previously stated in the Memorandum, but on 7 July after they surrendered. They had escaped on the morning of 6 July when Tang Krasang was evacuated and went into hiding. After they heard a radio broadcast stating that FUNCINPEC loyalists who surrendered would be reintegrated into the armed forces with the same rank, the two surrendered. They were temporarily held in the University of Phnom Penh library where they were interrogated. They were then walked down the stairs and executed. The soldiers



who executed them searched the bodies, took their valuables and threw away papers including identity documents. The latter were retrieved and collected later at the scene. Their bodies, and that of a third soldier reportedly executed in the same circumstances, were thrown into a hole in which they could be seen until the following day. Col. Seung Sovanna's body allegedly displayed bullet injuries to the head and chest.

Col. Seung Sovanna had been closely associated with Gen. Nhek Bun Chhay since 1979 and had become an officer in the Sihanoukist army. After 1993 he worked closely with Nhek Bun Chhay before being temporarily assigned to the Fifth Military Region in Battambang. In late 1995, he was appointed by Nhek Bun Chhay to be the Deputy Chief of the Second Bureau of the RCAF with the rank of Colonel. Seung Sovanna was also an active FUNCINPEC member and loyalist.

### 3. Correction of a mistake concerning the identity of one of the victims of the 41-60 instances of summary killings

On 23 January 1998, at a meeting with the United Nations High Commissioner for Human Rights, the Second Prime Minister presented a man whose name had been included in the August 21 Memorandum in the list of those executed (see Memorandum, cases 11-14 (2)).

The Office double-checked the identity of the person and found that an error concerning the identity of one of the four victims in the case had been made. Four individuals had indeed been executed in that case, including two brothers of the same family. The Memorandum mistakenly stated that they were named Chao Tea and Chao Keang when in fact the latter's name was Chao Kong (or Kung). The mistake was corrected in two public statements issued by the Special Representative for Human Rights on 23 and 30 January 1998.

### 4. Clarifications concerning persons reported missing

The August Memorandum in a separate chapter listed 16 persons as missing. The Memorandum specifically made clear that the list should not be understood as reporting on killings. Its section 5 (pages 25-27) defined missing persons as "persons who have been reported missing by relatives and/or colleagues since 5-6 [July] and could not be traced by the Cambodia Office as of 21 August 1997 [...] They may be in hiding, or they may have reached the Thai border or left officially for Thailand. They may also have been detained in illegal places of detention or executed".

In his meeting with the High Commissioner on 23 January 1998, the Second Prime Minister presented two individuals whose names are among the 16 listed as missing. They are Major So Lay Sak and Major

Chin Vannak. A third person whose name is not in the Memorandum was also presented. The clarification of their fate was welcomed by the High Commissioner and the Special Representative. Two other persons listed among the 16 as missing have reappeared: Ung Sim, the Second Deputy Governor of Kompong Speu and Som Taing, an official of the Governor's Office Inspection Department, also in Kompong Speu, has returned from Thailand in early 1998. Another person listed among the 16, police officer Chum Sarith, was reported by a colleague in Sihanoukville as having temporarily returned to his office on 15 September 1997. The Cambodia Office could not confirm this allegation.

The Office is continuing to trace the fate and whereabouts of Chum Sarith as well as of the 11 other persons listed as missing. Families, friends and colleagues of Brig. Gen. Chea Rittichutt, the former Governor of Kep, and Col. Saom Sarath, Deputy Chief of Staff of the Third Military Region, are without any news of them since they were witnessed being arrested on 7 July 1997 in Udong and in Sihanoukville respectively. Both are listed in this Memorandum as "disappearance" cases (see pages 38 to 39).

The Office has also obtained clarifications concerning the eight Navy soldiers affiliated with the FUNCINPEC who were reported missing by their colleagues, following their transfer from the base of Division 1 in Longvek by the Gendarmerie on 11 July 1997. Brig. Gen. Sao Sokha stated to the Office that the eight had indeed been transferred to his custody and were subsequently integrated into the Gendarmerie. He provided their names and their new units of assignment. The Cambodia Office is in the process of verifying their whereabouts.

### III. FURTHER CASES OF SUMMARY KILLINGS AND MURDERS

1. Extrajudicial execution on 5 or 6 July 1997 in Kompong Cham province of two RCAF officers, tentatively identified as Captain Bou Sophal (Deputy Commander of the Headquarters of the Second Military Region) and Major Choup Em (Deputy Commander of the Second Bureau (intelligence) of the Second Military Region).

In October 1997, the Office began investigating allegations that four soldiers of the Second Military Region in Kompong Cham had disappeared: Bou Sophal, the Deputy Commander of the Commanding Unit of the Headquarters of the Second Military Region; Major Choup Em, Deputy Commander of the Second Bureau (Intelligence) of the Second Military Region; Major Luch Ton, the Deputy Commander of the Third Bureau (Operations) of the Second Military Region; and

private Yuth Yoeng, 26, a bodyguard of the Deputy Commander of the Second Military Region. All four were affiliated with the FUNCINPEC party. The Office has not been able to trace their whereabouts.

Captain Bou Sophal and Major Choup Em reportedly disappeared on the evening of 4 or 5 July 1997, at about 10:00 pm, after they were ordered by their commander to attend a meeting the purpose of which was not specified. The last time they were seen was in the afternoon of 6 or 7 July while they were being escorted towards Chan-Toung rubber plantation in Tbong Khmum district in a white pick-up truck with a military plate driven by military personnel. Since then, their families and colleagues have not heard any news from or about them and presume that they are dead.

On 23 September 1997, the Office visited a site in Kompong Cham province containing the bodies of two men alleged by villagers to have been executed in early July 1997. The site is located at the eastern corner of the Chan-Toung rubber plantation, in Lgieng commune, Tbong Khmum district. The area is apparently under the authority of the district army and the Intelligence Battalion of the Second Military Region. A partial exhumation of one of the bodies was conducted (see appendix, photograph #1).

Witnesses stated that two men were taken to the place of execution in a white pick-up vehicle with a military plate driven by soldiers. They also stated that the two men were executed on 6 or 7 July 1997 at about 3:30 pm with at least one bullet each fired through the ear and were buried in shallow graves. The commune police exhumed the bodies to inspect them but could not identify them. Villagers re-buried them. Villagers and police confirmed that no-one in the surrounding villages could identify them or claimed missing relatives, thus suggesting that they came from outside the area.

Villagers and police described one of the bodies as being middle-size (about 1,65 m) with a light-brown complexion and dressed in beige trousers, an olive-green short-sleeved military jacket with pockets and olive-green socks. He was blindfolded and his arms were tied behind him by the elbows with a reddish colour kramma. The partial exhumation of the body by the Cambodia Office confirmed the description provided by the witnesses.

They described the second body as being also middle-sized, with a light complexion, slightly balding, with "silver" eyes ["phneik prak"] and a prominent stomach. He was only dressed in white underwear. His arms were tied up behind him with a kramma. He was not blindfolded. His body could not be exhumed as villagers had

thrown it into a deep disused well.

A set of artificial teeth belonging to one of the two victims was found near the place of execution (photographs are available). When shown the artificial teeth found at the execution place, the wife of Captain Bou Sophal identified them as belonging to her husband. Captain Bou Sophal, alias Mak You Klin, 48, was a former resident alien in the United States. His wife was also a resident alien in the United States. They both returned to Cambodia after the Peace accords. He joined the FUNCINPEC party and was appointed as a military officer in the RCAF. After the formation of the new Government in 1993, he was assigned to the Second Military Region in Kompong Cham as Deputy Commander of the Commanding Unit of the Headquarters of the Military Region.

The second body may be that of Major Choup Em. Aged 44, he belonged to the Khmer minority of Southern Vietnam. In the nineteen-eighties he was a military officer in the Vietnamese army before joining the Sihanoukist resistance on the Thai-Cambodian border. After the formation of the new Government in 1993 he was assigned to the Second Military Region as chief of the Second Bureau. He married twice and had 5 children. Choup Em was a relative of the former Deputy Commander of the Second Military Region, an officer affiliated with the FUNCINPEC.

2. Extrajudicial execution of So Saroeun, Prey Veng province, 5 July 1997, by the district police.

So Saroeun was extrajudicially executed by district policemen on 5 July 1997 in Peanea village, Ampil Krao commune, Sithor Kandal district, Prey Veng province. On that day, the commune leader summoned him to his office but he did not go. The commune leader requested the district police to bring him to his office. At about 7.00 pm a mixed team of district mobile and commune police led by deputy district police officer Sun Sovuth arrested him at his sister-in-law's house. They took him to a local private house near the commune office in Ampil Krao. They had no warrant and said that he was arrested "to be educated" ["neak noam", literally "to be given directives"]. Approximately one hour later three gunshots were heard by villagers.

On the following morning, his wife was informed by the commune leader that her husband had been killed because he tried to escape after having grabbed the gun of a policeman and opened fire. His wife was allowed to see the body. He was lying face down, with three bullet injuries to the forehead, the chest and the right thigh. His jaw was broken, his teeth were damaged and his wrists were showing marks that he had been tied up. Visible marks showed



that he had been beaten. A gun and a grenade were in his hands. The gun had no bullets.

In an interview with the Office, the commune leader said he suspected So Saroeun of hiding a gun and a grenade in his house. In another conversation he accused him of being a robber. No evidence was produced to support either claim. Recently, the village leader said that he had requested the police to arrest So Saroeun to prevent him from conducting "activities" on that night. A district official stated that So Saroeun was suspected of being "a Khmer rouge".

On 24 October 1997, the provincial Police Commissioner informed the Office that So Saroeun was suspected of being a robber and of hiding a gun. He offered the same official explanation: that he had been killed in legitimate defence after he opened fire on the policemen. By the end of 1997, neither the district police, the provincial police, nor the prosecutor, who were aware of the case, had taken any serious action against the perpetrators. In early April 1998, the court stated that it was not able to file charges because of lack of evidence.

According to sources familiar with him, So Saroeun, aged 43, was born in Kompong Thom. He defected from the NADK in 1992. He married five years ago and took up residence in Peanea village where he worked as an earth carrier. He claimed to be a member of the FUNCINPEC party although this could not be verified. When drinking, he would often talk about politics and express openly his views. He would then state that he would not vote for the Second Prime Minister.

3. Killing of two unidentified individuals on 7 July 1997 near Ang Proloeung pagoda, Udong district, Kompong Speu province.

Testimonies from local villagers led the Office to the discovery on 8 October 1997 of a shallow grave containing the remains of two individuals. The grave was approximately 1 kilometer north of the Ang Proloeung pagoda, in Udong district.

The bodies of the two men had been dumped in the bushes and the villagers who found them later, in a state of decomposition, simply covered them with sand. One of them was dressed in olive-green military uniform with four pockets on the jacket, a long-sleeved shirt and olive-green military pants with two pockets. A pin bearing the portrait of the King was found in one pocket. His arms were tied up behind him with a hammock string. He had been beheaded. His head could not be found in the grave. The second body wore beige pants, a black nylon belt, a blue T-shirt and a blue cap bearing the word "Tiger". He had no shoes or socks on. His hands were not tied (see photographs #2 and #3).

