

**The human rights situation in Cambodia: note on apparent instances of politically motivated violence and intimidation, prepared by the Cambodia Office of the High Commissioner for Human Rights,
May 20 to June 15, 1998**

MOBILE MONITORS REPORT #1

Executive Summary

This report is based on information obtained and verified since 20 May 1998 by six teams of mobile monitors whose geographical brief covers all but Ratanakiri province. In general, there appears to be both subtle and direct forms of intimidation of the political opposition and voting population by local CPP officials at the provincial, district, commune and village levels. Villagers are being warned against voting for opposition parties. Supporters of parties other than the CPP have been told that their land and property could be confiscated or destroyed. In addition, members of opposition parties have been subjected to verbal threats, forced to denounce their party membership and pressured to vow loyalty to the CPP. These findings, although not exhaustive, appear to contradict the calm and relatively peaceful atmosphere that monitors say obtains to the casual observer, particularly in areas where there is a dearth of formal written complaints.

There are some variations in the frequency and intensity of incidences involving political intimidation, threats, and harassment. As can be expected, in areas where opposition parties are most active, such as in Kandal, or where the CPP is most threatened by an electoral loss, as in Kompong Cham, the reports are more frequent.

Cases of intimidation and threats during the voter registration period have been widespread suggesting that these cases may be the result of a centrally directed CPP campaign. The cases include confiscation of voter registration cards by CPP commune and village officials. In several cases, CPP officials openly admitted that they had received orders from above to confiscate the voter registration cards and return them after recording the registration data.

Interference of this nature by local officials is creating a climate whereby voters are fearful that their ballot choices will be cross-checked with the information collected during the confiscation of voter registration cards, and therefore known to local officials. This could seriously detract from voters' ability to cast ballots according to their free will.

Full Report

This report is based on information obtained and verified by six teams of mobile monitors whose geographical brief covers all but Ratanakiri province. While their findings are not an exhaustive assessment of every incident of politically motivated violence or intimidation in every commune or village, the volume and consistency of information received shows clear evidence of problems, and countrywide patterns in certain types of violations.

Confiscation of Voter Registration Cards

Confiscation of voter registration cards by CPP commune and village chiefs is continuing in spite of complaints voiced by representatives of the National Electoral Committee. Instances have been recorded in most areas of the country. In many cases, information has come via political opposition parties and has been independently verified by the mobile monitors who have interviewed villagers, village chiefs and commune officials.

The voter registration cards are normally collected by group and village chiefs who record the names and registration numbers before handing back the cards. The CPP has prepared a computer-generated form to record the information, a copy of which was obtained by monitors in Kampot province. The form is headed by the CPP's name, with spaces to fill in details of the party district, commune and village. No ministries are listed that would otherwise identify the source of the form, titled: "Control List, Registration of Party Members". The form has spaces for the voter's registration card number, name, and address.

In some instances, such as in Kampot, the commune chiefs have visited the homes of voters and recorded the registration numbers on the spot. In one commune villagers reported that when their registration cards were handed back by commune or village chiefs, they were also issued CPP party campaign materials in the form of a handout the size of a business card with the party's logo and Hun Sen's picture featured with the message:

Samdech Hun Sen and peace are one

Samdech Hun Sen and national unification are one.

Samdech Hun Sen and development are one

A vote for the People's Party and Samdech Hun Sen strengthens peace in Cambodia.

In other cases voters have been promised aid in connection with the confiscation and return of their registration cards.

These practices by village and commune chiefs, who are supposed to be politically neutral, are in clear breach of the spirit and letter of the electoral law. Villagers are being given the message that local authorities act on behalf of the CPP, have full knowledge of their voter registration information and intend to use it to ascertain how their votes were cast.

High-ranking CPP officials have denied that the party has instructed local officials to record the voter registration information. In a 4 June Cambodia Daily article, CPP Chief of Cabinet Ith Sam Heng was quoted as stating that with regard to the collection of voter registration cards, "The CPP does not do that. Registration cards are the private property of the people. Nobody can touch that".

Confiscation of voter registration cards was also carried out during the UNTAC period, when an aggressive media campaign had to be launched to persuade voters that in no way could the registration lists compiled by their local officials be used to determine how they

voted. Unfortunately voter education activities in the current electoral period have been slow to get underway, and there is a shortage of time and reserves to address this critical issue.

The re-emergence of this strategy is a serious concern not only because it is outside the bounds of local jurisdiction to confiscate the voter registration cards, but because of the very serious damage it is doing to belief in the secrecy of the ballot

The message the monitors in the provinces are getting directly from voters is that they are afraid of voting they way they would like. Therefore, every effort should be made by agencies involved in voter education to counteract propaganda aimed at destroying voter autonomy and voter rights.

