

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

MONITORING OF ELECTION-RELATED INTIMIDATION AND VIOLENCE
POST-ELECTION PERIOD

(Report July 26-18 August 1998)

This is the fifth factual report about investigations into alleged election-related human rights violations in breach of international human rights standards. It has been compiled by the Cambodia Office of the High Commissioner for Human Rights (COHCHR) on behalf of the Special Representative of the Secretary General of the United Nations for Human Rights in Cambodia. It supplements previous reports issued on July 1, 9, 17, and 25, and summarizes those problems in the human rights environment which have appeared during the immediate post-election period.

The Office has interviewed a large number of complainants for the purposes of compiling this report. It is not the role of the Special Representative to pass any judgment in these or other cases. As in the past the task continues to be to assist the authorities and people of Cambodia to identify human rights problems which should be addressed by law enforcement and other relevant authorities.

Summary:

The present report covers the issue of intimidation and violence in the immediate wake of the 26 July polls. It is based on 75 credible interviews conducted since late July by the COHCHR in Phnom Penh and in the provinces with persons who claimed to have been subjected to intimidation and threats. The patterns which have emerged from these are described below.

July 26 marked a change in the types of incidents reported since the beginning of the electoral campaign. Excluding the 11 people killed on polling day near Anlong Veng, apparently by remnant Khmer Rouge forces, the COHCHR has not received a single report of killing showing possible political motives since the election. This contrasts with the pre-election period (May 20-July 26) during which time the Office recorded over 30 deaths described by political parties or other sources as political. The Office's investigation into these deaths has found that fewer than half a dozen of these cases may be politically motivated and that in a dozen other cases, no clear political motives could be found. In the remaining cases, both political and other factors are apparent making it even more difficult to assess the motives. These cases and the Office's efforts to establish facts and clarify motives will be described in detail in a forthcoming report.

The immediate post-election period has been characterised by widespread verbal intimidation and threats (most of which were death threats) -- in a number of cases involving the use of physical abuse or weapons -- against opposition party candidates, party activists, party representatives at village, commune and district level, and party agents active in polling and counting. Several hundred people left their homes and villages in the immediate wake of the election, and sought temporary shelter in the district, provincial or capital party offices, or somewhere else with relatives. In the majority of the cases, people fled because of actual threats or other acts of intimidation that were made against them. A number of people feared potential retribution because of their political affiliation, activities or preferences. Others have fled because they feared the threats made against them before the election might be carried out after the polls.

In many cases the perpetrators were local officials, including village and commune chiefs or their subordinates, members of local militia, police and the army. In other cases, the perpetrators were unidentified individuals, sometimes masked and/or armed, and making known their vehement intolerance of political opposition members and supporters.

A statement by the Second Prime Minister on 2 August calling on people not to seek retribution against their election opponents appears to have had a positive effect in reducing the problem. The Special Representative welcomes this statement. Initial observations show that it was followed by a significant decline in such cases since August 2.

Full Report:

Post Election Intimidation and Violence

Beginning July 27 and continuing through the beginning of August, several hundred political opposition members left their villages, communes and districts in at least a dozen provinces after fearing retribution or directly receiving verbal death threats or armed threats from village or commune chiefs, and/or members of the police, militia and military. The precise number of opposition party members who have fled their homes or who do not sleep at home is impossible to ascertain, due in chief to the widespread nature of the problem and because of evidence that many of those involved have gone into hiding. By the end of the first week of August, the victims of intimidation began returning to their home provinces and villages. In the case of the FUNCINPEC polity, members were encouraged to do so by their party.

There is evidence of a decline in intimidation in the week following Second Prime Minister Hun Sen's 2 August statement which called on all ministries and local authorities to maintain peace and which also appealed generally to members and supporters of all political parties to refrain from violence. Information received to date indicates that action has been taken by provincial authorities in Kompong Cham, Prey Veng, and Kratie and to halt intimidation through the convening of

meetings with local authorities and the distribution of the Second Prime Minister's statement and related instructions to districts and commune officials. The Office is continuing to monitor the situation to further assess the impact of the 2 August statement in defusing political hostilities among the electoral competitors.

The Office interviewed 75 people who reported being subject to post-election intimidation and violence, 31 are Sam Rainsy Party members, 43 are FUNCINPEC members, and 1 is a member of the Republican Coalition Party. The investigations show that the majority sought safety first in district or provincial party offices. However well over one-hundred of these persons sought refuge in FUNCINPEC and Sam Rainsy Party headquarters in Phnom Penh.