The two individuals could not be identified by the Office.

Interviews with local villagers indicated that the two victims may belong to the several groups of FUNCINPEC soldiers captured on 7 July 1997 in Damnak Smach commune by paratroopers from Regiment 911. The bodies were re-buried at the same location by the Office.

4. Extrajudicial execution by military personnel on 8 July 1997 of two men alleged to be the bodyguards of the former commander of the Fourth Military Region, Puok district, Siem Reap province.

On 8 July, at about 8:00 am, a group of soldiers allegedly from Battalion 3 of Siem Reap provincial military subdivision arrested two men travelling on a motorcycle in Sor Sor Sdam commune, Puok district. The arrest was allegedly made by Hel Sam Ol, an officer known by many in the area, in the presence of another officer, Bun Sar Kram, the Deputy Commander of the General Staff of the Military Region. The two men were body-searched and documents were allegedly found in their bag by the soldiers. They were tied up and taken by the soldiers to the local disused communal dispensary which was then occupied by the military. Early on the same evening the two men were seen by witnesses being marched outside the village to a place from where five gun shots were heard. The soldiers buried the bodies hastily in a shallow grave near Kouk Phnov village. Villagers were ordered to rebury the bodies deeper into the ground. The soldiers threatened with retaliation anyone who tried to exhume the bodies. Several witnesses to the arrest and the killing refused to testify to the Office out of fear of retaliation.

The documents seized by the soldiers were alleged to relate to political parties. The two men were later identified by one source as being bodyguards of RCAF Gen. Khan Savoeun. The latter is a veteran of the royalist resistance and was the Commander of the Fourth Military Region (based in Siem Reap) until the July 1997 coup. He then joined the FUNCINPEC armed opposition.

Sor Sor Sdam commune police did not investigate the murder. In late April 1998 the Provincial Court and the Deputy Commander of the Provincial Army stated that they were not aware of the case. The latter stated that he would investigate. The Office provided information about the case.

5. Summary killing by military personnel of a 10 year-old boy named Ma Aun on 25 July 1997 in Varin district, Siem Reap province.

On 25 July 1997, at about 8:00 pm, 12 soldiers from Varin district military, allegedly under the command of an officer named Meas Mâm, surrounded the house of Mr. Chhun Ma, 42, in Prasat village, Prasat commune, Varin district, Siem Reap province. Chhun Ma managed to escape. The soldiers opened fire into the house killing instantly his 10 year-old son named Ma



Aun. The soldiers then searched the house and beat his wife with their rifle butts. The commander reportedly threatened to arrest her because they could not arrest her husband. They allegedly encouraged their subordinates to loot the house "because they were FUNCINPEC members and thus robbers". The following morning the same soldiers returned to the house and stole the cattle and the house timber. They reportedly shouted: "We must clean up all FUNCINPEC partisans and their accomplices". Following the attack, the family left the village out of fear for its safety. Local and district authorities were informed about the case but no action was taken to protect the family, compensate it or prosecute the perpetrators.

On 29 April 1998 the Deputy Commander of the Provincial Army stated that he was not aware of the case and would investigate. The Office informed him about it as well as the Chief of the Provincial Criminal Police.

6. Extrajudicial execution by military personnel of Navy soldier Long Kot on 27 July 1997, at Prek Taten Fuvial Navy base.

On 27 July 1997, Long Kot, a Navy soldier was allegedly extrajudicially executed by three soldiers reportedly belonging to the Prek Taten Navy base's Protection Unit.

Like other soldiers in the base, Long Kot was affiliated with the FUNCINPEC party. When the base was overrun on 2 July 1997, Long Kot and several others escaped. Many colleagues were captured and taken to Division 1 base in Longvek. On or around 25 July, in response to the Second Prime Minister's appeal to all Government officials to return to their place of work and resume duties, Long Kot returned to his home which is located near the base. Late in the afternoon of 27 July, 5-6 soldiers from the base Protection Unit surrounded his house, arrested him and took him into a boat anchored behind the base. There, according to fellow soldiers, Long Kot was beaten unconscious. At about 8:00 pm he was executed, apparently with two AK-47 bullets. His body was then allegedly thrown into the Tonle Sap river.

The execution of Long Kot may be related to a dispute with the Commander of the Protection Unit, an officer affiliated with the CPP. According to former colleagues, the dispute occurred a month before the July 1997 coup, but, at the time, Long Kot enjoyed the protection of the base commander who was captured on 2 July and after his release did not return to the base. No one has been arrested for this extrajudicial killing.

7. Extrajudicial execution by military personnel of Lon Proeung on 8 August 1997 in Varin district, Siem Reap province.

On 8 August 1997, Lon Proeung, a 34 year-old farmer from Kauk Kandal village, Lvea Kraing commune, Varin district, Siem

Reap province, was arrested by three RCAF soldiers. The soldiers tied his hands behind his back, marched him out of the village into a rice field and executed him. They reportedly accused him of having "betrayed" the CPP for the FUNCINPEC. They also threatened villagers that they would meet the same fate if they served the FUNCINPEC. The perpetrators were alleged to be Yuth Sun, 32, Kong Sambun, 29, and Nuon Thy, 37, a company commander, all three allegedly from Company 45. Lon Proeung was married and had four children. To date, no-one has been arrested for this execution.

On 28 April, the provincial court stated that it had not been informed of the case. The Office informed it and the Chief of the Provincial Criminal Police who stated that he was not aware of the case either.

8. Murder by unidentified men of Bou Khân on 9 September 1997, in Sangker district, Battambang province.

In the afternoon of 9 September 1997, Bou Khân was murdered by two unidentified men in civilian clothes in Puok Chhma Thmei village, Anlong Vil commune, Sangker district, Battambang province. On that day, Bou Khân was driving a dozen passengers in his pick-up taxi on highway 5 from Battambang toward Maung Russei district when one of them seated in the rear asked him to stop to urinate. Bou Khân replied that he would stop further up because the area was uninhabited and had been the scene of frequent armed robberies. A few minutes later he stopped his car near Puok Chhma Thmei village to allow the passenger to relieve himself. The passenger jumped off the car with a pistol in hand, forcibly opened the door where Bou Khân was sitting and shot a first bullet into his abdomen. Bou Khân then tried to resist the attack but two more bullets - in the head and in the chest - were fired by an accomplice who had also jumped from the rear of the pick-up. A motorbike, which had been following the car at a distance, appeared immediately after the murder, picked up the two attackers and drove back toward Battambang.

Bou Khân, 34, was a policeman closely associated with Gen. Vorn Chun Ly, the former FUNCINPEC-affiliated Police Commissioner of Battambang province. According to Vorn Chun Ly, Bou Khân often acted as a personal bodyguard for him and was an intelligence operative, as one of the two police cards found on his body after his death showed. As an intelligence agent, he was assigned to collect information about criminal activities, human trafficking and also "politics".

Bou Khân was known to be an outspoken and loyal supporter of the FUNCINPEC party. Following the murder, Vorn Chun Ly feared for his own safety. He left Battambang and took refuge in Phnom Penh. There he requested to be re-assigned to another position. Several days later, feeling unsafe in Phnom Penh, he left the

country to seek refuge in Thailand.

The police have concluded that the motive of the murder was robbery. This conclusion appears to be based on the testimony of one of the passengers, a rich gold seller in Maung Russei, to the police that he was robbed of his bag containing 5.4 million riels. An independent investigation based on testimonies of passengers of the taxi, including the gold seller, indicated that no one was robbed of any belongings or even body-searched. The victim's wedding ring, the money in his pocket, and the car were not stolen. No-one has been arrested for this murder, committed in the presence of several witnesses.

9. Extrajudicial execution by military personnel of Maj. Po Penh, Mao Bun Thoeun, and a third man allegedly named Ream on 25 September 1997 near Srae Prang village, Cheung Tean commune, Chongkal district, Otdar Meanchey province.

On 22 September 1997, Major Po Penh and his two colleagues were sent on mission by the commanding officers of the newly-formed Division 3 based near Pochentong airport to Battambang and Siem Reap provinces. The purpose of Po Penh's mission was to gather soldiers who had been under his command in the former, FUNCINPEC-affiliated, Division 3 (a unit then based in Srey Snam district) before the coup and to transfer them to be integrated into the new Division 3 in Phnom Penh. On 23 September they reached Siem Reap and travelled to Srae Prang, Po Penh's home village. On 24 September Po Penh began to gather former subordinates and had a party with them and village authorities. He also unsuccessfully attempted to get his looted property back from the district military.

On 25 September, six armed soldiers came to the village and enquired about the whereabouts of Po Penh, allegedly pretending to be his subordinates. They surrounded the house where the three men were. According to a witness, Po Penh and these soldiers knew each other. The soldiers reportedly scolded him for having gone to his village without informing them, whereas his order of mission was limited to Siem Reap town. Po Penh reportedly told them that he had wanted to visit his family and had planned to return to Siem Reap shortly afterwards. The soldiers then arrested the three, tied their hands, marched them out of the village and executed them. They also threatened villagers not to speak about the killing to anyone. Witnesses who apparently know the identity of the soldiers have refused to testify for fear of reprisal.

The body of Po Penh was exhumed on 25 November 1997 after permission was issued by the Governor's office. It was exhumed at the request and in the presence of his wife and human rights investigators. She positively identified him. He had been shot with two bullets, in the back of the head and in the chest. The

bodies of the two other men remained buried until relatives could be identified. Efforts to trace their relatives failed (photograph #6).

On 18 December 1997, at the request of the Office, an autopsy of the body of the third soldier was conducted at the site of the exhumation. The autopsy did not allow further identification. It concluded that the death had been caused by two bullets, the second being fatal as it sectioned the aorta. A shattered fracture of the right upper arm was considered to have been sustained after death as was a visible fracture of the skull (photograph #7).

Major Po Penh was a veteran of the royalist resistance and a commander in Regiment 8 of RCAF Division 3, a unit affiliated with the FUNCINPEC and based in Srey Snam district, Siem Reap province. In June 1997, he was ordered by his division commander to transfer 100 of his soldiers to Phnom Penh to become bodyguards in the unit of the First Prime Minister which was being formed in Tang Krasang. On 5-6 July he was in Tang Krasang and was injured and captured by CPP forces. Following these events and the outbreak of fighting in Chongkal district, his properties (including a timber and saw-mill which he exploited with another officer of Regiment 8) were looted, reportedly by villagers and the district military. Fearing for their safety, his wife and children left their house to seek refuge in O'Smach. After July 1997, Po Penh was integrated into a newly-formed Division 3 stationed in Phnom Penh as a Battalion commander with the rank of Major. This Division is under the command of Gen. Samrith Hun, a senior intelligence officer and Gen. Chea Chay who both reportedly signed the mission order of Po Penh.