Threatening Behavior at Voter Registration Sites

A number of reports have been received about threatening behavior during the registration process. These have included cases where armed soldiers have entered voter registration sites, commune chiefs have prevented registration observers from entering the registration sites, soldiers have compiled registration statistics in registration offices, and instances in which non-CPP members have been barred by local officials from registering.

Politically Motivated Illegal Arrests

There have been two illegal arrests reported by monitoring teams.

- 1) Mr. Soy Moen, 36 years old, residing in the municipality of Pailin was taken on May 5th to the Pailin Municipal Police Station ostensibly to be questioned regarding his alleged connections to Funcinpec resistance forces in the area. He has not been released since he went for questioning. He is allegedly accused of planning to assassinate the army division chief of Pailin and of plotting with Serey Kosal but no charges have been formally laid. The case is under investigation and will be followed up by the UNHCHR provincial office in Battambang..
- 2) Mr. Lim Pheng, 23 years old, was arrested in Kompong Cham on 4 June one day after police had been summoned to investigate a shooting aimed at a Sam Rainsy party sign board posted in front of the house. At first the police accused Lim Pheng of using an AK47 found in the home to shoot up the signboard. When the evidence contradicted the allegation, the police then based the charges on illegal possession of a weapon, referring to article 54 of UNTAC criminal law. The established facts are that the weapon was not in the victim's possession when it was found. The victim's family maintains that the weapon belongs to a family member who was storing it there and has provided the police with the details to confirm this.

Further concerns regarding this case are violations of legal procedures by arresting police and by the court, which sentenced Lim Pheng to a year in jail, four days after his

arrest. Lim Pheng was not given the right to counsel, no arrest warrant was ever issued, and there was no evidence to prove that the victim violated article 54, which relates to the carrying of weapons, not to their possession. This appears to be a case where the victim of a political attack is being treated as the guilty party. The legal and political background of the case is being followed up by the UNHCHR office in Phnom Penh which has sent a letter to the Prosecutor General of the Court of Appeal requesting that the appeals process be expedited.

Destruction of Political Party Signboards and/or Attacks on Party Offices.

There have been several reports that political party signboards have been shot at, taken down, and/or destroyed. The following are confirmed reports:

25 May, Sam Rainsy party signboard dismantled by four men in Trameng village, Chhouk district, Kampot province

2 June, Sam Rainsy party signboard was ordered removed by Kep municipal authorities, Kampot

5 June, armed military and police destroyed a Sam Rainsy party signboard in Sangkat Toek commune, Kep.

10 June, village chief felled a Funcinpec party signboard in Krang Svay village, on National Road #2, Kandal.

13 June, Sam Rainsy party sign board axed down at Stung Chhay village, Sre Ambel district, Koh Kong.

While some press reports have indicated an increase in political activities of opposition parties in the past weeks, our monitors have noted that there is a very low profile of opposition parties at the provincial level and virtually no activity below the provincial or district level.

Coerced political allegiance to the CPP

Reports from most areas have shown that CPP agents at village and commune levels have been going door to door, holding meetings in which people were pressured to thumbprint and swear allegiance to the CPP, sometimes in front of a Buddha image. The thumbprint campaign appears to have tailed off over the past two weeks as voter registration has now come to an end. Nonetheless, other forms of pressure aimed at persuading people to swear political allegiance are continuing to be reported.

Moreover, in connection with this there are reports that local CPP agents are demanding to see opposition party membership cards which they then confiscate, sometimes destroying them in the presence of those to whom they belong, and warning

people against supporting parties other than the CPP. Voters are warned, for example, "you have been living under the shade of the CPP for a long time and who knows what can happen to you if you leave it."

Teams in Kompong Cham, Kandal, Takeo, Kandal have reported that they have come across numerous examples of CPP local officials and commune and village chiefs prying for information regarding villagers' political loyalties. An investigation carried out by the monitoring team in Svay Rieng has provided preliminary information about village officials demanding that a Sam Rainsy supporter provide a list of all the party's supporters in the village in exchange for 20,000 riels. When the offer was rejected, the officials allegedly threatened to kill the family. Another example in Kompong Cham involved a Sam Rainsy Party representative being forced by commune officials to thumb-print for the CPP in the commune administrative office and to vow not to distribute Sam Rainsy party material. He was verbally threatened that his life would be in danger if he transgressed this promise. In another case from Pursat, two Sam Rainsy Party members were forced by local leaders to surrender their membership cards after they attended a May 9th meeting of the party office opening in the provincial town.

There have also been reports of verbal threats by CPP commune chiefs against non-CPP political party representatives warning them that political opposition will not be tolerated. In one case reported in Battambang, a threat by a CPP commune chief to a villager telling him he will "not allow" other political parties in the vicinity was accompanied by gun shots in the air.
