

CAMBODIA OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
FORTNIGHTLY REPORT, JUNE 1 – JUNE 18, 1998.

Part 1. Human rights situation, developments and concerns during the reporting period.

The earlier campaign conducted by the CPP to obtain "pledges" of support from voters by fingerprinting them appears to have died down. However, numerous reports have been received of a new campaign which consists of the collection of voter registration cards by the local authorities, the recording of voter details (number, name and address) and the subsequent return of the cards to the voters. It is not clear what explanation for this is being given by the local authorities, but the impression being created is that the authorities have both the will and the means to discover how voters will eventually cast their vote. People's belief in the secrecy of their vote, and their consequent willingness to exercise their right of free choice, is being undermined by this campaign. In addition, the essential neutrality of the local authorities is evidently compromised by their involvement in this activity.

Despite logistical constraints, voter registration seems to have proceeded relatively smoothly and the NEC estimated that 97% of eligible voters have in fact registered. If correct, this represents an astonishingly rapid registration process: a rate of one registration every 1 to 2 minutes would have had to be maintained. Some reports of violent intimidation (for instance, the presence of armed soldiers within polling stations) have been received.

The situation with regard to media access for parties other than the CPP remains very unsatisfactory. While some broadcasting licences have now been granted after long delays, the ban on privately-owned media broadcasting political messages during the campaign will effectively silence these stations almost before they have begun their activities. The Phnom Penh municipality has ordered a ban on all public demonstrations to come into effect immediately. A large demonstration is planned for June 21 by the Sam Rainsy party to demand free and fair elections. The potential of the Constitutional Council to function has been further compromised by the convening of meetings without the two senior members: both have stated their intention to resign from the Council shortly.

Two apparently politically-motivated arrests, one of which has led to a one-year prison sentence, are being followed up by the Office. In the case of the one-year prison sentence, in Kompong Cham, no arrest warrant was issued, the accused was not provided with legal counsel and other procedural irregularities occurred. The case is being followed by the Provincial Office and the mobile monitoring team stationed in the province. In the last few days, the international staff there have reported being followed by unknown men. Complaints have been made by COHCHR to the Governor.

Reports of recent killings of two FUNCINPEC supporters in Prey Veng province have been received since 17 June. These are being investigated by the Prey Veng Office and the mobile team.

On June 2, an attempt was made on the life of the editor of the "Island of Peace" newspaper. "Island of Peace" is a sensationalist newspaper largely concerned with crime reporting, and its editor is strongly critical of many aspects of political and public life. A journalist working for the paper was killed in 1996, and the office of the paper (which is also the home of the editor) was the target of a grenade attack in 1997. The Office issued a statement condemning the most recent incident as it had done in the previous cases.

In an incident unrelated to the electoral process, the Phnom Penh Municipal Court was surrounded on 10 June by 50 armed members of the gendarmerie, apparently protesting the Court's decision to release (on the grounds of lack of evidence) two people suspected of having participated in the murder of a gendarme in Phnom Penh on May 27. Death threats were issued to the Deputy Prosecutor and his staff. The suspects remain in custody for their own safety. The Office has written to the co-Minister of Defence and the Chief of the General Staff protesting against the use of threats and intimidation by the gendarmerie. Other similar incidents have been the subject of protests by the Office in the past.

Part 2. Activities undertaken during the reporting period.

Ninth visit of SRS GHRC Thomas Hammarberg.

Mr. Hammarberg carried out his ninth visit from May 31 to June 5. He met representatives of five opposition parties. He discussed with them problems of intimidation which they had encountered, and stressed the need to avoid any public statement or action which could be understood as anti-Vietnamese or directed against any other ethnic group within Cambodia. He also met several Ambassadors, including the three ambassadors who make up the ASEAN "troika".

On June 4, Mr. Hammarberg had a lengthy meeting with Second Prime Minister Hun Sen, to discuss the documents which he had handed over to the Government on May 13. The Second Prime Minister acknowledged the documents while stating that the Government had not yet had the opportunity to consider them in detail. He commended the report of the two experts in criminal investigation, and requested the support of the office in pursuing a number of issues which the experts identified as in need of reform. More detailed discussions will be needed on this proposal. Hun Sen also informed Mr. Hammarberg of the creation of a committee which would be charged with investigating the extrajudicial killings and disappearances which had taken place since July 1997 (both those listed by the Office in the August and May Memoranda and some additional cases referred to by the Second Prime Minister). This Committee would, he said, have powers which

would enable it to conclude the investigations and to ensure that the perpetrators were brought to justice. In addition, the Committee would have the task of drafting legislation leading to the establishment of a National Human Rights Commission. This legislation would be brought before the new National Assembly once it is convened. The terms of reference of this committee are contained in a sub-decree issued on 8 June (sent to Geneva on 11 June). The precise means of cooperation between this Office and the Committee have yet to be worked out.