Several Chongkal district officials have stated that Po Penh abused his power and committed killings as an officer of Division 3 and have blamed villagers for committing the murder as an act of revenge. These claims were disputed by other local authorities and Srae Prang villagers. At a public meeting on 7 January 1998, the district Governor accused human rights workers of wasting money to examine the bodies of "robbers" and made veiled threats against them.

To date no one has been arrested for the execution of these three men.

10. Summary killing and grenade attack on 1 October 1997 in Kirivong district, Takeo province, killing five and injuring five others (photograph #11).

1. Sao Sim, alias Sao Treak, male, 49, farmer (a FUNCINPEC nominee for communal elections)
2. Sao Sdok, male, 26 (son of Sao Sim)
3. Sub-Lt. Ben Seng, 37, a Gendarmerie officer based in Kep



(nephew of 1, brother of 4 and 5))

4. Ben Rân, male, 37, a RCAF officer (nephew of 1, brother of 3 and 5)
5. Ben Thy, male, 35, a RCAF officer (nephew of 1, brother of 3 and 4)

The following account and information is based on several accounts by witnesses interviewed by the Office. The five above-named persons were killed on 1 October 1997 in Trâyung village, Ream Andoeuk commune, Kirivong district, Takeo province. According to witnesses and local officials they had gathered in the house of Sao Sim to celebrate as a family the end of the Boun Pchioum Ben, the Festival of the Ancestors, when the killing occurred. At about 8:00 pm, Leang Teng, the Commander of the commune militia, came briefly to inspect the house where the guests were sharing a meal and drinks. He was invited to join but declined and left. As he was leaving, he was overheard saying that "they drink like dogs". Fearing that something would happen, Sao Sim's wife ran after him and insisted that he join them. He refused again. She asked him to protect their family gathering. Half an hour earlier, Leang Teng had been seen by villagers hiding behind a bush observing the house.

Leang Teng returned a few minutes later with an AK-47 and opened fire on the guests, aiming at each of them one after the other. Sao Sim, Ben Seng and Ben Rân were killed instantly. Ben Thy and Sao Sdok were seriously injured. Sao Sim's wife and his second son were unscathed. Leang Teng continued to shoot into the house destroying plates, glasses, crockery and bottles, before leaving. Neighbours and relatives transported the two surviving victims into a neighbouring house belonging to Prum Chit, a relative of Sao Sim who is also a FUNCINPEC commune-level candidate. While they were attending the victims, an accomplice of Leang Teng threw a grenade into that house. It did not explode. The two injured were then carried out of the house in order to be taken to the hospital. Leang Teng threw a second grenade into the group, killing Sao Sdok and injuring an additional five persons.

After the grenade explosion, Ben Thy was still alive. He was lying on the ground, screaming for help. Immediately after the attack, no one dared to assist him out of fear that another grenade might be thrown as Leang Teng and an accomplice reportedly remained close by, hiding in the dark, until around 11:00 pm. Ben Thy was left bleeding on the road, alone and unattended until he died about two hours later.

The commune authorities were immediately alerted but did nothing to intervene. The commune leader, whose assistance was sought twice by the family, refused to take any action and went to the district. He reportedly reprimanded a villager who had told him that Leang Teng was the perpetrator. Two hours after the

attack, several commune policemen came to the scene. At the time, Ben Thy was still alive. They reportedly did not assist him and prevented relatives from doing so. No-one was allowed to pick up the bodies of the five victims until the following day, after the commune leader returned from the district, accompanied by district and provincial policemen. The policemen briefly inspected the bodies but did not investigate further. They were provided with the names of the perpetrators by witnesses. The commune leader warned the villagers not to speak about the incident to anyone.

In the 4-5 days following the killing, Leang Teng remained in the village and stayed at home. No effort was made to arrest him despite the fact that his responsibility for the killings was widely known and his whereabouts were known to the authorities. At the time, he apparently displayed confidence that nothing would happen to him. After several days he left the village and went to stay with relatives in another district. According to one source, as of late April 1998, he was living under the protection of the military base in Trapeang Andoek commune. Two suspected accomplices were identified by witnesses: Khum Chean, 38, member of the commune military, and Say Van, 41, member of the militia. In the afternoon preceding the killing, the three men were seen by several witnesses celebrating a party at the house of the commune leader. Khum Chean reportedly fled several days after the killings.

By the end of October 1997, the Provincial Prosecutor, who was informed about the case, had not yet ordered any investigation. He reportedly issued a warrant of arrest on 9 October but it could not be used because it had been misdated 9 September. By the end of October 1997, the President of the Provincial Court who is the investigating judge in this case, reportedly issued an arrest warrant against Leang Teng and Khum Chean to be executed by the police and the provincial brigade of the gendarmerie. By the end of April 1998, neither of the suspects had been apprehended.

The five victims were affiliated with the FUNCINPEC party. Sao Sim, the primary target, was a respected and popular person in the commune. He was also one of several FUNCINPEC nominees for the communal elections. In particular, he had been been actively involved in propagandising for that party in the 1993 general elections. He was the deputy representative for the FUNCINPEC party in the commune. A couple of months before the July 1997 coup, the commune authorities organised a mock election in the commune to test popular sympathies. The commune FUNCINPEC representative reportedly won the election. Since then, according to villagers, the relationship between the CPP-appointed commune authorities and the FUNCINPEC-affiliated representatives has been strained.



Available data does not reveal private disputes between Sao Sim and Leang Teng, although the former may have been involved in a land dispute with Khum Chean. The killing appears to be a premeditated massacre. It involved ten victims, five of whom were killed outright. Had the second grenade gone off, many more would have been killed and injured. The fact that the victims were FUNCINPEC loyalists was known to the perpetrators who are closely associated with the commune authorities. The identity of at least two of the perpetrators is known to the authorities. Despite this, no arrests have been made.

11. Extrajudicial killing by military personnel of Proeung Horn on 4 October 1997 in Prasat Bakong district, Siem Reap province.

On 4 October 1997, Proeung Horn, aged 24, a farmer from Tat Rao village, Kantreang commune, Prasat Bakong district, Siem Reap province, was arrested and executed by at least two RCAF soldiers. According to several witnesses, he was catching fish in a local pond when a group of soldiers appeared. They were chasing about 20 young male villagers in order to conscript them into the army and send them to the front line in O'Smach. The soldiers were from Battalion 2, Regiment 33, Division 11. The two soldiers who arrested Proeung Horn were armed with an AK-47 and a CKC machine gun. They ordered Proeung Horn to follow them to their base in Sanlong pagoda, Sotr Nikhum district. Proeung Horn asked permission to go home first in order to pick up some clothes and inform his wife. The soldiers agreed and followed him to his house. On the way the soldiers ordered Proeung Horn to stop walking but the latter continued. He was shot with a CKC, reportedly three times, and killed instantly.

Soldiers of Battalion 2 are known in the area for committing widespread abuses of power against the local population. At the time they were involved in a drive to conscript local young male villagers into their unit to go to fight on the frontline. Forced conscription has provided a pretext for soldiers of that unit to exploit villagers.

The murder of Proeung Horn is known to many villagers. It was investigated by the Commander and the Deputy Commander of Battalion 2, by the village authorities and the commune and district police. The identity, ranks and military unit of the two perpetrators is known to these authorities. The police filed a report to the provincial court. The Prosecutor issued a warrant of arrest against Dorn and Hear to be served by the district police in the two districts of Sotr Nikhum and Chikreng. By late April 1998, no one had yet been arrested.

12. Murder by two unidentified men of Lt. Col. Chuong Meas Panharit, a Ministry of Interior official and the Deputy Secretary General of the FUNCINPEC Youth Movement, in Phnom Penh, 10 October 1997.

On 10 October 1997, at about 5:00 am, Chuong Meas Panharit was murdered near Pochentong airport by two unidentified men. He was travelling on a motorcycle with his girlfriend on Russian Federation boulevard, en route to Kampot, when two men on a motorbike hit their motorbike in an unsuccessful attempt to provoke an accident. The two men followed them. As they reached Sleng pagoda, near the airport, the attackers made a second attempt which made Panharit fall to the ground. The two men then took out pistols, pointed them at the couple and confiscated Panharit's handgun. One of them took Panharit aside to talk to him. He then asked him whether he was a policeman, and, when Panharit confirmed this, he shot him in the neck, killing him instantly. The attackers robbed the couple of their belongings and escaped on their motorbike.

According to former colleagues, Chuong Meas Panharit was a former student in literature at Phnom Penh University, before joining the royalist resistance in the late 1980s. He returned to Phnom Penh after the Paris Accords and worked with the FUNCINPEC party. Following the formation of the coalition Government in 1993 he was appointed as a Lieutenant Colonel and was put in charge of the Inventory Office of the Department of the Economic Police.

Former colleagues also state that Chuong Meas Panharit was a close associate and protégé of Gen. Ho Sok. After 1993, he acted as one of his main assistants and chief security guard. He was assigned to participate in investigations of drug trafficking and had been active in investigating the case involving the seven tons of marijuana found in containers allegedly belonging to the Mong Rethy Company. After the 17 June fighting in Phnom Penh he was involved in a short confrontation with elements of the Anti-terrorist police assigned to monitor Ho Sok's residence. He was appointed in 1996 as First Deputy Secretary-General of the FUNCINPEC Youth Movement and was responsible for liaising with and coordinating all FUNCINPEC-affiliated youth groups in the country.

Following the execution at the Ministry of Interior of Ho Sok, Panharit expressed fears for his safety and went into hiding. His house and those of his girlfriend and parents were visited several times by local authorities, policemen, gendarmes and unidentified men who enquired about his whereabouts. As a result he continued to hide and changed residence several times, moving from place to place. In late July he narrowly escaped what appears to have been an attempted murder. He also received an anonymous phone call threatening him with revenge because he had "interfered too much".

13. Murder by unidentified individuals of Lt. Col. Kim On, the Deputy Commander of a Battalion of the Ministry of Interior's Intervention Unit, on 16 November 1997, in Phnom Penh.

The dead body of Lt. Col. Kim On, alias Chan Sim, aged 49, was found on the morning of 16 November on the roadside near Chumpou Von village, Chom Chao commune, Dangkor district, about 10 kilometers outside Phnom Penh. He had been shot 6 times in the chest with an AK-47 rifle (photograph #12).

According to statements by several colleagues and relatives, Lt. Col. Kim On was the Deputy Commander of the Second Battalion of the Protection Department of the National Police. On 15 November 1997 he was resting at home on a day off after having been on night duty the previous evening until 1:00 AM. Two officers from his unit, including Capt. Yim Seak Leng, visited him at home on that morning to inform him that his commander had requested that he be on duty on that day too. He went to his office where he worked until 6:00 pm. At that time, Captain Siek Leng and five other policemen went to meet him and invited him to join them for drinks. He accepted and got into Capt. Siek Leng's car. At about 9:00 pm they went to a Karaoke bar in the Tonle Bassac quarter. At about midnight, Chumpou Von villagers heard several gunshots and a car drove across the village. The next morning, they inspected the place where the shots were heard from and found the body of Kim On.

