

Human Right Watch

Release for 2006

Cambodia's veneer of political pluralism wore even thinner in 2006. The year saw the jailing of government critics; attempts to weaken civil society, independent media, and political dissent; crackdowns on protests by villagers and peaceful public demonstrations; and the continuing pillaging of Cambodia's land and natural resources. Prime Minister Hun Sen in March demonstrated his contempt for human rights by labeling United Nations human rights monitors as "human rights tourists," and demanding that the UN secretary-general's special representative for human rights in Cambodia be dismissed after he issued a critical evaluation.

Iron Fist

Hun Sen continued to consolidate his power through strategic weakening or co-optation of his coalition partner, Funcinpec, and the opposition Sam Rainsy Party (SRP). He ordered the dismissal or forced the resignation of dozens of Funcinpec officials and parliamentarians.

Opposition leader Sam Rainsy's reconciliation with his former foe Hun Sen led to a noticeable decline in his party's traditional role as government watchdog and advocate for the poor. After striking a deal with Hun Sen, Rainsy, who had been convicted in absentia for defamation in December 2005, was pardoned and allowed to return to Cambodia in February 2006 from a year of self-imposed exile.

SRP parliamentarian Cheam Channy, who had served one year of a seven-year sentence for allegedly forming an illegal army, was also pardoned in February and released from prison. The UN Working Group on Arbitrary Detention had announced in January that it deemed Channy's imprisonment arbitrary and illegal.

The National Assembly handed more power to the ruling Cambodian People's Party (CPP). In March it approved a constitutional amendment allowing its decisions to be made by a simple majority rather than a two-thirds vote, virtually ensuring passage of all legislation proposed by the CPP. In August the Assembly approved a law that allows parliamentarians to be prosecuted for criminal defamation and to be arrested without prior lifting of their immunity. Both practices have been used against CPP opponents.

Suppression of Political Dissent and Free Expression

By early January 2006, five human rights leaders and government critics had been imprisoned after Hun Sen ordered their arrests on charges of criminal defamation, disinformation, or incitement for criticizing his Vietnam policy. While he subsequently ordered their release on bail, the charges have not been dropped. In response, some activists curtailed their activities, while others fled the country and sought political asylum abroad.

Hun Sen pledged in February to decriminalize defamation, but instead only removed the penalty of imprisonment, retaining punitive fines. Incitement and disinformation remain criminal offenses.

Authorities continued to disperse or reject most requests for peaceful public demonstrations, rallies, and marches, such as the International Labor Day rally in May. Riot police blocked roads leading to the capital to prevent thousands of workers from attending. Authorities continued to censor slogans on signs and banners at rallies that received permits.

Forced Evictions and Illegal Exploitation of Resources

The rural poor continued to lose their land to illegal concessions controlled by foreign firms, senators, and people with connections to government officials. Authorities threatened, attacked, and arrested villagers opposed to land confiscation, logging, and concessions, or prohibited them from airing grievances in public. For example, in August Koh Kong villagers protesting a land concession controlled by tycoon and CPP senator Ly Yong Phat were attacked by military police. At 20,000 hectares, the concession is twice the maximum size permitted by the Land Law. In several cases during the year, villagers were jailed on charges of destruction of property or defamation when they protested against the loss of their land.

Syndicates comprising relatives of senior officials and elite military units continued illegal logging operations with impunity in several provinces, notably Kompong Thom. A relative of the prime minister who shot at two community forestry activists in Tumring commune in 2005 after they attempted to stop his illegal logging activities has yet to be arrested or charged. In the same province the HMM company started logging a 5,000-hectare swathe in an illegal operation that is being protected by armed government soldiers.

In Phnom Penh, the government forcibly evicted thousands of families, claiming the land was owned by private companies or needed for public projects. Many of these poor urban families had lived in their settlements for more than a decade. Police used unnecessary force during evictions. In June, for example, 600 armed military police officers were dispatched to evict Sambok Chap residents. Afterwards, the 1,000 displaced families were dumped at a one-hectare relocation site 20 kilometers from Phnom Penh. It lacked houses, running water, sanitation facilities, and electricity.

Performance of the Judiciary

The courts—widely viewed as corrupt and incompetent—continue to be used to advance political agendas, silence critics, and strip people of their land. The Ministry of Justice continues to have oversight over the Supreme Council of the Magistracy’s secretariat, a disciplinary body for the judiciary that is meant to be independent.

Excessive pre-trial detention continued, with accused people routinely detained for more than the six months allowed by law. In addition, hundreds of prisoners who have served their sentences remained behind bars because of a judicial practice in which prisoners must remain in prison until their appeals have been heard.

Khmer Rouge Tribunal

In July, the 30 international and Cambodian judges and prosecutors for the Khmer Rouge tribunal, which is to be established as an extraordinary chamber within the Cambodian court system, were sworn in and prosecution investigations began. Many of the Cambodian judicial officials have poor track records in terms of judicial independence and competence. The US\$56 million tribunal is expected to commence its trial phase in mid-2007, at a military base outside of Phnom Penh.

Khmer Rouge leader Chhit Chhoeun (Ta Mok), 82, died in July. He had been detained without trial since 1999, along with Kaing Guek Eav (Duch), chief of the Khmer Rouge’s S-21 (Tuol Sleng) prison. Other senior Khmer Rouge leaders, including Leng Sary, Khieu Samphan, and Nuon Chea, continued to live freely in Cambodia.

Key International Actors

Donors, whose aid constitutes roughly half Cambodia’s national budget, increased their annual pledge in 2006 to US\$601 million, from \$504 million in 2005. Cambodia’s largest donors included the European Union, Japan, the United States, France, Australia, Sweden, the United Kingdom, and Germany.

Some, including the EU, Germany, UK, France, and the US, publicly condemned the arrest and harassment of civil society leaders in January, but were less vocal about other serious, ongoing abuses by the government. Such behavior sent mixed signals to the Cambodian government.

In March the US ambassador praised National Police Chief Hok Lundy’s cooperation in addressing human trafficking and drug smuggling, and the FBI awarded a medal to him for his support of the US global “war on terror.” Hok Lundy has long been linked to political violence. The US continued to withhold

direct funding for the Khmer Rouge Tribunal, largely because of concerns about the incompetence and bias of the Cambodian judges.

China, Cambodia's largest investor, pledged US\$600 million in grants and loans in April, outside of the more structured Consultative Group process. As is typical with Chinese aid, no conditions were attached to the package.

In June the World Bank announced suspension of several of its Cambodian projects because of fraud and corruption by Cambodian officials. Instead of investigating the allegations, Hun Sen claimed that if money was being siphoned off, World Bank consultants should also be held responsible.

The UN special rapporteur on adequate housing and the special representative on human rights defenders issued statements condemning forced evictions in the capital, the "humanitarian emergency" at relocation sites, and the arrest and harassment of rights defenders. During a May visit, the UN high commissioner for human rights said that the human rights situation had "deteriorated" and identified the lack of an independent judiciary as the single most important problem. "Hun Sen's government continues its repressive, undemocratic governance, nowhere near the fulfillment of its international human rights obligations," she stated.