Mr. Hammarberg also had meetings with senior police officials in the Ministry of the Interior to discuss the status of investigations into the March 1997 grenade attack and extra-judicial killings reported on by the Office in its Memoranda. He also met the co-Minister of Defence, Mr. Tea Banh, on the subject of the Memoranda.

After a news conference on June 5, the Memorandum on extra-judicial killings and disappearances and the report of the two experts were distributed to the public.

Mr. Hammarberg also attended the UN meeting to assess the climate for election preparation according to the Secretary-General's criteria. The Office prepared an analysis of the current conditions as it has done for previous such meetings. The analysis reflected serious concerns on the issues of access to the media and the functioning of the Constitutional Council (see part 1 of this report).

Other activities.

Education, Training and Information Unit. The three newly-recruited staff who will organize human rights training and education programmes in Phnom Malai and Pailin (see the May report of the Office) arrived in Phnom Penh to begin their programme of training and orientation.

Training on human rights and free and fair elections was provided for trainers and staff of two partner human rights NGOs. The Unit worked with COMFREL (the NGO coalition for free and fair elections) to produce a poster/flyer intended to reassure voters that the ballot will be secret. This is a particular concern in the present campaign because of the widespread campaigns of fingerprinting of voters and collection of their registration cards. About 100,000 copies of these posters will be distributed through COMFREL. Visits were made to the Action Committees in eight provinces to assess the extent of the cooperation of the NGOs which compose them, and to consult with them and provide training on work methods and procedures. These Action Committees function in most provinces, and bring together the human rights NGOs in order to co-ordinate their investigation work. Other Action Committees will be visited after the elections. Previously approved grants to several human rights NGOs (mainly for the support of their work in the provinces) were processed by the Unit, and preparations made for additional (already approved) grants. A funding proposal for support to NGOs was prepared at

the request of the Dutch Embassy in Bangkok, which is considering making available about \$100,000 for this purpose.

Legal Assistance Unit. The Unit provided training on Cambodian law and the legislative process for the newly-recruited colleagues mentioned above. The Unit followed up on a number of court cases including the Kompong Cham case and the incident involving the gendarmerie described in Part 1 above.

In order to develop a proposal for training of judges and prosecutors in municipal and provincial courts, staff of the Unit held discussions with NGOs and other partners to establish what training has already been provided in recent years. The possibility of additional training being provided by COHCHR will be reviewed at the end of June.

The Judicial Mentor Programme held its regular monthly meeting, and the Human Rights Officer in the LAU continued his series of visits to the courts where the mentors are stationed. The terms of reference for judicial mentors, and for the proposed post of co-ordinator of the JMP, were reviewed with a view to placing an advertisement for the posts shortly.

Monitoring. The mobile monitoring teams met in Phnom Penh on June 12 to review their progress so far and to discuss reporting arrangements and logistics. Their work is proceeding well, and they have established contact with the various other categories of monitors and observers who are currently carrying out election-related tasks in the provinces. The two analysts supporting the mobile monitoring teams have prepared the first draft report based on the initial three weeks' work of the teams. This report will be forwarded to Geneva shortly.

Administrative Unit. High expenditures in May resulted in a severe cash-flow problem which has now been resolved. The problem reveals the need for an improved mechanism for forecasting monthly expenditures and requesting the appropriate replenishment from OHCHR Geneva. The UN Procurement Committee met to discuss procurement problems and the continuing difficulties (delays and attempts to obtain bribes) experienced with the customs service. A proposal to establish a common UN system roster for potential vendors and suppliers of services will be useful to this Office.

Director's Office. The Director visited the Provincial Office in Kampot on June 5 – 17. She met the Governor, the provincial Election Committee, local NGOs with which the Office collaborates. A visit to the prison was also carried out.

Phnom Penh, 18 June 1998.