Sources familiar with him stated that during the State of Cambodia period Lt. Col. Kim On was an employee of the Logistics Department of the Ministry of Interior. Following the Paris Accords he joined the FUNCINPEC party and after the elections was made a Lieutenant-Colonel. He was assigned to the Protection Unit of the Ministry of Interior. He was also a witness to the 30 March 1997 grenade attack and testified before the Investigation Commission.

After the murder, his wife went to see her husband's unit commander to enquire about the circumstances of his death. She asked the commander whether he had ordered Kim On to be on duty on 15 November. He stated that he had not given such an order. Captain Siek Leng however confirmed having taken Kim On for drinks on that evening. He claimed, however, that after the Karaoke session he took Kim On back home because he was drunk. On the way he stated that there was a small traffic jam. Kim On took the opportunity that the car was stopped to get out and vomit. Captain Siek Leng stated that Kim On then decided to return home on his own, called a moto-taxi and left.

14. Summary killing by military personnel of Phat Phonn, 44, and his son Phat Pich, 18, on 7 December 1997 in Samraong district, Otdar Meanchey province.

On 7 December 1997, Phat Phonn, 44, and his son Phat Pich, 18, were arrested along the road between Samrong and O'Smach by a group of RCAF soldiers. The soldiers body-searched them, found a FUNCINPEC membership card in the name of the father, and

allegedly executed them. The father died instantly. His son was injured in both upper legs and in the abdomen. He was initially treated in Samrong hospital and then taken home where he died about 10 days later.

Phat Phonn reportedly joined the FUNCINPEC party in 1991. After 1993 he was integrated with some thirty other former FUNCINPEC soldiers into the district military army in Sot Nikhum. During the 1993 electoral campaign he had allegedly received threats in relation to his active support for the FUNCINPEC. By mid-1996, according to former colleagues and district military sources, he resigned from his position in the district army and became an ordinary citizen. After the July 1997 coup he feared for his safety and escaped to Thailand. There he allegedly became a refugee in Ang Snuol camp. He returned home in November 1997 but left again for Thailand after he was accused by local police authorities of being involved in resistance activities, an accusation that he denied. This time, he took his son with him. They were on their way to Thailand in early December when they were arrested and executed. There are no indications that the killing took place during combat.

As of 30 April 1998 no investigation had been conducted into the case. The Office informed the Chief of the Provincial Criminal Police about it.

15. Murder by unidentified individuals of two Border Police Officers, Col. Chea Chanthoeun and Maj. Var Savuth, on 24 December 1997, in Phnom Penh.

The bodies of two men, identified as Col. Chea Chanthoeun and Major Var Savuth, were found in the early afternoon of 24 December 1997 by villagers near the Arun Vodei pagoda, in Trapeang Andong village, Trapeang Krasang commune, Dongkor district, just outside Phnom Penh. Their hands were tied behind them. One of them was blindfolded with a kramma. Their necks showed clear marks of strangulation, and the face of Var Savuth, marks of beatings (photographs #7, 8, 9).

According to villagers and police sources, on 24 December 1997 at about noon, a white Toyota car with no license plate drove fast on the road that links Arun Vodei pagoda to National Route 4. Inside were two men sitting in the front. The windows were covered with sun-screens. The car stopped in the ricefields beyond the pagoda for a short while and drove back towards National Route 4. After the car left, a villager found the bodies of the two men where the car had stopped.

The police examination of the bodies concluded that both men had been strangled after severe beatings. They could not be immediately identified. On 26 December the murders were reported in Koh Santepheap and Rasmei Kampuchea newspapers. This is how



the families learned about the death of their husbands.

Col. Chea Chanthoeun, alias Sok Sen, aged 40, was married and had three children. According to sources close to him, he joined the Sihanoukist resistance in the early days of 1979-1980 on the border and became an officer of the ANKI, the armed wing of the FUNCINPEC. He returned to his native province of Svay Rieng after the Paris Accords in 1992. There, he was appointed chief of the election campaign for the FUNCINPEC party in that province and played a very active role in organizing and propagandizing. After the elections he went to live in Phnom Penh and was appointed Deputy Commander of the Border Patrol Unit in Svay Rieng, but declined the offer. At the time, he commanded the loyalty of some 200 of his former resistance subordinates. They were integrated into his unit, and half of them were assigned to Svay Rieng while the rest remained with him in Phnom Penh. He was still working in the Border Police Department in Phnom Penh when he was killed.

According to former colleagues, Major Var Savuth, alias Var Sreng, 48, was married and had six children. After fighting against Vietnamese troops in 1979 in Prey Veng province he joined the royalist resistance. He became a Battalion commander in ANKI division 3. In 1992 and 1993, after undergoing an electoral campaign training with the FUNCINPEC, he was appointed Deputy Chief of the party's elections organization committee in Svay Rieng. In 1994, he was appointed assistant to the Provincial Police Commissioner in that province. Later he was appointed Deputy Chief-of-Staff of the Border Patrol Police in the same province. At the time of the killing he was in charge of the Border Police checkpoint in Svay Rieng. Var Savuth and Chea Chanthoeun were old-time close friends.

Colleagues and relatives also stated that on 5 July 1997, Chea Chanthoeun and five of his colleagues were called on duty at the FUNCINPEC headquarters. When it was taken over on 6 July, Chea Chanthoeun was injured by shrapnel in the left arm and knee but managed to escape with several colleagues. The list of officers on duty at the time was reportedly seized by CPP troops, among other documents and party files. After several weeks he returned to his office. His commander reportedly shifted allegiance to CPP and encouraged him to do the same. He refused.

In mid-December, three district policemen met Chea Chanthoeun at home and told him that they knew he worked for the resistance. They accused him of gathering forces and stockpiling rice for the resistance and threatened him with arrest.

On 22 December 1997 according to relatives, Chea Chanthoeun and Col. Sam Savuth, the Chief of Staff of the Border Patrol Department who is affiliated with the CPP, had drinks together, first at Chea Chanthoeun's, then at Sam Savuth's. Chea Chanthoeun

was sent back home by Sam Savuth's driver late on that evening nearly unconscious. He complained about severe abdominal pain. White foam was coming out of his mouth. His wife suspected poisoning and called a nurse who made him vomit. A few hours later, he had recovered.

The day after, Chea Chanthoeun requested a colleague to go to the house of Sam Savuth to pick up his pistol which he had left there the evening before. Sam Savuth requested that Chea Chanthoeun come and pick up the gun himself. On 24 December, Chea Chanthoeun asked Var Savuth to accompany him to pick up the gun. They departed from Chea Chanthoeun's house at about 8:00 am but did not return. At noon, their bodies were dropped behind Arun Vodei pagoda.

16. Murder of military intelligence officer Lt. Col. Kroch Bun Song on 24 December 1997, in Kien Svay district, Kandal province.

Lt. Col. Kroch Bun Song, a military intelligence officer in his forties, was shot and killed on the evening of 24 December 1997, in front of Chrouy Ampil pagoda in Kien Svay district of Kandal province. The circumstances of the killing as related by witnesses and relatives suggest that the murder was an organised plot which involved at least half a dozen individuals, including military personnel. Another person who was accompanying Kroch Bun Song was also targeted but was able to escape. The Office is verifying several allegations it has received that this person subsequently disappeared.

Late in the afternoon of 24 December 1997, Kroch Bun Song and a friend named Vath joined an acquaintance who had invited them to a Karaoke bar located near Chrouy Ampil pagoda in Kien Svay district. After a while the acquaintance left the bar, allegedly to sleep with a prostitute in a neighbouring guest-house located on the other side of the pagoda. At about 8:00 pm, a man whom they did not know approached them in the bar. He introduced himself as a relative of the acquaintance. He said that the latter was inviting them to join him at the guest-house. Kroch Bun Song and Vath accepted. The three left on the man's motorbike. On the way the man insisted on stopping in front of the gate of the pagoda to urinate. Two men immediately opened fire with an AK-47 on the two passengers, killing Kroch Bun Song instantly. Vath was unscathed and ran away. He was chased by the two men but was able to escape.

Eyewitnesses have stated that just after dark at around 6:30-7:00 pm on that evening, a Russian-made military jeep and a white car with several people inside stopped at the entrance of the pagoda. Weapons were seen being handed over. Two men armed with AK-47s took up position at the pagoda's gate. The military jeep and the car parked near the two gates of the pagoda. These movements took place in an open and conspicuous manner. When the



motorbike driving Kroch Bun Song and Vath appeared at the gate, the two men opened fire on the passengers. They also opened fire in the direction of several monks who were reading outside their dormitory. The perpetrators then left on the motorbike driven by the man who had driven Kroch Bun Song and Vath to the pagoda. The two cars left with them.

A mixed unit of policemen and gendarmes came thereafter and inspected the body of Kroch Bun Song. They searched it and found various papers in his pocket, including his identity card, and left. The body remained there until the following afternoon. Then the police instructed the monks to cremate the body because no relatives had come to identify it. The police apparently made no attempt to inform the family of the victim, despite having his identity card. The case has been reported to the court by the police as a robbery in which the perpetrators could not be identified. According to the court, the investigation is closed.

Former colleagues and relatives have stated that Lt. Col. Kroch Bun Song was a veteran of the royalist resistance. He joined the Moulinaka in the early days of 1979 and became an officer in charge of logistics in the ANKI with a rank of colonel. After the Paris Agreement he returned to Phnom Penh and was assigned to the Second Bureau (intelligence) of the RCAF General Staff for a year. He was then assigned to Koh Kong province where he was put in charge of the military intelligence office of the General Staff. In 1995 he was assigned to the Department of Military Advisors of the Supreme Command. He was a close associate of several senior FUNCINPEC officials and an assistant to Gen. Tum Sambol, a military advisor to Prince Ranariddh. On 5 July 1997 he was called to take up duty at the residence of the First Prime Minister and left it on 6 July when its occupiers surrendered. In late July he returned to his place of work and resumed duty. He reportedly joined the CPP after the events in July, apparently to ensure his safety.

17. Summary killing of Inn Phuong, 58, and Chan Sorya, 4, on 27 January 1998 in Kang Neang village, Preah Sdach district, Prey Veng province.

On the evening of 27 January 1998 Chak Phuong, alias Inn Phuong, 58, his wife Hor Vy, 42, and their daughters Chok Phanny, 23, and Chan Sorya, 4, were at home. At about 9:15 pm three men, one of them armed with an AK-47, broke into the house. Inn Phuong was rocking his younger daughter who was sleeping in a hammock. His elder daughter was sleeping in the next room. His wife was outside the house taking care of the pig. The armed intruder ordered Inn Phuong not to move and fired at least 4 rounds at him, injuring him twice in the chest and his younger daughter in the right shin. They tied him up with a kramma and asked for money. They took away two suitcases containing clothes, books and teaching materials, and documents including two FUNCINPEC

membership cards, a letter from the chief of a neighbouring village, a booklet and membership card of the Democratic and Development Party, an invitation card to attend the KNP Congress and a picture of Sam Rainsy. They also took away the family's cow. These items, except the cow, were subsequently dropped in a nearby ditch. During the attack, Inn Phuong hid his KNP membership card under his body. About two hours later, Inn Phuong succumbed to his injuries. His daughter died a few hours later at the local dispensary.

