# Human Rights Watch

# Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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# Annual reports

Events of 2009

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Intensifying Attacks on Human Rights Defenders, Organizations, and Institutions

Health Providers Complicity in Torture and Cruel, Inhuman or Degrading Treatment

In Search of Authoritative Local Voices

Cambodia's respect for human rights continued its downward spiral during 2009, with dramatic setbacks in press freedom, misuse of the judiciary to silence government critics, and imposition of strict new restrictions on peaceful protests.

The ruling Cambodian People's Party of Prime Minister Hun Sen continued to use an array of repressive tactics, including harassment, threats, violence, and arbitrary arrest, to suppress political rivals, opposition journalists, land rights activists, and trade unionists. In late 2009 the government pushed new laws through the National Assembly with little input from civil society, including a new penal code.

Known rights abusers gained increasing power, with the promotion of several military officials implicated in torture, extrajudicial killings, and political violence, including two military commanders linked to the deadly 1997 grenade attack on an opposition rally.

Cambodia's epidemic of forced evictions of the urban poor and confiscation of farmers' land in the countryside reached crisis proportions in 2009. Military units were often deployed to carry out forced and violent evictions of villagers whose ownership claims to the land had never been properly or fairly dealt with by a court.

The government controls all television and most radio stations. It regularly suspends, threatens, or takes legal action against journalists or news outlets that criticize the government. Controversial publications are frequently banned or confiscated. Reporters covering sensitive issues risk dismissal, imprisonment, physical attack, or even death. Politically motivated murders of opposition journalists, such as Khim Sambo, who was killed in July 2008, and many others in the past 15 years remain unresolved.

The new penal code approved in October 2009 retains defamation and disinformation as criminal offenses. Government critics can now be criminally prosecuted for peaceful expression of their views not only about individuals, but government institutions. Media defamation cases are no longer covered by the penal code but by Cambodia's 1995 press law, which does not carry criminal liability or imprisonment as a penalty.

During 2009 at least 10 government critics were prosecuted for criminal defamation and disinformation based on complaints by government and military officials. Among those convicted were four journalists, two of whom were jailed on disinformation charges: opposition editor Hang Chakra, sentenced to one year's imprisonment in June, and journalist Ros Sokhet, sentenced to two years' imprisonment in November. In July editor Dam Sith closed *Moneaksekar Khmer*, one of Cambodia's oldest opposition papers, as the only way to prevent government lawsuits that could have landed him in prison.

Criminal defamation, disinformation, and incitement lawsuits were also filed against opposition Sam Rainsy Party (SRP) members,

including party leader Sam Rainsy, SRP parliamentarians Mu Sochua and Ho Vann, and SRP youth activist Soung Sophorn. Prime Minister Hun Sen pressed defamation charges against the lawyer defending SRP cases, spurring the lawyer's withdrawal from the cases in July. As a result, Mu Sochua lacked legal counsel during her July 24 trial, in which she was found guilty of defaming the prime minister and ordered to pay US$4,100 in fines and compensation.

In a major step backwards, a new law on demonstrations passed in October bans public protests of more than 200 people, citing the need to safeguard "public order and security." It also requires protest organizers to seek advance permission and bans protests in front of or inside government buildings and factories. Authorities continued to forcibly disperse demonstrations during 2009, for example in October, when riot police blocked a march on World Teachers' Day by teachers calling for pay hikes.

Freedom of association remains under pressure. Workers who organize or strike for better wages and working conditions are subject to harassment, physical attacks, and unfair dismissal. Authorities failed to investigate or prosecute perpetrators of violence against union activists, including three union leaders murdered since 2004.

Police arbitrarily rounded up sex workers, homeless children and families, beggars, and people who use drugs, and detained them in government-run social affairs centers where they were subject to physical mistreatment, sexual abuse, and insufficient food and medical care. During 2009 hundreds of people were unlawfully arrested in Phnom Penh during such sweeps, which spiked in advance of large public events.

Violence against women goes largely unpunished. Trafficking of women and girls for sexual exploitation, as well as arbitrary arrest and abuse of sex workers, is rampant. Regular police crackdowns on sex workers are fueled in part by a 2008 anti-trafficking law that criminalizes prostitution, spurring authorities to focus on closing brothels and arbitrarily detaining sex workers, rather than prosecuting traffickers. In 2009 Phnom Penh police arrested more than 60 sex workers during July alone, beating some of them in custody before sending them to NGO shelters, where those with HIV/AIDS were unable to access their medication.

