

Human Rights Watch

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

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Events of 2005

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2005 saw a sharp reversal in progress Cambodia had made in observing human rights and developing political pluralism since the signing of the 1991 Paris Peace Accords. The political opposition was effectively dismantled with the arrest or threat of arrest of opposition parliamentarians. Activists and journalists speaking out about fraudulent confiscation of farmers land, illegal logging, or a controversial border treaty with Vietnam were arrested, physically attacked, threatened with death, or prosecuted and imprisoned on spurious charges of defamation. Continuing the trend from 2003, authorities dispersed public demonstrations, at times using excessive force. Impunity for perpetrators of human rights abuses continued. Political trials demonstrated the governments ongoing control, interference, and intimidation in the work of the courts. Despite an agreement between the United Nations and Cambodia to bring senior Khmer Rouge leaders to justice, it became increasingly doubtful that a tribunal established within the Cambodian court system could ensure fair and impartial trials.

Political Intimidation

The government of Prime Minister Hun Sen moved to silence dissent in 2005, targeting not only the opposition Sam Rainsy Party (SRP), but independent media, and civil society. Rights activists, union leaders, and opposition party members fled the country or went into hiding. In October Hun Sen threatened to abolish the monarchy.

The assault on the SRP began in February when the National Assembly lifted the immunity of three opposition parliamentarians. SRP president Sam Rainsy and Chea Poch fled the country and remained in self-imposed exile during the year in the face of criminal defamation suits. Cheam Channy was arrested, initially on allegations of forming an illegal rebel army, and on August 8 he was sentenced by the National Military Court to seven years imprisonment for organized crime and fraud. The judge blatantly prevented Channys lawyers from presenting a proper defense.

Legal action, notably prosecution for defamation or incitement, is increasingly used to obstruct the work of human rights defenders and other civil society figures. At least six critics of the controversial new border treaty with Vietnam faced criminal defamation suits initiated by Hun Sen, including Rong Chhun, president of the Cambodian Independent Teachers Association, and Chea Mony, who replaced his murdered brother, Chea Vichea, as head of the Free Trade Union Workers of the Kingdom of Kampuchea.

The Judiciary

The courtswidely viewed as corrupt, incompetent, and biasedcontinue to be used to advance political agendas, silence critics, and strip people of their land. In May 2005, the prime minister strengthened his control over the judiciary by placing the Supreme Council of the Magistracy (SCM)a disciplinary body for the judiciary that is meant to be independentunder the Ministry of Justice.

In addition to the Cheam Channy case, above, a second high-profile political trial concluded at the beginning of August 2005, when two men were sentenced to twenty years imprisonment on charges of murdering union leader Chea Vichea. The decision was based not on eyewitness testimony or forensic evidence, but on a confessionlater withdrawnextracted after one of the defendants was tortured by police.

The Cambodian Bar Association (CBA) remains subject to political manipulation and continuing controversy over its 2004 elections. In July 2005, the Appeals Court reinstated incumbent Ky Tech, supported by the ruling Cambodian Peoples Party, as CBA president following intimidation and legal wrangling aimed at ousting elected president Suon Visal.

Freedom of Association and Assembly

Threats to human rights defenders have intensified, with grass roots activists and human rights workers being subjected to harassment, intimidation, restrictions of movement, legal action, and physical violence. Authorities continue to impose restrictions on public demonstrations instituted after anti-Thai riots in 2003.

Conflicts over land rights in 2005 went hand-in-hand with attacks against activists defending those rights. The potential for unrest has intensified as villagers are increasingly dispossessed of their land, often through violence or threats by officially backed forces. In March, police and military police in Banteay Meanchey fired into a crowd of villagers protesting forced eviction from their land, killing at least five. Charges were later dropped against the police officers who allegedly fired on the villagers. Police used excessive force in dispersing other protests in 2005, including demonstrations in June by ethnic Pnong in Mondolkiri protesting land confiscation for the Wuzhishan concession, and a sit-down strike by Montagnard asylum seekers protesting deportation in July (see below).