Inn Phuong was a primary school teacher and a pagoda committee member in his village. He was a poor but educated man, living from farming and teaching. According to his relatives, party associates, neighbours and the village chief, he was a quiet man and had no known quarrel with anyone in the village and commune. He was a respected community elder and an influential personality whose advice and assistance was often sought by other villagers. In 1992 he joined and campaigned for the FUNCINPEC party. In 1995 he joined the Khmer Nation Party. He attended regular party meetings at the district and provincial levels. He attended the January 1998 extraordinary party congress in Phnom Penh. According to a party colleague, Inn Phuong was about to be appointed by the KNP as party candidate for Preah Sdach commune when he was killed.

The KNP is said to enjoy active support from villagers in this and two other communes in the district: Boeung Dol and Banteay Chakrey. A KNP factional group led by Kong Mony is influential in neighboring Peam Chor district. On several occasions, the provincial representative of this group reportedly attempted to persuade KNP representatives and their followers to join his faction. That faction was actively involved in anti-KNP activities in Phnom Penh and in Prey Veng during and since the July 1997 coup. These activities have included forced removal of KNP party signboards, intimidation of KNP members and activists and, in one documented case, the arrest and detention of a KNP member in cooperation with local authorities.

Yun Men is another influential KNP representative in the province. He lives in Ping Pong village, Banteay Chakrey commune, Preah Sdach district, Prey Veng province. He has been appointed deputy representative for his party in the province. He was accused by local authorities of having spread the information about the murders of Inn Phuong and his daughter. On 1 February 1998, three armed commune policemen visited his house to question him about this. He was not home. The same day, the commune chief, four militia men and two policemen returned to his house to look for him. He feared for his safety and went into hiding. He returned to his village after village, commune and district authorities gave assurances to the Office that his safety would be ensured.

Following press reports about the murder of Inn Phuong, the Secretary of State for Information publicly stated that the murder was not political. He quoted a police report that the motivation was more likely to be a "revenge" by another villager who had been reported by the victim last year as having hidden a weapon. The district police investigation concluded that the motivation of the murder was an armed robbery and that the victim was a FUNCINPEC member. The report addressed to the Office by the Provincial Police Commissioner reaches the same conclusion.

On 10 March 1998, the Provincial Police Commissioner invited human rights organizations to attend a meeting about the case. It turned out to be a press conference to which national TV, radio and press were invited. Two suspected accomplices named Son San and Son Sann were produced, as well as two AK-47s and a grenade (whereas all witness accounts confirmed that only one weapon was involved). The police alleged that the perpetrators were three men named Dock, Knoy and Chantha and that they had escaped. They stated that the motive of the murder was revenge related to a dispute which goes back to the Khmer Rouge period. This allegation is based on no evidence, and made no sense to the family of the victim. In a separate interview with the Office the two alleged accomplices said that they had been forced at gunpoint by the perpetrators to participate in the murder but could not describe it because they were standing far away from the scene.

18. Summary killing of Touch Tum, Bun Vannak and Chea Samnang on 18 February 1998 in Kaun Trey village, Nimith commune, O-Chrov district, Banteay Meanchey province.

Mrs Touch Tum, 45, her son Bun Vannak, 18, and a relative named Chea Samnang, 39, were abducted from their home on the night of 18 February at about 9:00 pm by 3-4 unidentified armed men who marched them 400 meters outside the village and shot them with a bullet in the head. The two other children of the family, Neth, 8, and Noth, 15, had been watching a video movie in a nearby house. After the killing villagers hid them until they could be transferred to a safe place. Some of the belongings of the family were stolen by the attackers.

The village is located in a zone contested between FUNCINPEC armed elements and RCAF Division 12. Touch Tum and Bun Vannak were the wife and son of Captain Bou Sovanna, a FUNCINPEC officer formerly belonging to Battalion 36 of Division 12. In December 1997 he joined an armed group of the FUNCINPEC resistance led by the former commander of Division 12, Gen. Lay Vireak. On or around 29 December, his son was held temporarily by the chief of staff of Division 12, apparently to pressure his father to surrender. Prior to the killing, 9 soldiers from Division 12 were reportedly captured by Captain Sovanna. Four of them escaped and returned to their unit. It is not known what happened to the five

others. Captain Bou Sovanna has been alleged by several sources to have been involved in criminal activities prior to his defection.

19. Murder of former Division 12 soldier Taem Sophat and two of his children on 27 February 1998, in O'Chrov district, Banteay Meanchey province.

On the evening of 27 February 1998 a group of up to 6 armed soldiers, allegedly wearing RCAF uniforms, entered the house of Taem Sophat which is located in Snuol Tret village, Nimith commune, O'Chrov district of Banteay Meanchey province. They opened fire indiscriminately on its occupiers, killing three and injuring three others. They then set the house and four neighbouring houses on fire. They fled in the direction of the South-West.

Taem Sophat, 51, the head of family, his son Mel Chhak, 12, and his daughter Taem Kreng, 7, were killed on the spot. The mother, Phum Se, 51, and two other daughters, Taem Mom, 18, and Taem Ya, 11, survived their injuries. The intention of the attackers was clearly to slaughter the whole family. Fearing further attacks, the village's estimated 198 families - 1,114 people in total - abandoned Snuol Tret and sought temporary refuge in the compound of the Rattanak Nimith pagoda. They have been living there ever since under plastic sheets and in makeshift tents in very precarious conditions.

Taem Sophat was a veteran resistance fighter from the KPNLF. Since 1979 he had been a close associate of Lay Vireak, the commander of RCAF Division 12 until he joined the resistance following July 1997. Taem Sophat joined the resistance with him in July 1997. Three months before his killing, he left the resistance to return to his village to organise the harvest of his ricefields. The village is in a zone contested between resistance elements led by Lay Vireak and RCAF Division 12, which is located about 3 kilometers from the village. It is mostly inhabited by former border refugees who repatriated in 1993.

The motive for the killing maybe related to Taem Sophat's involvement in the resistance and his close association with Lay Vireak. Local and Division 12 authorities have blamed the resistance but have not provided credible explanations. They have accused Taem Sophat of having been sent back to his village with a large amount of money in order to recruit forces for the resistance. They have also reported that the attackers were equipped with heavy weaponry and radio communication equipment. They also stated that they suspect the perpetrators to be the same as those in the murder of Bou Sovanna's family members (case no. 18). The identity of the perpetrators appears to be known to villagers but they are afraid of reprisals.



Taem Sophat was known by local authorities to be respected and influential in his community. He also owned several hectares of land in the village, in an area where cultivable land is scarce and the subject of envy. Until his murder, Taem Sophat had been acting as the chief of the village which had been almost autonomous from the central administration. He had also been designated by villagers to become the deputy chief of the local commune.

Between late December and mid-February 1998, three other similar killings occurred in the contiguous villages of Kaun Trei and Snuol Tret. On 18 February, three members of the family of Bou Sovanna, another resistance fighter close to Lay Vireak, were summarily executed. Lt. Col. Khem Dara was reportedly killed at home in Kaun Damrei village on or around 22 December 1997. So was a third villager in Kaun Trei named Sary. In all four cases, the victims are individuals involved with the resistance or their relatives, and Division 12 which is headquartered nearby has failed to provide protection.

20. Murder of Police Gen. Kim Sang, killing of Iv Suon and serious injury to Sos Khun on 4 March 1998 in Phnom Penh allegedly by men in police uniform (photographs #13, 14).

Brig-Gen. Kim Sang, 41, the Director of the Department of the Maritime Border Police, was murdered on 4 March 1998 in broad daylight in a busy street of Phnom Penh. The two unidentified killers were dressed in police uniforms and acted in an obvious and conspicuous manner. In the incident, Mrs. Iv Suon, aged 54, a local resident, was killed, an 18-year old factory worker, Ms. Sos Kun, was severely injured, and a little girl, named Phâl Aun, was slightly injured.

Kim Sang was a senior police officer affiliated with the FUNCINPEC party. He was a veteran from the royalist resistance (Moulinaka) which he joined in the early 1980s. At the time of the Peace Accords, he was the deputy commander of ANKI Division 6. He was closely associated with Prince Ranariddh and several other senior FUNCINPEC officials. He was a relative, a close friend and a long-time associate of Gen. Kieng Vang, the Secretary of State for Interior. During the July 1997 coup, Gen. Kim Sang was called by Gen. Nhek Bun Chhay to protect FUNCINPEC forces and joined him in Tang Krasang. On the morning of 6 July, FUNCINPEC forces gathered in Tang Krasang evacuated the base, under heavy shelling, and escaped in the direction of Udong district. Kim Sang was among them. He was captured, like many others in Udong district, on 7 July and taken to the Ministry of Interior in Phnom Penh, but was released following intervention by two senior CPP police officers. Following the appointment of Mr. Ung Huot as Prime Minister, he returned to his office and resumed his functions. According to colleagues, Kim Sang commanded the loyalty of up to 500 policemen (out of an estimated

800) in his department, who had been drawn from among the ranks of the FUNCINPEC faction.

Following the July 1997 coup, Gen. Kim Sang stated to colleagues and relatives that he had been repeatedly invited by senior CPP officials in the police and the Ministry of Interior to join the CPP, and offered a promotion if he did. On 21 July, he reportedly became a member of the CPP. He was also pressured to testify against Prince Ranariddh before TV cameras and at the trial, but repeatedly refused. In November 1997 he began to complain to relatives that he was under constant surveillance by colleagues and others at his place of work. He told them that he feared he would be killed. At his office colleagues reportedly called him an "extremist" and asked rhetorically why he did not join Prince Ranariddh in Thailand since he was loyal to him. As a safety precaution, he began to change residence regularly, not sleeping more than a few consecutive nights in the same place. His fears increased when the word went around among FUNCINPEC security officials that there was a list of FUNCINPEC officials from the rank of Major up targeted for killing. He requested former colleagues who had joined the Nhek Bun Chhay-led resistance to stop calling him on the phone as he suspected it was monitored.

In the weeks prior to his killing, his fears further increased. He also feared for the safety of his wife who worked as a market seller and he advised her to stay home. He also removed his daughter from school. Several days before the murder he requested a leave of absence and stayed at home.

Two days prior to the killing, Kim Sang received a letter instructing him to attend a meeting on the morning of 4 March. He decided not to attend it. Half an hour prior to the killing, he reportedly received a phone call at home from the Director of the National Police instructing him to come to the Ministry of Interior "immediately" to attend an "urgent meeting" about an "important matter", the nature of which was not specified. He put on his police uniform, instructed his bodyguards to stay home and informed his wife that he would return soon. A few hundred meters from his house, he was ambushed, shot and killed.