The 75 people interviewed came from Prey Veng, Svay Rieng, Kandal, Kampot, Pailin, Sihanoukville, Siem Reap, Kompong Cham, Kratie, Koh Kong, Kompong Chhnang, Takeo, Kompong Speu, and Phnom Penh.

Intimidation Profiles and Patterns

The interview data shows that the majority of victims were opposition party activists, while perpetrators have been state officials including members of the security forces. Four distinct categories of threat have been recorded, the majority being death threats, or threats against the physical safety of the targets. These began on July 27, peaking at the end of the month, and subsiding by the end of the first week of August. There is no regional pattern to the incidents, which have been recorded in most areas of the country.

■ Types of Threat

1. Threats, including death threats accompanied by the use of violence

Victims have been threatened at gun point by individuals or groups of armed men, have had shots fired over their heads or directed at their rooftops, or victims have been beaten, prompting them to leave the area or their homes. The majority of these incidents have happened at night.

- 27 July, Prey Veng: a group of 7 armed soldiers passed in front of the house of a FUNCINPEC election observer who lodged several election-related complaints and asked his wife for his name. As they did so they fired their weapons into the air. The victim later fled to Phnom Penh. The same victim reported that prior to the election he was threatened by a woman village chief who told him that if the CPP won the elections, he should go to live on the Prince's land.

- 28 July, Kandal: during the afternoon a group of 6 soldiers accosted a man wearing a Sam Rainsy Party shirt, slapped his face and warned him that if they had met him at night time, they would have shot him. On 2 August the same soldiers stopped the man on his way to Phnom Penh, accused him of planning to make a complaint about them, confiscated his SRP and voter registration cards and burned them, and then slapped and kicked him. The soldiers then forced him to return home warning, "Go back home and wait for the time to die". That night armed soldiers came to his home to look for him but the victim had run away.
- 28 July, Phnom Sruoch district, Kompong Speu: unidentified armed men surrounded the home of a Sam Rainsy Party member at night and shouted that unless he left the village they would destroy his house.
- 5 August, Kompong Trabek district, Prey Veng: four commune militias came to the home of a FUNCINPEC member and shouted out: "If you continue to serve FUNCINPEC, I will take a gun and shoot you tomorrow". This victim reported having been intimidated by the militia chief of the commune prior to the elections and had been imprisoned for over a year in 1990 for his political activities.

2. Direct Verbal Threats, including death threats

A direct verbal threat of death or other harm made against an individual with the implied intention that it will be carried out unless the victim flees..

- 26 July, Peam Chhor district, Prey Veng: a village chief told a long-time FUNCINPEC member "if you lose you should follow your boss, if not I will kill you".
- 27 July, Bati district, Takeo: 2 policemen rode a motorbike to the house of a Sam
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- Rainsy Party official in the afternoon and shouted: "Are you dead yet? If not come out so we can give you a bullet".
- 28 July, Kirivong district, Takeo: a soldier rode his motorbike through a village, and shouted out: "Hooray, Funcinpec has lost, the Cambodian People's Party has won. Whoever's strong, come out, I'll kill one or two." When the soldier was in front of a Funcinpec member's house, he shouted this and simultaneously pointed at the house.

- 29 July, Saang district, Kandal: a village official and a CPP supporter [both identified by the victim] rode on a motorbike back and forth in front of a house where FUNCINPEC members were gathered. The CPP supporter shouted: “Whoever was brave enough to put up a FUNCINPEC signboard will be shot and killed”.
- 6 August, Prey Chhor district, Kompong Cham: a masked man entered the house of a Sam Rainsy Party commune representative and said, “You should not know too much and you should stop working for the Sam Rainsy Party. You do not have the abilities to be a commune leader”.

3. Indirect Verbal threats, including death threats

Victims have been warned via relatives, friends, or neighbors of an imminent threat to their life or safety unless they flee.

