



THREATS TO HUMAN RIGHTS DEFENDERS IN CAMBODIA

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LICADHO

CAMBODIAN LEAGUE FOR THE
PROMOTION AND DEFENSE OF HUMAN RIGHTS



SITUATION OF HUMAN RIGHTS DEFENDERS IN CAMBODIA

December 2003

Introduction

Established in 1992, LICADHO is based in Cambodia's capital, Phnom Penh, with offices in 12 of the 24 provinces. LICADHO's work includes investigating alleged human rights violations and assisting victims to make complaints to the relevant authorities, conducting research and advocacy on human rights issues, providing human rights training to target groups including rural villagers, provincial police and the judiciary as well as lobbying the government on key issues. LICADHO's work is divided into six offices: Human Rights Education; Monitoring/Investigations/Prison Project; Children's Rights; Women's Rights; Medical Assistance; and the Project Against Torture.

This briefing paper provides a general overview of the nature and extent of threats facing human rights defenders in Cambodia. It is based on investigations and information compiled by the Cambodian League for the Promotion and Defense of Human Rights (LICADHO).¹

This paper focuses on threats to human rights defenders directly engaged in human rights NGO work - those staff members who explicitly address human rights violations as part of their mandate, including staff from UN agencies, national and international NGOs, and NGO activists or NGO network members.²

Executive Summary

Human rights defenders regularly suffer threats and intimidation. Actual physical violence is less common than in the past, although some workers still live in real fear of their lives. This seems to be more common when their work directly affects the economic interests of others. Importantly there seems to have been a related rise in more discreet forms of intimidation.

¹ Interviews with Sara Colm of Human Rights Watch Asia, Brittis Edman and Keat Bophal of COHCHR, Eva Galabru, former Country Director for Global Witness, and staff of LICADHO.

² In this briefing, the term 'human rights defenders' is used narrowly. It does not include members of political parties whose political stance may also put them at extreme risk nor those civil participants such as monks, teachers and students, who may be very active generally in promoting and defending human rights.

Abuses and threats until now have included murder and physical assault; death threats and threats of physical violence; actual and threatened unlawful arrest; unfounded criminal charges and civil lawsuits intended to intimidate; harassment, surveillance and other intimidation; all of which endanger their personal safety and challenge their ability to work safely and effectively. This intimidation when done openly also undermines the faith of the people in human rights and human rights defenders.

In recent years threats rather than actual violence and other discreet, less violent forms of intimidation have become the norm – photographing of human rights defenders, interrogation about their family members, and, especially prevalent, threatened criminal charges, which although unlikely to succeed at law nevertheless put the human rights worker at risk of detention in appalling prison conditions. There have also been some arrests. Similarly there has been a rise in civil lawsuits threatened – often defamation suits demanding compensation payments which would cripple the organization if upheld.

The change to more subtle tactics shows an awareness of international human rights obligations, but a desire to pay lip service to them only. Although freedom of assembly is legitimately subject to security concerns in theory, Cambodian authorities have cynically refused permission to hold meetings and have dispersed gatherings with excessive violence even when there is no actual or likely threat to the peace. In May 2003 permission was refused to CAMBOW and survivors of domestic violence to gather and meet their elected members in order to discuss the new draft Law on Domestic Violence. In June 2003 permission was refused for a parade celebrating World Environment day.

Similarly, threatened criminal charges show an outward desire to abide by the legal process, but are manipulated so as to try to intimidate NGO staff at all levels from their lawful work. While the courts remain notoriously subject to corruption and external influence, even apparently hopeless lawsuits remain a very real threat. An important related issue concerns politicized, pro-government NGOs. While not usually a direct threat to human rights defenders or human rights organizations, they allow the Cambodian government to appear to have an active human rights program and working relationship with the international rights community, while in reality setting the agenda themselves and at times, ignoring, marginalizing and obstructing the activities of legitimate human rights organizations.

The Cambodian government is urged to prosecute all alleged offenders. Abuse of the legal system as a means to obstruct and intimidate human rights workers must be stopped. Given that the institutional abuse of authority goes to the highest levels, a concerted effort by human rights organizations, donor agencies and foreign governments is required to compel the Cambodian government to provide real rather than superficial rights to the Cambodian people and those trying to defend them. The Cambodian government is urged to adhere to the *UN Declaration on the Right and Responsibility of*

*Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.*³

Background - Human Rights in Cambodia

Cambodian society is still struggling to come to terms with the legacy of the Khmer Rouge regime, 1975-1979, during which an estimated 1.7 million Cambodians died. Grievous human rights abuses were committed throughout the country, including torture, extra-judicial killings, forced labor, starvation and rape. Most skilled professionals were killed, leaving a vacuum of trained people necessary for running a civil society. Although the Khmer Rouge regime ended in 1979, civil war continued until the late 1990s as different political groups vied for power. The establishment of UN Transitional Authority in Cambodia (UNTAC) in 1992 created some space for the reemergence and reconstruction of civil society.