Over 2,000 people who use drugs were arbitrarily detained in 11 government-run drug detention centers, where arduous physical exercises and forced labor are the mainstays of their "treatment," and torture is common. The centers hold people regardless of assessments that they are not dependent on drugs.

Police and military police routinely used torture to extract confessions from detainees in police stations, jails, and prisons. The bodies of several detainees who died in policy custody during 2009 showed marks of torture, such as Neak Neam, who died on May 27 while in the custody of the Pailin district police.

Cambodia's prisons continued to be overcrowded and failed to provide sufficient food, water, healthcare, and sanitation.

Land disputes escalated during 2009. Soaring real estate prices, development projects, and illegal land concessions spurred the forced eviction of thousands of urban poor and the illegal confiscation of farmers' land. With the vast majority of urban and rural poor lacking land title, more than 150,000 people nationwide were estimated to be at risk of losing their land and their homes. Despite this, in September the government terminated a US$24 million World Bank-funded land titling program.

Authorities rarely provided adequate housing, land, services, and compensation to people displaced or made landless and jobless by evictions and land grabbing. In one particularly egregious example, in June 2009 authorities relocated 40 families with HIV/AIDS to cramped, metal sheds in a remote resettlement site outside Phnom Penh, far from medical services and jobs.

Police and soldiers frequently used excessive force in evictions. In January police used teargas and water cannons to forcibly evict 400 families from Dey Krahom community in Phnom Penh. In March police opened fire on unarmed farmers protesting confiscation of their land in Siem Reap, seriously wounding four villagers. Authorities continued to arrest community activists protesting forced evictions and land grabbing, often on spurious charges, with more than 60 people imprisoned or awaiting trial during 2009 for their involvement in land conflicts.

Ongoing political interference by the Cambodian government in the work of the United Nations-backed Khmer Rouge tribunal (the Extraordinary Chambers in the Courts of Cambodia, ECCC) seriously undermined the court's integrity, independence, and credibility. Hun Sen, who maintained his grip on the country's judiciary, repeatedly demanded that the court not prosecute suspects other than five currently in custody. Credible reports of widespread corruption at the US$100 million hybrid tribunal, presided over by both Cambodian and international judges, were not sufficiently addressed.

Montagnard and ethnic Vietnamese asylum seekers face the threat of forced repatriation to Vietnam, where they are at risk of torture, persecution, and imprisonment, in violation of Cambodia's obligations under the 1951 Refugee Convention, to which it is a state party.

While the Cambodian government stated that it considers Khmer Krom (ethnic Khmers from southern Vietnam) who move to Cambodia from Vietnam to be Cambodian citizens, authorities routinely failed to provide protection in the form of political asylum, let alone full citizen's rights, to many Khmer Krom living in Cambodia. During 2009 Cambodia's Refugee Office continued to rule out consideration of all Khmer Krom asylum seekers from Vietnam, including Tim Sakhorn and five other Khmer Krom Buddhist monks who fled to Cambodia after having been imprisoned in Vietnam for peaceful expression.

In July 2009 Cambodia's development partners, including the World Bank, Asian Development Bank, United Nations, European Commission, and several embassies, issued a rare public appeal for the government to stop forced evictions until it implements fair and transparent mechanisms to address land disputes and resettlement issues. In August the European Union and several embassies raised concerns with the government about the crackdown on peaceful expression.

Overall, Cambodia's donors remained ineffective in persuading the government to keep its annual promises to protect human rights and establish the rule of law. Years of funding for judicial reform have had virtually no effect. Japan, Cambodia's largest donor and the single largest funder of the ECCC, maintained its policy of not confronting the government about rights violations. China, another major investor and donor to Cambodia, continued not to link aid to reforms.

In addition to support for rule of law and human rights projects, United States aid to Cambodia included training and material assistance to the Cambodian military, police, and counterterrorism units with track records of serious human rights abuses. In September eight US lawmakers queried the US Defense Department about US support to Cambodian military units alleged to have committed rights violations. In 2009 the US retainedCambodia's anti-trafficking ranking at Tier 2, citing the failure to protect trafficking victims and abuses committed against "prostituted women" in police custody and state-run centers.

In September 2009 the UN Human Rights Council renewed the mandate of the UN special rapporteur on Cambodia, who made one visit to Cambodia during the year.

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

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