



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

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**STATEMENT BY THE UNITED NATIONS SPECIAL REPRESENTATIVE OF THE SECRETARY-  
GENERAL FOR HUMAN RIGHTS IN CAMBODIA  
ON THE PRISON TORTURE TRIAL IN KAMPONG CHAM**

**9 September 2002**

The Special Representative is deeply concerned by the outcome of the trial that took place on 30 August 2002 in Kampong Cham provincial court.

Five prison guards faced charges of torture dating back to 1999, when five prisoners were severely beaten following an escape attempt. The trial was particularly significant because it was the first time that prison officials had been tried on torture charges since 1993.

Sadly, the trial has resulted in another failure by the Cambodian judiciary to exercise its constitutional function to uphold and protect the rights and freedoms of Cambodian citizens.

Despite compelling evidence provided to the court, including testimony from victims and other prisoners who witnessed the events, all five defendants were acquitted. However, the court recommended that administrative action be taken against them, a decision that appears to acknowledge wrongdoing on the part of the defendants in the case.

The Special Representative emphasizes that torture is a crime under international as well as Cambodian law, and must be treated as such.

The Special Representative looks forward to justice being established through the next steps of the judicial process. Pending the hearing of the appeal, he urges the Cambodian government to demonstrate its commitment to eradicate torture and other cruel, inhuman or degrading treatment or punishment by dismissing the five concerned officials, in accordance with the Prison Procedures.

The Special Representative is also concerned for the safety of those prisoners who testified in court against prison officials, despite indications that they had previously been threatened with retribution if they gave evidence. The Special Representative urges the Cambodian government to guarantee the safety of these individuals from reprisals, and grant the COHCHR and other human rights groups unrestricted and confidential access to them in prison to monitor their situation.

The Kampong Cham trial highlights once again the need for urgent measures to ensure that human rights are protected. The Special Representative calls on the Cambodian judiciary to fulfil its duty to protect human rights and to hold violators accountable, without which impunity will continue to prevail.

The Special Representative also urges the Cambodian Government to fulfil its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to take effective legislative, administrative, judicial and other measures to prevent torture or cruel, inhuman or degrading treatment or punishment, and to ensure that victims of such practices obtain effective remedy. Effective reform of the Cambodian judiciary is one crucial measure to ensure compliance with the Convention and with Cambodia's other obligations under international law.