The first Cambodian human rights NGOs, ADHOC and LICADHO, began operating shortly after the signing of the Paris Peace Accords in 1991. NGOs, national and international, continue their vital role in the protection of victims of human rights violations, providing basic services, such as food, shelter, medical assistance, advocacy and legal defense. NGOs also perform important civil society work as well, monitoring governmental institutions and critiquing official policies that fail to conform to international human rights standards. The NGO community in Cambodia continues to work actively and successfully, with approximately 800 local NGOs and 150 international NGOs registered in 2003.⁴

Current Challenges to Civil Society in Cambodia

Poverty is a stark reality in Cambodia, with an annual GDP (per capita) of just \$285.⁵ The immediate result is a poor standard of living, poor health conditions and a low average life expectancy of just 54 years.⁶ Moreover, this poverty also underpins many of the less visible problems and institutional challenges currently facing civil society. The judiciary and police remain especially weak through lack of funding, training, expertise, and resources. Notoriously riddled with corruption at all levels, both are subject to influence by the executive branch of government. Military and police forces themselves are responsible for significant numbers of investigated and documented killings each year, both political and non-political. Furthermore the government largely controls and censors the media. Civil dissent and protest is not tolerated. To a great extent the Cambodian people lack faith in human rights and thus the confidence to demand them.

³ UN Reference, A/RES/53/144, 8 March 1999, available online at [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.53.144.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.53.144.En?OpenDocument)

⁴ Cooperation Committee for Cambodia, *Directory of International Development Assistance in Cambodia, 2003-2004*.

⁵ World Bank statistics, 2002

⁶ World Bank statistics, 2002

These factors, coupled with lack of political will to address human rights violations, lack of training for government authorities and lack of accountability, all result in a culture of corruption and wholesale impunity. Lack of understanding and acceptance of human rights groups and the importance of their activities by higher level government authorities further contributes to an environment where defending the victims of human rights violations becomes a dangerous endeavor.

Threats to Human Rights Defenders

Information from LICADHO and other human rights groups reveal a clear pattern of violence, threats and intimidation against human rights defenders in Cambodia. This raises serious concerns about the stability and long-term sustainability of human rights work.

In the past five years, threats and intimidation to human rights defenders have included: Murder, death threats, arson, actual and threatened physical assault, actual and threatened imprisonment, illegal detention and unfounded legal actions, both criminal and civil, by police and state authorities designed to intimidate, warning letters, telephone harassment, being openly followed and kept under surveillance as well as many forms of intimidation aimed at the civilian population and ‘clients’ of human rights defenders’.⁷

The perpetrators of these threats have included: private citizens, police officers, military officers, commune officials, provincial department officials, municipal department officials, district authorities, district land department officials, district governors, and court officials.

The victims have included NGO staff at all levels, directors, and those doing no more than providing logistical support to them. Even UN representatives have been threatened and physically attacked. As a result some NGOs have suspended operations in certain areas, others have been threatened with expulsion and in some areas community members have shown marked reluctance to continue working with human rights defenders.

Extra-Judicial Killing

In 1998, an ADHOC activist, representing fourteen families threatened with eviction from their land, was shot and killed in Kandal province. One perpetrator was arrested and later released by the court in 1999. Rights workers maintain that corruption within the military and police prevented any serious investigation or impartial inquiry.

In December 2002 a 29 year old Community Forestry Network representative died shortly after a peaceful gathering was dispersed by the police and military using excessive force and electric shock batons. The precise circumstances and medical causes leading to the death of the young man could not be established by government medical

⁷ For more information see the table below, Reported Attacks, Threats and Intimidation to Human Rights Defenders.

workers or independent medical experts. However, it has been documented that electro-shock weapons have the potential to cause serious injury and death through heart failure.⁸ Doctors at Preah Kossamak Hospital said his death appeared to have been from a heart attack.⁹

Death threats have been reported by a number of human rights defenders. One human rights defender in 2003 even knew the sum offered as bounty for her life.

Physical Assault and Threat of Physical Assault

Physical battery remains one of the most common forms of intimidation.

In April 2002, the Country Director of the independent forestry monitor, Global Witness, was beaten and kicked to the ground near her office by two masked men. This assault was followed by an email message the next day with the sole word “*QUIT*”. Later on she also received death threats. This is believed to be an act of retaliation for Global Witness’ reporting of the practice of illegal logging and its connection to high-level government officials.

Verbal Threats

The utterance of verbal threats remains a common strategy of intimidation. For the most part, the perpetrators of these threats are anonymous and remain unknown.

