



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

គំណាចពិសេសរបស់លោកអគ្គលេខាធិការទទួលបន្ទុកសិទ្ធិមនុស្សប្រចាំកម្ពុជា



**Statement by Mr. Peter Leuprecht,
Special Representative of the Secretary-General for human rights in Cambodia,
61st Session of the Commission on Human Rights, Item 19
Geneva, 19 April 2005**

Mr. Chairperson,

Ladies and Gentlemen,

We all prefer to convey and to receive good rather than bad news. In the nearly five years I have acted as Special Representative of the Secretary-General for human rights in Cambodia, I have made every effort to report objectively on the realities of this country and to help it, through the endeavours of the international community and my own endeavours, to overcome its terrible past and to make progress on the way to respect for human rights, rule of law and pluralistic democracy. Sometimes I felt there was some light at the end of the Cambodian tunnel, and I reported accordingly. I regret to say that this time I have little good news to report.

After a political deadlock that lasted almost a year, a new coalition government was established last July. The conditions under which this was done are, to say the least, doubtful from the constitutional and legal point of view and do not demonstrate a willingness of those in power to abide by the rule of law. Measures taken since against the opposition violate fundamental principles of pluralist democracy. There is also a virtual clampdown on freedom of peaceful assembly, and “public space” is steadily shrinking. What we are witnessing at present unfortunately does not demonstrate progress on the road to democracy, rule of law and respect for human rights, but an increasingly autocratic form of government and growing concentration of power in the hands of the Prime Minister behind a shaky façade of democracy.

I have repeatedly addressed two interrelated phenomena that are deeply engrained in the present Cambodian system: impunity and corruption.

Impunity is a gangrene that undermines the fabric of Cambodian society. Although this phenomenon is well documented, the Prime Minister and his government persist, in an ostrich-like way, to deny it and to say it does not exist in Cambodia, but in other countries such as Thailand. The truth is that mechanisms for accountability are not in place in Cambodia and, as a result, the rule of law remains elusive.

Impunity fosters endemic corruption which remains a recurring obstacle in establishing the rule of law and in achieving economic and social development for all Cambodians and not for a small minority of politically or economically powerful people.

For the majority of Cambodians poverty has not been reduced. Most of the population is clustered around the poverty line. A growing number of people who have nothing to lose is a leaven of unrest in any society.

The neo-colonial policy of concessions is a failure and should be reconsidered. It shows no regard for the human rights and welfare of the people concerned. I had welcomed the Prime Minister's speech of 18 October 2004, in which he announced that the granting of further contracts for economic land concessions would be suspended until the necessary legislation is in place and effective. On this issue, the Prime Minister has made a spectacular and highly regrettable u-turn, in a speech on 14 March 2005. All information on concessions which strongly affect the lives of Cambodians should be put in the public domain.

There is one piece of good news: the long overdue Khmer Rouge trials should begin soon. The Cambodian people rightly want to know the truth about that horrible period of their history and they want justice to be done. The trials must be a model of respect for the principles of fair trial. If they are, they could have positive long-term consequences for the administration of justice in Cambodia.

The corrupt and opaque power structures, inequality before the law, impunity, collusion and lack of transparency and accountability are among the main obstacles in the way of genuine democracy, rule of law and human rights – all human rights for all Cambodians. These obstacles must be tackled and overcome, and we must see genuine, not lip service efforts on the part of the Government to do so. Otherwise, liberation from fear and want, proclaimed in the preamble to the Universal Declaration of Human Rights, will remain a perpetually unfulfilled promise for the people of Cambodia.

The international community and your Commission are faced with a serious responsibility. To be useful and effective, to help Cambodians out of the tunnel, the resolution you will adopt should be based on the facts as they are and not as you would wish them to be.