The killing was the work of two unidentified men dressed in olive-green police fatigues with distinct police signs on their shoulders. Witness accounts established that the two men had been waiting for him in a local coffee and noodles shop along the road since about 7:00 am. They acted in a controlled and conspicuous manner. One of them was sitting looking at the video while the other watched the street. When Kim Sang's car appeared in the street, the man who watched the street informed his colleague that the car was coming. His colleague took out a folding AK-47 which he had concealed under his olive-green overcoat, put it on his lap, cocked it while the other started their motorcycle. Both



men rode on the motorbike and caught up with Kim Sang's car. The man riding behind opened fire through the window into it. Two other accomplices, who were waiting on the other side of the street on a second motorbike, also opened fire into the car. Kim Sang was hit by two bullets, across the chest and in the head. He fell towards the right side window and lost control of the car. The car bumped into a passer-by, Mrs. Iv Suon, killing her, crossed Pochentong boulevard and crashed on the other side. Sos Kuon, 18, a local resident who was sleeping in her house was seriously injured by a stray bullet and was hospitalised in serious condition.

The local police was alerted to the killing and labelled it a "robbery". Policemen confiscated Kim Sang's personal belongings which included a hand phone, a gold necklace, his wedding ring, a wrist watch and money. His family took him to the hospital. Upon arrival there, according to his family, Kim Sang was still alive: his pulse was still beating and he was breathing, although feebly. His relatives implored the medical staff to provide him assistance and promised to pay the bill. Their request was ignored. A policeman was seen talking to the medical staff. The same policeman then attempted to prevent a relative from trying to keep Kim Sang alive by massaging his heart.

On the same morning, at about 10:30, four armed "Flying Tigers" policemen riding two motorbikes stopped at the house of Kim Sang and asked a relative who had just returned from the hospital whether Kim Sang had died or not. The relative confirmed that he was dead. The men left. The day after and then four days later, policemen visited Kim Sang's house and asked to meet his wife who at the time was not home. Several days later, two unidentified men in plainclothes visited Kim Sang's wife at home and warned her that "if [she] filed a complaint with any organisation [she] would have a big problem". In mid-April, a police officer visited Kim Sang's home to enquire about the personal belongings that had been confiscated by the police.

The murder of Kim Sang coincided with the first trial of the deposed First Prime Minister. In the eight weeks prior to his murder, five other FUNCINPEC police and military officers had been murdered. A sixth escaped an attempt against his life in broad daylight in Phnom Penh. These murders triggered a wave of fear among many senior FUNCINPEC police and army officers.

On the evening of 4 March 1998, a statement by the co-Interior Ministers was aired on all TV stations condemning the murder as a "cowardly" act of "terrorism". It pledged to investigate the murder and requested the assistance of the family and witnesses. A nine-member investigation commission led by the Deputy Director of the National Police, Gen. Yeng Marady, was appointed to investigate the murder and prepare documents for prosecution. At the end of April 1998 the commission admitted

that it had made no significant progress in the investigation, allegedly because witnesses were afraid to testify. Neither Kim Sang's wife nor his close relatives have been formally requested to testify.

21. Murder of army Major Muong Someth on 28 February 1998 in Kien Svay district, Kandal province.

Muong Someth, 42, a major working in the Department of Engineering of the RCAF General Staff was murdered by three men shortly after 9:00 pm on 28 February 1998 in Kampong Svay commune, Kien Svay district, Kandal province. Muong Someth was married and the father of five children (photograph #15).

Shortly after 6:00 pm on 28 February 1998, Muong Someth went to join several acquaintances who were drinking at a local restaurant in Dei Et commune, Kien Svay district. Among the drinkers was Soeun, a Kien Svay district police officer. Approximately half an hour later, Soeun invited three unidentified men to join them. They accepted. They included two men dressed in civilian clothes and a third one dressed in an olive-green bodyguard uniform. The latter was armed with a K-59 handgun.

At about 9:00 pm, Muong Someth, Soeun, the man in bodyguard uniform and a fourth man reportedly left the restaurant for another place in Kampong Svay village where they intended to continue to drink. They left on three motorbikes: two Vivas 110, one of which belonged to Muong Someth and a Sanyan Honda 125 cc. The man in bodyguard uniform rode behind Muong Someth. On the way, they apparently stopped by Muong Someth's house where they had a couple more drinks before heading toward the next drinking shop. A few minutes after they departed from Muong Someth's house he was shot with three bullets in the upper back. The three same motorbikes, driven by three individuals were seen leaving the scene. Muong Someth's motorbike, walkie-talkie and wrist-watch were stolen by his attackers.

Muong Someth was a veteran from the Moulinaka movement and a loyal supporter of the royalist party. In July 1997, he was at the General Staff and after the outbreak of fighting he returned home. Three months after these events, he reportedly switched allegiance to the CPP but maintained his loyalty to the FUNCINPEC. In early 1998, he met several senior FUNCINPEC officials returning from Thailand and attended at least one party meeting at the FUNCINPEC headquarters. He has been described by local residents as a well-known and respected person in his commune, particularly in the area between Prek Eng and Srae Ampil.

The police investigation concluded that the murder was a robbery. Three K-59 handgun bullet casings were found by it at

the place of the crime. No suspects have been identified by the police despite the presence of numerous witnesses at the drinking shop. The police has alleged difficulties due to the reluctance of witnesses to testify.

22. Murder of Lt. Col. Chea Vutha, a military training officer, on 28 March 1998 in Kien Svay district, Kandal province.

Lt. Col. Chea Vutha was shot three times and killed by two men on the evening of 28 March 1998 in Kien Svay district, Kandal province.

Chea Vutha, 40, was a veteran from the Moulinaka, one of the three main armed groups which formed the royalist resistance front. He was an officer of ANKI Division 1 and a deputy to Col. Chau Eng, the former chief of ANKI Second Bureau. He was closely associated with Gen. Khan Savoeun, the former Military Region 4 Commander who joined the resistance led by Nhek Bun Chhay. He was also associated with Col. Hov Sambath, the former Deputy Chief of the Military Training Bureau of the RCAF General Staff (who was arrested and reportedly executed on 7 or 8 July 1997 - see August 21 Memorandum, case 8, page 11).

After 1993, Chea Vutha was appointed Deputy Director of the Jungle Training School in Pich Nil, Kompong Speu province. In early 1997 he was transferred to the General Staff and placed under the command of Col. Hov Sambath. On 5 July 1997 he was called to Prince Ranariddh's residence and left it on 6 July when its occupiers surrendered to CPP troops. Together with him were Gen. Tum Sambol and Gen. Kroch Bun Song (who was murdered in Kien Svay on 24 December 1997; case no.16). He was then arrested, released and went into hiding for a while. About three months later he returned to his place of work and ceased all activities related to the FUNCINPEC party. He reportedly formally joined the CPP. In early 1998 he re-established contacts with FUNCINPEC officials and attended several party meetings. He resumed his activities in the district which consisted of reorganizing and strengthening party membership.

On 28 March Chea Vutha attended a meeting at the FUNCINPEC headquarters to prepare the return of Prince Ranariddh. He re-applied for party membership. Upon return to his district he gathered party activists to brief them. In the afternoon, at about 4:00 pm, he went with three other men to have drinks in a local shop. One of the three men is a Kien Svay district police officer named Soeun. At about 7:30 pm, they left the shop on their motorbikes towards Kien Svay. On the way Chea Vutha stopped on the side of the road to urinate. Two men on a motorbike stopped beside him and fired three shots at him at point-blank range. He fell to the ground. Assuming that he was dead the two men picked his body up and threw it in a nearby ditch. They left with his motorbike.

Villagers who heard the shooting came to the scene and discovered that he was still alive. They rescued him. He asked them to take him to the hospital, to inform his wife and to tell the police that one of the two killers was named Kring, a resident of Prek Eng commune, in Kien Svay. He died a few minutes later. The district police examined the body and were provided with the name (Kring) mentioned by Chea Vutha. Kring has been described by several sources as being a soldier with a criminal record who enjoys impunity because of protection from high levels.

Another person associated with the murder is the above-mentioned man named Soeun. He is a former FUNCINPEC fighter and acquaintance of Chea Vutha, Kroch Bun Song and Muong Someth (cases 16 and 21). He joined the CPP prior to July 1997 and was reportedly assigned to monitor the political activities of his former party colleagues. Hours before the murders of Chea Vutha and Muong Someth. Soeun was seen having drinks with them.

23. Grenade attack in Po Ampil pagoda in Trang district, Takeo province on 26 March 1998, killing Nop Phanit, seriously injuring Nhem Valy and injuring another 9 persons.

On 26 March 1998, between 10:00 and 11:00 pm, a grenade was rolled towards a group of persons who had just attended a ceremony in Po Ampil pagoda in Sambaur commune, Trang district of Takeo province. Mrs. Nop Phanit, a primary school teacher from Takeo, was injured by a piece of shrapnel in the chest. She died on the way to the hospital. The grenade also very severely injured Nhem Valy, smashing his legs, and injured nine other persons. The perpetrators could not be identified. Witnesses stated that they were wearing military uniforms and riding two motorbikes.

The ceremony was aimed at collecting further resources in order to construct a new building for the pagoda. According to its chief monk, the CPP President H.E. Chea Sim has supported the pagoda to repair it and construct additional buildings. The ceremony had been organised by Min Kin, a former student in that pagoda and an associate of H.E. Chea Sim. Min Kin was appointed Secretary of State for the Royal Palace and, after July 1997, Chief of Protocol in the cabinet of the CPP President. Nhem Valy is an advisor of HE Chea Sim. He had come to assist Min Kin to organise the ceremony. The Office was informed that H.E. Chea Sim was invited to attend the ceremony but could not go. Min Kin was to represent him.

The attack occurred in the presence at the pagoda of 10 commune policemen, about 12 militia men and 4 gendarmes, according to the commune chief. Preliminary findings by the Office suggest that the grenade may have been directed at Nhem



Valy, who was the most severely injured. They indicate that Nop Phanit was hit accidentally. She was with her husband in her car about to depart when Nhem Valy and Rith Beun, a friend of his, approached their car. She then got out to speak to them. They had been talking for a couple of minutes when the grenade went off, almost at Nhem Valy's feet.

The attack was publicly called "political" by a spokesperson from the Ministry of Interior. Two weeks later it was blamed on a "love dispute". A local official stated to the Office that two gendarmes had informed him after the attack that they knew an attack would occur at the pagoda. No one has so far been arrested for the attack.

24. Grenade attack against a family on 26 April 1998 in Kirivong district, Takeo province, killing two and injuring four.

On the evening of 26 April 1998, at about 7:30 pm a grenade was thrown among the six members of a family who were gathered on the terrace of their house in Romdel village, Som commune, Kirivong district, Takeo province. The grenade killed two family members, Mrs. Nam Kay, 65, Nam Nuon, 56 (sibling of Nam Kay), and injured Khieu Touch, alias Rama, 53 (brother of Nam Kay), Ep Soeung, 42 (son of Nam Kay), Soeun Im, 26 (daughter-in-law of Nam Kay) and Sauth Pring, 26 (grand-son-in-law of Nam Kay).