Public statements regarding the work of human rights defenders also represent another form of verbal threat. The Prime Minister himself has used threatening language directed towards human rights defenders on more than one occasion. In December 2000, the Prime Minister accused human rights NGOs of “*hiding terrorists*”. This was followed by the threat to imprison human rights workers: “*We will handcuff you without the acknowledgement that you are a rights worker ... if you get involved, you will be arrested*”. In December 2002, in response to criticism from Global Witness, the Prime Minister said “*We have the right to terminate visas for anyone ... who dared to abuse our national sovereignty, our political rights and inflict damage to our reputation*”.

This intimidation, coming from the nation’s highest government official, sends the strongest possible message tolerating, condoning and encouraging threats to human rights defenders.

Actual and Threatened Illegal Arrest and Detention

National and international human rights defenders have not been immune from the widespread problem of illegal detention. In 1998 two LICADHO staff members were arrested, charged and detained for one month after they monitored demonstrations in Sihanoukville against toxic waste dumping. Similarly, LICADHO staff members who had assisted trafficked garment workers from Vietnam were threatened with arrest in

⁸ Statement by the United Nations Special Representative of the Secretary-General for Human Rights in Cambodia on the excessive use of force by law enforcement officials on 5 December 2002

⁹ Human Rights Watch, *Cambodia: Excessive Force Used Against Environmental Advocates*, December 24, 2002

March 2000. Even people who are not human rights workers can be at risk: In March 2002, a boat driver hired by UNHCR to transport ethnic minority refugees was arrested on charges of human trafficking. The driver was finally released on August 12 after four months in pre-trial detention.

Given the high number of reports of torture in police custody, the deplorable conditions in Cambodia's prisons and the widespread practice of extended pre-trial detention (beyond the six-month time limit established by Cambodian law), the threat of arrest can create a very real fear of indefinite arbitrary detention, held incommunicado, at risk of torture.¹⁰

Threats of Legal Action Designed to Intimidate

Human rights NGOs who monitor human rights violations are increasingly subject to the threat of unfounded legal actions designed to intimidate. Simply put, from various NGOs' experiences, there is growing concern that lawsuits without merit, both criminal and civil, are filed against human rights NGO personnel in order to intimidate them and discourage them from pursuing their work. Given the usual practice of pre-trial detention and the abominable conditions in prison, this is a very grave threat.¹¹ The apparent reluctance of courts to dismiss cases as ill-founded underlines the widespread bias and corruption of the judiciary, further adding to the intimidation felt by human rights workers.

In May 2001 the Phnom Penh Municipal Court charged LICADHO's Acting Director with illegal confinement. The case related to the police rescue of a 7 year old child severely beaten by her adoptive mother, whom the police handed over into LICADHO's temporary care and legal custody. The victim's adoptive parents filed a complaint of illegal confinement and kidnapping against LICADHO's Acting Director. Although the adoptive mother was later convicted of physical assault with injury and LICADHO was granted temporary and then permanent custody by the same court, the prosecutor and investigating judge nevertheless failed to dismiss the adoptive parent's complaint, agreeing to file criminal charges of illegal confinement. Human Rights Watch Asia reported that "*Cambodian and international rights groups expressed concern that the initiation of criminal proceedings appeared to be without foundation and to be aimed at intimidating LICADHO*".¹² The Acting Director of LICADHO later learned that the investigating judge had intended to arrest and detain her. The investigating judge later dismissed the charges. At this time, the adoptive parents have lodged an appeal of this decision which is still pending.

¹⁰ Under Cambodian law, pre-trial detention must last no longer than four months. Under UNTAC law, Article 14 states that detention of six months is only allowed in exceptional cases. However, LICADHO investigations show that the authorities regularly fail to respect this time limit. For further information on conditions in Cambodia's prisons, see *Human Rights and Cambodia's Prisons: The 2002 LICADHO Report on Human Rights and Health Conditions of the Accused and Convicted in Cambodia's Prisons*, published 2003.

¹¹ Ibid.

¹² Human Rights Watch, World Report, 2001

After long running friction with Global Witness, the government-appointed forestry watchdog organization, for releasing a report critical of illegal logging prior to an international donor meeting in 2001, the Prime Minister threatened to pursue criminal charges against the country program director for inciting crimes, disinformation and defamation. This came in response to a Community Forestry Network protest of December 5th 2003. These allegations were unsustainable and the complaint to the court filed by the government was finally withdrawn. Human Rights Watch Asia reported that the Cambodian government appeared to be “*attempting to intimidate and silence a group that is internationally respected for its monitoring of illegal logging.*”¹³

Human rights leaders in Cambodia have recently expressed serious concern over the growing use of unfounded or unjustified legal action as a means to intimidate human rights defenders and to curtail their work. As such, it marks a shift in the practice of intimidation, from primarily physical threats to legal threats with the *outward appearance of legitimacy*, and requires a careful and concerted response from NGOs and their support networks.

