



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

តំណាងពិសេសរបស់លោកអគ្គលេខាធិការទទួលបន្ទុកសិទ្ធិមនុស្សប្រចាំកម្ពុជា



**Message to the people of Cambodia by the Special Representative of the
Secretary General on the Human Rights Day**

1. Next year on this day is the 60th anniversary of the adoption of the Universal Declaration of Human Rights. The Declaration is truly universal in its norms and reach, and is a benchmark for laws, policies and state practice. It was prepared and adopted as a response to the terrible atrocities committed in the period leading up to and including the Second World War. The Universal Declaration establishes a clear connection between the violation of fundamental human rights and national and international conflict. Its Preamble says that 'disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind'. At the same time the Preamble proclaims the 'advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want' as 'the highest aspiration of the common people'. The Universal Declaration, adopted without dissent by the United Nations General Assembly, is the basis on which several human rights conventions and treaties have been formulated and adopted. These include the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, the conventions and declarations for the protection of the rights and dignity of women, children, indigenous peoples, minorities and the disabled, and the absolute prohibition of slavery, torture and other forms of degrading treatment.

2. The origin and purposes of the Universal Declaration of Human Rights are particularly relevant to Cambodia today. It was the massive violations of human rights by the Khmer Rouge regime that resulted in untold suffering of its people—and over a million deaths. The ensuing conflict destroyed the economy, social organizations and cultural heritage of the people. It brought about the intervention of other states in its affairs, and eventually the United Nations, which helped to re-establish law and order and the security of the people through the proclamation of human rights as the fundamental norms of the Cambodian state. The treaties that followed the Universal Declaration of Human Rights are now ratified by Cambodia and enshrined in its Constitution. A recent ruling by the Constitutional Council has clarified that these treaties are part of the supreme law and any laws or practices which violate these treaties are invalid.

3. The establishment and functioning of the Extraordinary Chambers in the Courts of Cambodia is also of great significance for this country in the pursuit of human rights. The forthcoming trials emphasize that no one is above the law, however high and mighty they may be. There can be no immunity from accountability and prosecution for the violation of the human rights of others or for breach of the law. The Khmer Rouge Tribunal is based on the highest standards of criminal justice, drawing inspiration from the norms of human rights. There are high expectations that the work of the Tribunal will lead not only to accountability for the terrible atrocities of the Khmer Rouge regime, but also result in the general improvement in the administration of justice in Cambodia. The establishment of the Tribunal through the very active participation of the international community, co-

ordinated by the United Nations, underlines that we all have in some sense responsibility for the violation of rights wherever they take place. Each people's struggle for human rights must also be our struggle. And we must not, as we punish those who are already vanquished, turn a blind eye to violations of human rights that take place daily. The international community, now in the forefront of the trials, must face up to their present responsibilities. Or would it, as in the past, prefer to wait for several decades before it seeks accountability and justice for these violations?

4. There is also an expectation that as the people observe the trials with the exposure of these terrible atrocities, there will be the renewal of the national commitment to human rights. For Cambodian as well as international experience shows that, even after the Universal Declaration, the system of international treaties and the constitutional proclamation of human rights, there continue to be widespread violations of human rights. The genocide perpetrated by the Khmer Rouge took place only a few years after the international community proclaimed the Universal Declaration and adopted the Convention against Genocide. The Universal Declaration expressed as one of its main objectives the freedom from fear. Yet fear, fear of the state, fear of political and economic saboteurs, fear of greedy individuals and corporations, fear of the police and the courts, describes the plight of numerous communities and families in Cambodia, as they do in many other parts of the world.

5. The lesson therefore is that the struggle for human rights and human dignity is unending, as became so sharply and painfully obvious to me as I met the embattled communities in Dey Krahom and the Group 78 villages, . The ultimate custodians of human rights are not the police, the courts, or the government. People threatened with eviction in Dey Krahom reminded me that the National Assembly sits only a few meters from them and yet has long turned a blind eye to their suffering. The ultimate custodians of human rights and social justice must be the people themselves, just as they must be the custodians of the political and economic sovereignty of Cambodia, as proclaimed in the Constitution. For me this is the most important message of this Human Rights Day. I am greatly privileged to share this day with you.