Five of the six victims - except Sauth Pring - are members of the Son Sann party, formerly known as BLDP. In particular Khieu Touch, one of the injured victims, was the representative of that party for the district. The party stated that the attack was politically motivated. On 29 April 1998, the Governor of the Province, Sour Phirin, stated that the attack was an act of revenge related to a land dispute. He also stated that four suspects had been arrested, a claim which proved to be untrue. State Secretary for Information Khieu Kanharit stated to the Cambodia Daily on 28 April that the "preliminary investigation by police confirmed that the grenade was not thrown from outside but exploded inside the house". At a press conference on 30 April, the Provincial Police Commissioner stated that the attack was related to a love affair. He produced a suspect, Khun Porn, who stated that he had wanted to kill Khieu Touch because the latter had threatened to kill him because they loved the same woman.

Interviews with relatives and district authorities indicate no love affair. According to Khieu Touch, the alleged love interest is a married woman whom he regards as a daughter and whose parents he knows well. However, there has indeed been a land dispute between Nam Kay and the commune chief Long Tai. According to the district Criminal Police Inspector, the commune chief sold a plot of land, the ownership of which is claimed by

Nam Kay to a villager named Ton Pha who in turn sold it to another villager named Vong Cut. After he purchased it, Vong Cut took up residence on the plot of land. The case went to court. The court recognised the right to ownership of Nam Kay. It ordered Vong Cut to vacate the land, which he did. After he vacated the land, a relative of Nam Kay began to build a house on it. Two days before the attack, the commune chief ordered the commune police to stop him from building. The son reportedly ignored the order. His mother, Nam Kay, complained to the district police.

Residents in Kirivong district have complained to the Office and other human rights investigators about widespread intimidation in this commune and district against activists and members of the FUNCINPEC and the Son Sann party. They describe a climate of fear and question the ability of opposition party members to campaign and participate freely in the forthcoming elections. They have stated that in the district, local government authorities are actively involved in a nationwide drive to persuade villagers to thumbprint pledges of support to the CPP.

At the time of the attack, Khieu Touch was the district representative of the Son Sann party. He has been a loyalist of Cambodia's veteran politician Son Sann since 1979 when he joined the KPNLF<sup>1</sup>. He was detained for his political activities between 1981 and 1989, the last three years in the "re-education" prison of Trapeang Phlong, Kompong Cham province. After his release he returned to his home village in Kirivong district. During the 1993 electoral campaign he was an active campaigner for the then-Buddhist Liberal Democratic Party<sup>2</sup>. At the time, several BLDP activists were killed and the perpetrators were never found.

After the July 1997 coup, Khieu Touch was approached by local Government authorities affiliated with the CPP to join it but he refused. In an interview with a human rights investigator on 31 March 1998, he expressed fears for his own safety. He stated that he was particularly afraid of falling victim of a robbery or another common crime used as a pretext to eliminate him. Two days before the attack, the commune and village chiefs gathered some twenty members of Son Sann's party, including Khieu Touch, and told them that if they did not fingerprint pledges of support to the CPP they would not be allowed to vote. All refused to sign, and Khieu Touch reportedly told the authorities and

---

<sup>1</sup> Khmer People's National Liberation Front, a republican resistance movement founded in 1979 by Son Sann.

<sup>2</sup> After the Paris peace accords the KPNLF split into two political parties, the BLDP founded by Son Sann and the Liberal Democratic Party.

other villagers present that the Constitution protected them from being coerced to join a political party.

Khieu Touch was the most severely injured of the surviving victims of the grenade attack. He was admitted to a hospital in Phnom Penh. There he stated that he believed the attack was politically motivated and that local authorities had been active two weeks earlier in intimidating opposition party members into changing allegiance. A few days after these comments, Khieu Touch had to be removed by his party colleagues from the hospital after two men, one of whom identified as a plainclothes policeman, visited him. They told him that the attack was not political but related to a love affair.

On 1 October 1997 and 26 March 1998, there were two other grenade attacks (see cases 10 and 24) in Takeo province.

#### IV. CASES OF "DISAPPEARANCE"

The following persons were witnessed being arrested by police or military authorities. They have since disappeared and attempts by the Office to trace their whereabouts have been unsuccessful.

A "disappearance" is a case of a person who was arrested by Government authorities, or individuals acting on their behalf, and who has not been seen or heard of since. This means that the authorities have an obligation to account for what happened to them after arrest. This category is distinct from the category of "missing persons" (see definition on page 7).

1. Arrest and disappearance of Gen. Chea Rittichutt, Mayor of Kep-Bokor Municipality, on 7 July 1997, in Udong district, Kompong Speu (see 21 August Memorandum, case 1, page 26).

Gen. Chea Rittichut was the Governor of Kep-Bokor Municipality. He is assumed dead by his family and his FUNCINPEC colleagues, subordinates and friends since they have not received any news from him, or about him, since he was seen being arrested by military personnel on 7 July 1997 in Udong district. According to corroborating statements, including from former subordinates present at the time, he was arrested by elements of paratrooper Regiment 911 on 7 July 1997 in Damnak Smach commune, Udong district. Others arrested with him were Gen. Ly Seng Hong, Gen. Men Bun Thân and some thirty subordinates. The two generals have disappeared since and are presumed dead by the Office (August 1997 Memorandum, cases 4-5, page 10). Regiment 911 was at the time reportedly placed under the command of the Deputy Commander of the Gendarmerie. According to witnesses, the three officers were separated from their subordinates, held for a short time in a local police station, and taken in a military ambulance in the

direction of Phnom Penh. They have not been seen since. Military and other Government authorities have not acknowledged their arrest and detention. In October 1997, the Office received an allegation that Gen. Chea Rittichut had been executed in Kompong Speu province in custody shortly after his arrest, together with the two other senior FUNCINPEC officers, but could not confirm the allegation. Efforts to identify a place of burial or cremation have remained unsuccessful.

2. Disappearance of Col. Saom Sarath, Deputy Chief of Staff of the Third Military Region since his arrest on 7 July 1997 by a mixed police/military team.

Col. Saom Sarath was arrested together with sixteen of his subordinates on 7 July 1997 at about 5:30 pm by a mixed team of policemen, gendarmes and soldiers. They were taken to Prey Nup district military police. The local gendarmerie branch stated that they were held there until they were all released on 9 July at approximately 9:00 am. There is however evidence that Saom Sarath was still detained there on that day, at least until about 3:00 pm, when his wife was allowed to visit him. This was the last time that she saw him. He has disappeared since. By late April 1998 his family was still without any news from or about him. A military source has stated that he may have been re-arrested in Srae Klong (base of Division 44) and executed together with another man. This claim could not be substantiated by the Office.

3. Disappearance of Captain So Samoeun and his driver, named Ra, since 17 February 1998 at the Tuol Krasang Bodyguard Unit base, Ta Khmau, Kandal province.

Capt. So Samoeun left his home with his driver named Ra on 17 February 1998 at approximately 8:00 am in order to attend a meeting at Tuol Krasang, the base of the Bodyguard Unit of H.E. the Second Prime Minister. He had been invited the day before to that meeting by an officer from that Bodyguard Unit. On the way he went to pick up at his house another officer from that unit who needed a ride to Tuol Krasang. Since that time So Samoeun and Ra have disappeared.

On 19 February 1998, a relative of So Samoeun was contacted by phone by a man who identified himself as "Black soldier". The caller stated that So Samoeun was fine and requested the family "to prepare the money". The same day, another relative of So Samoeun was arrested on Norodom Boulevard by two men dressed in black uniforms and driving heavy motorbikes. They enquired about his family relationship with So Samoeun and released him.

The Office wrote to Gen. Moul Roeup, Director of the Intelligence Department of the RCAF Supreme Command, and to Gen. Hing Bun Heang, the Commander of the Bodyguard Unit in Tuol



Krasang on 19 February 1998 to inform them about the disappearances and seek information about the two men. Gen. Hing Bun Heang did not respond. On 21 February 1998, Gen. Moul Roeup responded in writing to the Office. He stated that So Samoeun was not an officer of the Bodyguard Unit but was in relation with it for construction purpose. He stated that So Samoeun had not attended the meeting in Tuol Krasang because he had changed his mind following a phone call and had returned to Phnom Penh. He also stated that the two men were not detained in Tuol Krasang and suggested that they had probably joined the resistance. However, the Office obtained credible evidence that, as of 24 February 1998, So Samoeun was indeed in Tuol Krasang. The Office again requested a meeting with Gen. Moul Roeup and Gen. Hing Bun Heang but received no response. The Office also informed the Military Prosecutor about the disappearances of the two men on 23 February 1998.

According to sources close to him, So Samoeun has been since the 1980s an officer responsible for the Construction Unit of the RCAF Small Engineering Division based in Phnom Penh. He was affiliated with the CPP. In late 1995, he was reportedly contracted by Gen. Nhek Bun Chhay to undertake several construction projects including his residence and the base of Tang Krasang, as well as other construction works for the FUNCINPEC party. He was also involved in various business activities of his own and on behalf of senior officials of that party. In late 1997, he apparently joined the Second Prime Minister's Bodyguard Unit, as witnessed by an order of mission issued to him by the Deputy Commander of that unit, dated 23 January 1998. In early 1998 he was interrogated by the commander of that unit about an allegation against him that he was a relative of Gen. Nhek Bun Chhay and had transported illegal weapons for him. He was also warned by an officer of that unit that he would run into trouble should he support the resistance.

4. Arrest by military personnel and disappearance of Ouk Kim Chheang on 21 November 1997 in Tbong Khmum district, Kompong Cham province.

On 21 November 1997, at about 5:30 pm, a group of five soldiers on three motorbikes surrounded the house of Ouk Kim Chheang in his village of Rokar Khnuach, Chikor commune, and arrested him. They showed no arrest warrant, did not identify themselves and said that they were taking him to the village chief for ten minutes. While carrying out the arrest they were communicating with their superiors through walkie-talkies. The soldiers refused permission for his son to accompany him to the chief's house. They took Ouk Kim Chheang on one of their motorbikes and went to the house of another villager, Im Iv, whom they intended to arrest also. They had failed to arrest him the evening before as he escaped and went into hiding. While looking

for Im Iv, the soldiers stated that they were coming "to arrest the soldiers who had escaped from Tang Krasang on 6 July 1997, especially the leaders". They took Ouk Kim Chheang away. Since his arrest he has not been seen again. Efforts by his family to trace his whereabouts and enquire with various military and civilian authorities in the province have been unsuccessful. The Office could not confirm an allegation that Ouk Kim Chheang had been seen in detention in Memot district of Kompong Cham province.