Politicized NGOs

The continued activities of pro-government NGOs, often violent and illegal, are an ongoing concern for civil society. While not usually a direct threat to human rights defenders or human rights organizations, these groups allow the Cambodian government to mislead the general public, foreign governments and international doors into believing that the government is working in pursuit of human rights ends, by promoting these pro-government organizations, which are significant in number. This allows the government to ignore the demands of genuine human rights organizations, and to marginalize or obstruct them, while appearing to support an active human rights program. Furthermore, pro- government groups such as the Pagoda Boys, who are registered as an NGO and publicly acknowledge receiving money from the Prime Minister, have attacked and injured students, political party representatives and union workers demonstrating peacefully about legal or political issues.

Surveillance

Most NGOs suspect surveillance from governmental and local police authorities. Precautions are routinely taken to avoid relaying sensitive information and material on the telephone or by email. In Phnom Penh, human rights workers investigating cases have been followed by unidentified people in civilian clothes, and similar experiences have been reported by NGOs in the provinces. In 1997 the ruling CPP established an NGO Monitoring Commission which had as its goal the investigation of selected NGOs, particularly those involved in human rights work.

¹³ Human Rights Watch, “Cambodia: Excessive Force Used Against Environmental Advocates,” December 24, 2002.

Impact of Threats on Human Rights Work in Cambodia

Human Rights Workers

Actual and threatened violence and all the other powerful modes of intimidation discussed above distress, obstruct and discourage human rights workers from performing their jobs to the best of their abilities. Unfounded criminal and civil lawsuits are particularly distressing as there is no respite or legal means of redress for the victim awaiting a pending court appearance and proceedings, once commenced, can drag on indefinitely.

Consequently human rights defenders may be deterred from entering specific geographic areas, be reluctant to assume particular types of cases or be discouraged from following-up on certain investigations. For example, as a result of intimidation and violence the UNHCR has suspended provincial operations in Mondolkiri and Ratanakiri provinces¹⁴ and is now only able to accept Montagnard asylum seekers who successfully reach Phnom Penh. ADHOC is the only human rights organization working in Ratanakiri now and faces repercussions from government officials, should they assist Montagnard asylum seekers.

On a broader level, threats to human rights defenders, when tolerated, condoned or committed by government authorities, create mistrust between rights advocates and government officials, and reduce the potential for them to work together to achieve common goals. Although there is room for improvement, Cambodian NGOs pride themselves on the collaborative relationships they have negotiated with various local authorities, especially at the lower levels, which in part explain the successes that NGOs have had in certain areas - monitoring prisons and conducting training seminars for the police, for example. Serious threats to human rights defenders, however, jeopardize this productive relationship.

Civil Society

Civil society also suffers. Victims of human rights abuses are deterred from exercising their rights to justice – making complaints to human rights groups, seeking police intervention and judicial recourse against the perpetrators – when they see human rights defenders being mistreated, threatened and intimidated. Personal efforts at seeking justice seem futile and dangerous when even staff from UN agencies and international rights groups face these risks and abuse. Community members are also deterred from being seen to work with human rights organizations. The well-known corruption and lack of impartiality in the judiciary further aggravate this fear. This intimidation also contributes to the general public's continued reluctance to engage even on a general level in the political arena – expressing political opinions, criticizing government policies or actions, and taking part in peaceful political dissent.

¹⁴ LICADHO Briefing Paper, *Threats to Human Rights Defenders 2002*.

In sum, threats to human rights defenders severely reduce people's faith in human rights and the desire to demand those rights. This in turn limits any right to real freedom of expression, freedom of association and freedom of assembly – that is, the right to participate freely and without fear in the democratic process.

Improving Mechanisms for Protection

Undoubtedly, human rights workers must take increased basic personal security measures. Human rights NGOs must also identify clearly their responsibilities to their staff and implement mechanisms to ensure they are carried out. The establishment of an emergency trust fund within each NGO, or a common trust fund amongst NGOs, represents a possible protection mechanism. Such a trust fund would enable endangered staff members 'go into hiding' immediately. Naturally, LICADHO along with other human rights NGOs, consider this an option of last resort as, along with the cost and organizational problems, this sends a clear message to the victims that they only increase the risk to themselves when they try to seek justice and demand their rights. Moreover this signals to the perpetrators that their strategy of intimidation has been successful.

Similarly, more effective external mechanisms of protection must also be instituted. LICADHO proposes an increased level of coordinated and active response to crises as they happen and considers the establishment of a regional 'urgent action network' an immediate priority.