- 27 July, in Kampong Leng district of Kampong Chhnang: four FUNCINPEC activists learnt of a conspiracy to kill them from fellow villagers who overheard the plans being discussed at a July 27 party, hosted by the village chief.
- 28 July, Phnom Penh: a FUNCINPEC candidate reported that two unidentified men approached a street vendor located a few meters from his house and told her they would “destroy” the candidate, identifying him to the seller by name. They also accused him of inciting demonstrations.
- 28 July, O Rein Auv district, Kompong Cham: a neighbour of a FUNCINPEC supporter warned her that at a meeting between the village and commune chief they said “if the CPP wins the elections we will kill her with palm leaves and we also have guns.”
- 29 July, Kampong Trabek district of Prey Veng: a FUNCINPEC deputy commune chief fled her village on July 29 after rumours were circulated in her commune that she was planning to kill members of the CPP.
- 30 July, Sre Ambul district, Koh Kong: a FUNCINPEC network chief and election observer returned to his village but was told by his neighbors that it was too dangerous for him to stay. Shortly before arriving there he had been stopped, questioned and detained by soldiers while they visited his village.

4. General Intimidation

Public statements have also been made by local authorities or officials that opposition members, supporters or voters will not be tolerated in the community. In contrast to threats made against specific individuals, these threats have been made by local officials against groups of opposition party officials who were particularly active or all those in the community who had voted for the opposition. Incidents of this nature have included cases where people are told that opposition supporters must leave their home villages; veiled threats of physical harm coming to family members of the opposition; land confiscation and warnings to quit political activities or face harm.

- 31 July, FUNCINPEC members left their village in Kirivong district of Takeo province following a CPP victory celebration outside the home of a local activist, at which members of the commune militia got drunk and fired their weapons while shouting "FUNCINPEC and Sam Rainsy Party members must leave, or die."
- 27 July, four soldiers arrived at a village in Kompong Seim district of Kompong Cham and shouted "All FUNCINPEC members will be destroyed." Six election observers fled their homes in the village as a result.
- 30 July, Phnom Penh: a group of soldiers who had assembled at a drinks stall across from the home of a FUNCINPEC candidate shouted out, "FUNCINPEC and Sam Rainsy members will be killed".
- 1 August, a CPP commune chief in Peam Ro district of Prey Veng told a COHCHR source that he was planning to "take out (eliminate)" seven opposition members in the commune.

■ Victims

Almost all the victims of general or specific intimidation have been members of the two main opposition parties. The Office has received 1 complaint of post-election political intimidation from a smaller party, although many more unrecorded incidents may have taken place.

The majority of victims are active male members of the opposition parties, who have public roles as party agents or representatives at the village, commune or district level. Many were active during the election campaign organizing membership drives and attending campaign rallies in their areas. They were also involved in the voter registration process, and worked as party agents during polling and counting. Some of the victims who complained about election irregularities were also threatened by officials in the polling and counting stations.

In all cases, the political profiles of victims in their communities has meant they are known to the authorities. In some cases, the victims had already been subject to

pre-election intimidation from local authorities but the majority recounted that while they were aware of a general environment in which political opposition was not viewed as legitimate by local authorities, they themselves had not been directly targeted prior to the election.

In other cases, the victims were non-politically active voters and/or family members of opposition parties who were subjected to threats made indiscriminately and in a public fashion by local authorities against those suspected of voting for the opposition.

■ Perpetrators

Most of the perpetrators are male village and commune officials and members of the militia, police and army. In one case, the wife and daughter of a village chief were identified by a female victim as the source of a threat against her. In other cases, the perpetrators were unidentified, sometimes masked or wearing civilian clothes. In almost all cases the perpetrators have represented themselves as serving and protecting the interests of the Cambodian People's Party.

In the majority of cases where armed and verbal threats have been made in public and during the daytime, the identities of the perpetrators are known to the victims and/or witnesses because they live within the same village or commune.

In cases where armed threats have been made at the home of the victim at night, the identities of the perpetrators have generally not been known. Victims have reported seeing men in groups of 3 to 5, some of whom were armed surrounding their homes at night, or staying underneath it, or in the vicinity for some time before leaving. The victims were too frightened to leave their homes for fear of being shot and many fled at daybreak or when they judged that the danger had subsided.

Concluding Remarks

There is widespread similarity in the types of verbal and armed threats that victims have reported. However, it is the impression of the COHCHR that the intimidation was more likely a spontaneous reaction on the part of local authorities to the election process and outcome rather than a campaign coordinated at the provincial or central levels. It appears to have been a widespread expression of triumphalism after the electoral victory of the CPP, the reassertion by local authorities of their authority and power after days of pre-election uncertainty, as well as a warning to their rivals in the community that they are now more vulnerable than ever. The statement by the Second Prime Minister in early August that no intimidation was acceptable, appeared to have an impact.