Ou Kim Chheang and Iv Im were reportedly active FUNCINPEC members in their communities until the 1993 elections. After 1993 they returned to ordinary life. In early 1997, they joined the Khmer Nation Party through Khieu Chenda, a KNP official, and were appointed chiefs of party networks. In April 1997, Khieu Chenda invited them to become officers in the First Prime Minister's Bodyguard Unit which was being formed by Gen. Nhek Bun Chhay. They accepted and went to Phnom Penh. On the morning of 6 July, they escaped from Tang Krasang and went into hiding. Later, they contacted RCAF Division 4 which is based in their native district and sought permission and protection to return home safely. Together with some 25 subordinates they returned home to Chikor commune, and resumed their lives as ordinary villagers. Following their return, their commune chief received from his superiors a list detailing the identity and rank of Ouk Kim Chheang and his 25 subordinates. The list described him as an assistant to the Chief of Staff of the Unit and Im Iv, as a Commander of Battalion 72, brigade 250, Division 3.

Shortly before the arrest of Ouk Kim Chheang, Khieu Chenda visited the commune. By then he had shifted allegiance, joined the CPP, and was working for the RCAF military intelligence office. When he visited the commune he allegedly carried an order signed by Gen. Moul Roeup bearing the title: "Mission to research the anarchic forces in the villages of Kompong Cham province". On 20 November 1997, Khieu Chenda and another man visited ROKAR Khnuach to look for Im Iv but failed to meet him. Two hours later the soldiers came to arrest Im Iv but he had escaped. When Khieu Chenda left the village, he allegedly designated the house of Ouk Kim Chheang to his colleague. The day after, the soldiers came and arrested Ouk Kim Chheang. In January 1998, Khieu Chenda reportedly was continuing his search for "anarchic forces", this time in Prey Veng and Svay Rieng provinces.

5. Alleged arrest and disappearance of Maj. Luch Ton, Deputy Commander of the Second Bureau of the Second Military Region; and of Yuth Yoeng, bodyguard of the Deputy Commander of the Second Military Region.

Major Luch Ton was reported by his colleagues to have been arrested on the evening of 5 or 6 July 1997 by elements of the Second Military Region. He was seen by a witness interviewed by

the Office being driven out of Kompong Cham in a military pick-up with two other FUNCINPEC officers, identified as Bou Sophal and Choup Em (see case 1 of Section III). He has since disappeared. On the same day, another soldier named Yuth Yoeung, reportedly disappeared in similar circumstances. Yuth Yoeung was an orphan from Siem Reap and a bodyguard to the Deputy Commander of the Second Military Region.

APPENDIX: PHOTOGRAPHIC EVIDENCE





PHOTOGRAPH 1



PHOTOGRAPH 2





PHOTOGRAPH 3

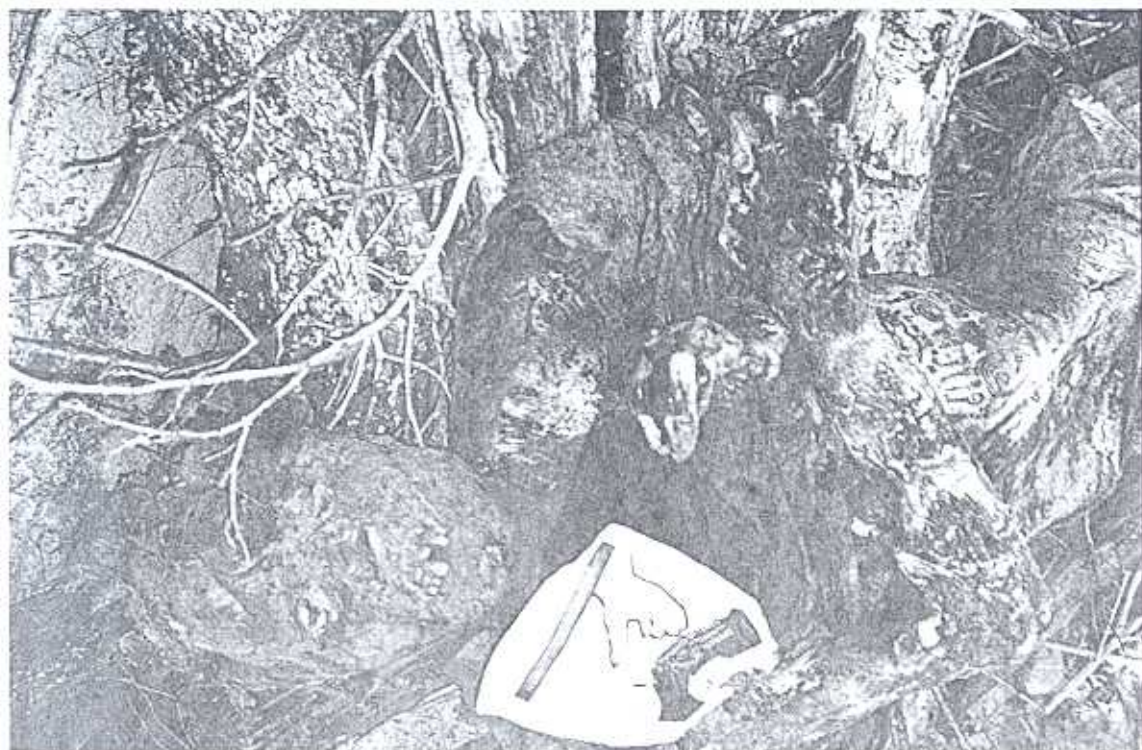


PHOTOGRAPH 4





PHOTOGRAPH 5



PHOTOGRAPH 6





PHOTOGRAPH 7

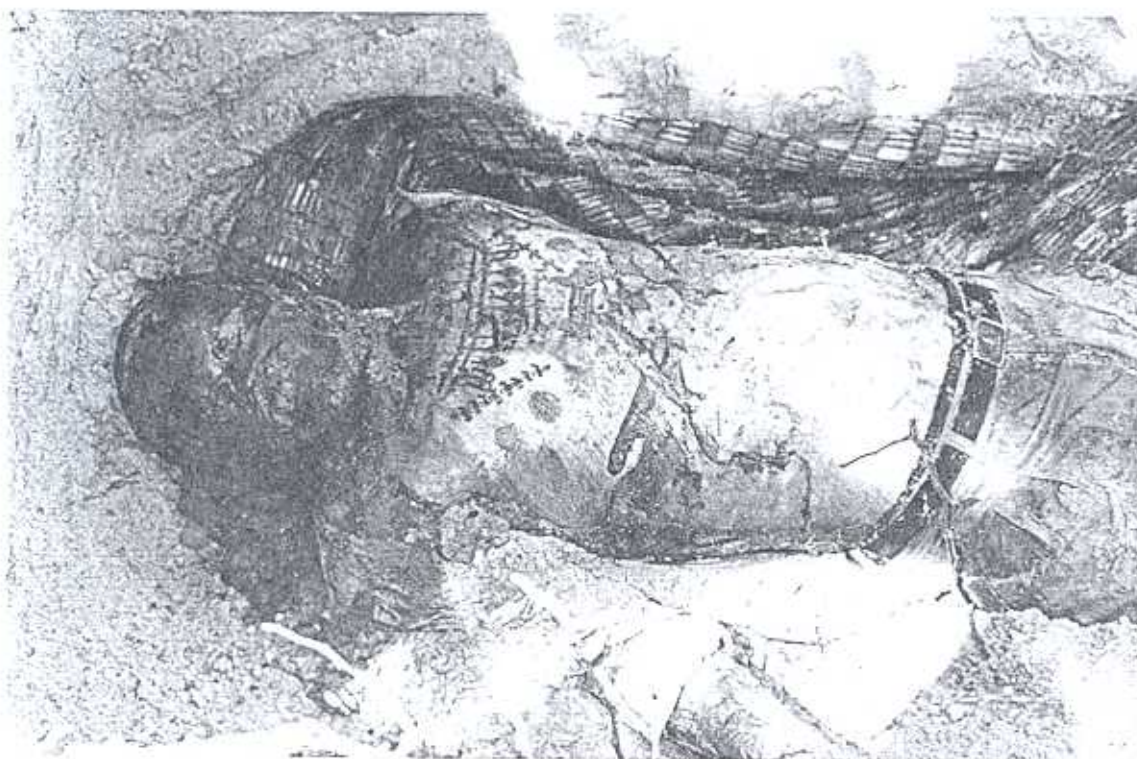


PHOTOGRAPH 8





PHOTOGRAPH 9



PHOTOGRAPH 10





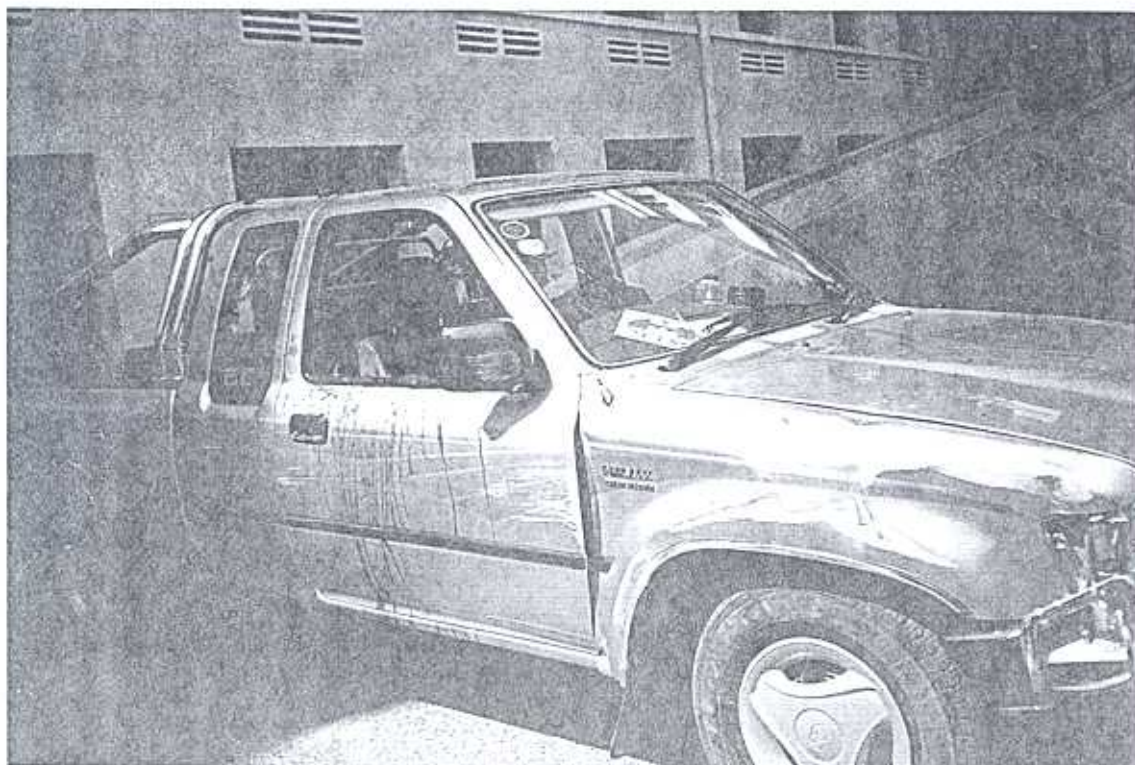
PHOTOGRAPH 11



PHOTOGRAPH 12



PHOTOGRAPH 13



PHOTOGRAPH 14





PHOTOGRAPH 15