Since many of the threats stem from government officials, lobbying the state for greater protection on a national level is of limited value. One human rights defender, speaking only on condition of anonymity, stated bluntly: *"In Cambodia, you have to protect yourself because the police will not protect you. In fact, it is the police that you are scared of most of the time."*

For this reason, LICADHO strongly urges regional and international non-governmental networks to increase their support, cooperation, and collaboration both in lobbying the government on the issue of protection for human rights defenders and publicizing far and wide the violence, threats and intimidation that human rights defenders face. Clearly, lobbying is most effective when a united front is displayed. LICADHO applauds the Cambodia Office of the UN High Commissioner for Human Rights' continued commitment to monitoring threats to human rights defenders. To achieve real and lasting change it is vital that abuses are documented and publicized to the Cambodian public and the international community – Foreign governments, donors, human rights organizations and the citizens of the world.

Recommendations

LICADHO remains deeply concerned about threats, intimidation and violence to human rights defenders. In light of the severity of this abuse, LICADHO urges the following action:

The Royal Government of Cambodia

- The government must recognize the importance of NGOs toward the development of Cambodian civil society and accept and commit to the legitimacy of human rights NGOs *in practice*. The current obstructive attitude coupled with lip service to human rights ideals is entirely unacceptable. This commitment will involve actively removing all obstacles to the operation of human rights NGOs.
- The government should take immediate steps to prosecute alleged perpetrators of violence and intimidation towards human rights workers.
- The government must comply with its domestic and international legal commitments that prohibit the use of fear, force or coercion to prevent or intimidate the work of human rights defenders.¹⁵
- LICADHO strongly urges the government to support the 1999 United Nations General Assembly Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.¹⁶ In particular, the government should adhere to Articles 9 and 12 of this Declaration that provide for individuals' and organizations' right to criticize and protest government activity, and require the state to provide protection to individuals and organizations under threat.

Foreign Governments and Donor Agencies

- Increased collaboration of foreign governments, embassies and donors in the development of protection mechanisms for human rights defenders in Cambodia is essential and must demonstrate the value the international community places on human rights.
- In the case of legal action designed to intimidate human rights defenders, governments and donors should immediately inform the Cambodian government that they are aware that unfounded lawsuits are being used to threaten human rights workers. Supporting measures could include lobbying the government, encouraging the removal of legal obstacles to human rights work, or even providing legal assistance to the defender in question.

Cambodian and International Human Rights NGOs

- International and Cambodian human rights organizations should discuss and establish both short and long-term protection mechanisms, including, but not limited to, advocacy and legal protection, the establishment of emergency trust

¹⁵ Article 31 of the 1993 Constitution of the Royal Kingdom of Cambodia enacts the International Covenant on Civil and Political Rights (ICCPR). ICCPR articles 19, 21 and 22 provide for freedom of expression, assembly and association respectively.

¹⁶United Nations, Reference: A/RES/53/144, 8 March 1999. See Annex 3

- funds for threatened NGO workers, the establishment of emergency exit procedures, and participation in a regional ‘urgent action response network’.
- The creation of a regional ‘urgent action response network’ is considered a priority. Such a network would take immediate steps to publicize a threat, advocate for proper action by Cambodian authorities against alleged perpetrators, and offer a plan of protection and evacuation for the defenders in question if necessary.
 - Human rights defenders in Cambodia must document all threats to their personal and professional security, and publicize these threats for the greater protection of human rights defenders and Cambodian civil society in general.
 - Cambodian and International human rights NGOs should cooperate in lobbying the government to commit to the 1999 United Nations General Assembly Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.
 - Cambodian and International human rights NGOs should monitor carefully the continuing creation of politicized pro- government NGOs and make sure that the government knows that the international community is observing closely and will not be deceived by sleight of hand tactics.

***Reported Attacks, Threats and Intimidation to
Human Rights Defenders in Cambodia , 1997-2003¹⁷***

Year	Month	Event
1997	August	Investigators of the Cambodian Office of the High Commissioner for Human Rights (COHCHR) are intimidated when an AK47 is fired above their heads while investigating a gravesite. Human Rights Watch Asia also reports that investigators later hear government soldiers discussing whether or not to kill them, over radio traffic.
1997	October	The ruling Cambodian People's Party establishes an NGO Monitoring Commission that has as its goal the investigation of selected NGOs, particularly those with human rights mandates.
1998	February	Military files a lawsuit against the CHRAC in relation to its intervention regarding a threatened human rights worker in Kampong Cham. The military division addresses its complaint to the Supreme Court and the National Assembly, demanding compensation of US\$ 70,000 for defamation.
1988	April	A staff person of COHCHR is assaulted by government security forces while monitoring a demonstration and is hospitalized as a result.
1998	December	Two LICADHO staff members are arrested, charged and detained for one month after monitoring demonstrations in Sihanoukville against toxic dumping.
1998	December	ADHOC activist, Pourn Tong, is killed in Kandal province. The murder is most likely related to a long-standing land dispute case that the victim and fourteen families, who were workers at a stone grinding company, had with the company. The victim was representing families involved in the dispute who were pursuing the case in court. To this day, the perpetrator has not yet been identified and law enforcement officials have not continued the investigation.
1998	December	Staff member of COHCHR is attacked by four members of Royal Gendarmerie while riding his motorbike in Phnom Penh. The Royal Gendarmerie threatened to kill the staff member, then subsequently punched him in the face, stole his motorbike, confined him in their car and drove away. In the car, the staff member had his wallet, phone, radio, money and other belongings confiscated. The staff

¹⁷ Information gathered from: Interviews with human rights defenders, Human Rights Watch Global Reports, 1997-2002; ADHOC Annual Report 2001; Various LICADHO reports. It is important to note that the incidents cited in this report are not exhaustive for 2003 as some of the most serious incidents cannot be reported for fear of further endangering human rights workers.

		member then managed to jump out of the car and escape. He later recovered all of his belongings after a series of negotiations between Royal Gendarmerie and the COHCHR office.
1999	January	Representatives of Cambodian human rights organizations in seven provinces are intimidated by government authorities, and one NGO worker is threatened with arrest during a campaign to gather signatures from Cambodians requesting the UN to establish an international tribunal for the Khmer Rouge.
1999	July	Two LICADHO employees are brought to trial following their arrest and detention for one month in 1998 when monitoring demonstrations in Sihanoukville. Although acquitted, UN and international observers argued that they should never have even been brought to trial due to a lack of evidence and procedural errors.
1999	September	Military Command Headquarters, Military Region II sends a letter to the Kompong Cham office of COHCHR and local human rights NGOs accusing a human rights worker of inciting people to complain against the military unit for their handling of a land dispute. Although they threaten to press a claim for defamation unless the ‘incitement’ stops, the matter does not proceed.
2000	March	In Koh Kong province ADHOC staff members are threatened with arrest after their intervention in a trafficking case. Human Rights Watch Asia reports that <i>“a woman who had sold her daughter brought charges of physical assault against ADHOC’s provincial coordinator. The woman later withdrew her complaint and admitted that she had been pressured by police to file the complaint.”</i> ¹⁸
2000	September	A district chief in the province of Kampot closes down a voter education meeting conducted by COMFREL, an election monitoring group. The district chief cites the organization’s lack of written permission from the governor to convene the meeting as the cause of the action.
2000	October	UN human rights workers are threatened at gunpoint by a soldier after they intervene when the soldier threatens to shoot a parliamentarian of the opposition Sam Rainsy Party.
2000	December	The Prime Minister accuses human rights NGOs of fostering terrorism by allegedly providing shelter and assistance to terrorist groups, following the November 2000 attack by the Cambodian Freedom Fighters in Phnom Penh. The Prime Minister uses threatening language to warn NGO workers that they are <i>“not above</i>

¹⁸ 2002. Human Rights Watch. ‘World Report: Events of 2001’, page 204.

		<i>arrest ...If you defend the terrorist rin leader, you cannot get freed.”¹⁹</i>
2001	January	The Prime Minister threatens to expel Global Witness, a government appointed forestry watchdog organization, from Cambodia, after they release a report on illegal logging prior to an international donor meeting. Following pressure from donors, he does not carry through on this threat.
2001	January	Two Global Witness officials are summoned by the Kandal provincial court. They are told by the prosecutor that their inspection of a plywood factory could lead them to being charged under Article 57 of UNTAC law, which relates to infringement of individual rights. The trespassing charges stem from a surprise inspection of the factory. Global Witness officials are denied entry and are detained by security guards for six hours. After officials from Forestry and Wildlife Department arrive, Global Witness officials are allowed into the factory where they discover illegal unstamped logs.
2001	February	Prime Minister Hun Sen accuses UNHCHR of backing a teachers’ strike in Kandal Province and warns UNDP director about involvement. ²⁰
2001	May	The Phnom Penh Municipal Court charges LICADHO’s Acting Director with illegal confinement. The case relates to the police rescue of a 7 year old child severely beaten by her adoptive mother, whom the police hand over into LICADHO’s temporary care and legal custody. The victim’s adoptive parents file a complaint of illegal confinement and kidnapping against LICADHO’s Acting Director. Although the adoptive mother is later convicted of physical assault with injury and LICADHO is granted temporary and then permanent custody by the same court, the prosecutor and investigation judge nevertheless fail to dismiss the adoptive parent’s complaint and agree to file criminal charges of illegal confinement against LICADHO’s Acting Director. The investigation judge later dismisses the charges. The adoptive parents then lodge an appeal of this decision which is currently still pending.
2001	September	LICADHO staff member investigating a human trafficking case is followed on at least four occasions, from outside the victim’s

¹⁹ Cambodia Daily. 2000. [Unofficial Translation] ‘Hun Sen in a speech in Pursat province’, December 5. See also, Cambodian Daily. 2000. ‘Don’t Hide CFF, PM Warns’, by Ham Samnang, December 6; Evening News. 2000. ‘Samdech Prime Minister Appeals to NGOs not to Protect Terrorists’, Damneung Pel Lngeach, Vol.5, #680; Rasmei Kampuchea Daily. 2000. ‘Hun Sen Warns the Human Rights Workers not to Hide Terrorists’, Thursday, December 7; Voice of Khmer Youth. 2000. ‘Hun Sen Threatens to Handcuff Human Rights Workers and President of Opposition Party’, December 6; Associated Press. 2000. ‘Hun Sen Warns Rights Groups As Arrests Continue’, December 5.

²⁰ Khmer, Vol.8, #1291, 9.2.2001

		residence, the LICADHO office, and the investigator's own residence.
2001	December	Intimidation and detention of KKKHRA staff members by Kampong Thom provincial authorities while conducting an investigation into massive destruction of people's fishing materials.
2002	March	Staff member of UNHCR in Mondolkiri province receives threats from Cambodian police and Vietnamese persons over her intervention on behalf of asylum seekers. A crowd of 500 Vietnamese persons converge aggressively on the houses of asylum seekers in the UNHCR site in Mondolkiri. The Cambodian police physically push her out of the way when she attempts to stop the police from targeting the house of an indigenous language translator.
2002	March	A boat driver who transported ethnic minority refugees in an informal work relationship with UNHCR is arrested on charges of human trafficking. The driver was not a permanent staff member, nor had a formal work contract with UNHCR, but is nonetheless targeted after providing transportation for the refugees, whom UNHCR had been in the process of resettling. Driver finally released on August 12 after being in pre-trial detention for four months.
2002	March	On March 31, Prime Minister Hun Sen announces that within a month, the refugee camps in Ratanakiri and Mondolkiri would be closed and any new asylum seekers prevented from entering the country.
2002	April	An hour after the site is evacuated of its 550 refugee residents, who were taken in 18 government trucks to a refugee transit center in Phnom Penh, UNHCR refugee camp in Mondolkiri is looted, burned down and totally destroyed by local Cambodian police, with at least one undercover Vietnamese official looking on.
2002	April	A senior official with the independent forestry monitor Global Witness is beaten and kicked to the ground near her office and then sent a threatening e-mail message the following day instructing her to " <i>QUIT</i> ". Global Witness considers the attack as an intimidation tactic from logging interests who are threatened by their investigations that revealed the ongoing practice of illegal logging.
2002	December	Following the use of violence and excessive force by regular and military police to disperse peaceful Community Forestry Network sit-in protest in Phnom Penh, (resulting in the hospitalization of 11 people and the later death of one person from unclear causes), the Prime Minister and other government officials on television and

radio repeatedly accuse Global Witness of inciting the protests for political reasons and fabricating reports of violence.

A few weeks later the Prime Minister threatened to pursue three criminal charges against country program director for inciting crimes, disinformation and defamation. Human Rights Watch reports that the Cambodian government appears to be “*attempting to intimidate and silence a group that is internationally respected for its monitoring of illegal logging.*” The complaint is later withdrawn.

2003 January

Police intimidation of NGO director, presumed due to director’s involvement in community advocacy concerning the land issues behind the December 5th sit in. After NGO office in provincial town is disturbed, police ignore requests for support and instead spend a whole day interrogating director on the NGO’s activities and details concerning director’s family members.

Director is later attacked verbally in public meetings and local authorities threaten to shut down her NGO. This results in noticeable reluctance and fear on behalf of community members and local police to be involved in the NGO’s work.

2003 January

In the wake of anti-Thai riots, a crackdown on civil gatherings and demonstrations takes place. Restrictions in the law formerly rarely invoked are now used regularly. The restrictions, allowing denial of authorization to gather, are selectively enforced so that all pro-opposition gatherings and other demonstrations by various groups are denied permission to meet (See below, May 2003, June 2003). This breaches international human rights and Constitutional obligations allowing peaceful freedom of assembly and thus also freedom of expression.

Excessive force is henceforth regularly used to disperse non-violent gatherings. Consequently human rights defenders and ordinary citizens reportedly now feel extremely vulnerable attending and even monitoring demonstrations, fearing violence and/ or arrest for attendance or ‘incitement to commit crime’.

2003 March

Interviews with AFESIP and other NGOs working to combat human trafficking reveal ongoing threats to staff, including letters and telephone threats directed against workers and workers’ families. When investigations reveal that a contract killer had in fact been hired, the relevant workers are sent home for their safety. Court officials and police suspected of being linked to traffickers also threaten to charge the relevant NGOs with harboring illegal

		immigrants or illegally detaining minors because they sheltered rescued women and girls. By telephone the head of an NGO is threatened with imprisonment, if legal complaints made by a victim are not withdrawn.
2003	April	Government terminates Global Witness' forest monitoring contract.
2003	May	Government refuses to allow victims of domestic violence and CAMBOW workers to gather peacefully to meet their elected members to discuss the draft Domestic Violence law to be debated in the National Assembly. The Ministry of the Interior, citing the Governor of Phnom Penh, declares that it would " <i>affect security and public order.</i> "
2003	June	Government refuses to allow parade celebrating World Environment Day.
2003	June	A police inspector and police officers armed with a machine gun verbally intimidate LICADHO and UN staff during a dispute over the distribution of election related materials in Battambang province. Photographs of human rights defenders are taken as a form of intimidation. Human rights defenders leave to avoid further inflaming the dispute.
2003	July	Battambang provincial court tries and convicts in absentia 7 fishing community representatives. They are sentenced to three years in prison each and ordered to pay 40,000,000 Riels. The court bases its decision on the police report and the complaint of the local businessman who filed for the compensation. The fishery representatives had confiscated the equipment of the businessman who had been directing illegal fishing operations in the reserves awarded to the local people by the government. An appeal by the fishermen successfully has the sentenced reduced but not overturned. The defendants remain out of prison on bail, awaiting a further appeal.
2003	July	A CPP commune councilor in Krouch Chmar district intimidates several senior COMFREL network members in an attempt to prevent COMFREL from renting video equipment to show its staff a training film on election observation procedures. The owners of the video shop are also purportedly intimidated.

ANNEX 1: Relevant Cambodian and International Legal Standards

The Cambodian government has made binding domestic and international commitments to the protection of human rights defenders.

The 1991 Paris Peace Accords provide legal protection to human rights defenders, including the freedom of association, assembly and expression. In 1992, Cambodia signed and ratified critical international human rights legislation, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).²¹

Article 19 of the ICCPR provides for freedom of expression, ‘(1) Everyone shall have the right to hold opinions without interference; (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds’. Article 21 of the ICCPR provides for freedom of assembly, ‘The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.’ Article 22 of the ICCPR provides for freedom of association: ‘*Everyone shall have the right to freedom of association with others*’.²² These provisions were incorporated into domestic law in the 1993 Constitution of Cambodia by article 31, which provides that ‘*The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, The Universal Declaration on Human Rights, the covenants and conventions related to human rights, women’s and children’s rights.*’ Freedom of association was also incorporated directly into the 1993 Constitution. Article 42 states: ‘*Khmer citizens shall have the right to establish associations and political parties.*’²³

Furthermore, the Cambodian government *is urged to adopt* the 1999 United Nations General Assembly Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.²⁴ In particular, the government should adhere to Article 9 (1) and (3) that state:

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others,

²¹ The Cambodian government has further ratified the following international human rights legislation: International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention relating to the Status of Refugees.

²² International Covenant on Civil and Political Rights

²³ 1993 Constitution of Cambodia

²⁴ United Nations, Reference: A/RES/53/144, 8 March 1999, see Annex 3, below.

to benefit from an effective remedy and to be protected in the event of the violation of those rights.

3. To the same end, everyone has the right, individually and in association with others, inter alia:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;²⁵

²⁵ *Ibidem.*, Article 9 (1) and (3).

ANNEX 2 – List of Abbreviations

ADHOC	Cambodian Association for Human Rights and Development
CDP	Cambodian Defenders Project
CFF	Cambodian Freedom Fighters
CHRAC	Cambodian Human Rights Action Committee
COHCHR	Cambodia Office of the United Nations High Commissioner for Human Rights
COMFREL	Committee for Fair and Free Elections
CPP	Cambodian People's Party
FUNCIPEC	National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia
KKKHRA	Khmer Kampuchea Krom Human Rights Association
KRC	Khmer Resource Center
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
SSDP	Setrey Santepheap Daembei Parethan or Peaceful Women for the Environment
UNHCR	United Nations High Commissioner for Refugees
UNTAC	United Nations Transitional Authority in Cambodia

ANNEX 3 - Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms²⁶

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights² and the International Covenants on Human Rights Resolution 2200 A (XXI), annex. as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfill, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfill this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

²⁶UN Reference, A/RES/53/144, 8 March 1999, available online at [http://www.unhcr.ch/huridocda/huridocda.nsf/\(Symbol\)/A.RES.53.144.En?OpenDocument](http://www.unhcr.ch/huridocda/huridocda.nsf/(Symbol)/A.RES.53.144.En?OpenDocument)

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, 2 the

International Covenants on Human Rights³ and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non- governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, *inter alia*:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non- governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.
2. Individuals, groups, institutions and non- governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.
3. Individuals, groups, institutions and non- governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non- governmental organizations contrary to the provisions of the Charter of the United Nations.