In an ominous development for international advocates working in Cambodia, in July immigration officials refused entry to foreign staff of Global Witness, an international nongovernmental organization (NGO) that has exposed abuses in Cambodia's forestry sector. Cambodian staff members were threatened, and the group closed its Phnom Penh office.

Freedom of Expression

Opposition media was effectively silenced in 2005. Under threat of litigation, arrest, or physical attack, journalists increasingly engage in self-censorship. Only one opposition newspaper and radio station, and one independent radio station, continue to operate. In September a Radio Free Asia reporter was hit and dragged by a vehicle with government license plates while reporting on illegal logging in Ratanakiri. In October, authorities arrested Mom Sonando, director of the independent Beehive radio station, after he aired an interview with a critic of Hun Sen's policy towards Vietnam.

Prisons and Torture

Torture continues to be used by police officers, particularly those attempting to extract confessions from suspects in detention. In March 2005, police opened fire on convicts during a prison escape from CC3 prison in Kompong Cham. Nineteen prisoners and one warden were killed and many wounded. Rights groups later reported torture of prisoners believed responsible for the break.

Trafficking

Government officials, police, and military continue to operate and profit from trafficking of women and children. The Cambodian government has failed to prosecute perpetrators of a December 2004 attack on a safe house operated by the NGO Afesip, in which more than eighty trafficking victims were abducted. In a report issued in February 2005, the government stated the girls had left the shelter voluntarily.

Refugee Rights

Vietnam's repressive policies against indigenous minority Montagnards continue to generate a flow of refugees into Cambodia. A January tripartite agreement between the United Nations High Commissioner for Refugees (UNHCR), Cambodia and Vietnam was heavily criticized by international and Cambodian rights groups for authorizing forced repatriation of recognized refugees who refused resettlement abroad, and providing inadequate monitoring of returnees in Vietnam. Access by UNHCR and NGOs to asylum seekers in border areas remains difficult. Provincial authorities continue to forcibly return Montagnard asylum seekers to Vietnam, including four from a UNHCR shelter in Phnom Penh in January 2005 and ninety-four from a shelter in July. In 2005, officials harassed and threatened to arrest Cambodian villagers suspected of providing food or assistance to asylum seekers who were not yet under the protection of UNHCR.

Key International Actors

In 2005 Hun Sen warned donors not to interfere in rights issues, stating that international pressure only keeps detainees behind bars longer. The international community appears to have heeded the warnings, offering little tangible influence on human rights issues. At the annual Consultative Group meeting in June 2005, donors pledged U.S.\$504 million in aid.

In April 2005, Peter Leuprecht, then the U.N. secretary-general's special representative for Cambodia, delivered a blistering attack before the U.N. Commission on Human Rights on Cambodia's dismal human rights record. In July he condemned the use of electric batons by Cambodian police on Montagnard asylum seekers, and called for cancellation of the Wuzhishan land concession. In November, Kenyan constitutional lawyer Yash Ghai was appointed by the secretary-general to replace

Leuprecht, upon the latter's resignation. During a visit in August 2005, the U.N. special rapporteur on the right to adequate housing criticized officials and military for land-grabbing. The International Labour Organization criticized the government's anti-union activity, notably its concealment of information regarding the assassination of union leaders. The World Bank exposed evidence of government corruption, and threatened in January 2005 to freeze U.S.\$297 million in loans, but nonetheless continued to provide new loans.

As foreign governments pledged their required share of the U.S.\$56 million budget of a Cambodia-based, internationally-assisted tribunal under Cambodian law to bring Khmer Rouge leaders to justice (as agreed in 2004), Cambodia in 2005 reneged on most of its own financial commitment of U.S.\$13 million, stating it could only pay U.S.\$1.5 million. Japan continued as Cambodia's lead donor and pledged a major share of funding for the Khmer Rouge Tribunal. Support for the Khmer Rouge Tribunal was also pledged by France, the United Kingdom, Australia, Canada, Norway, Germany, Netherlands, Denmark, Austria, Sweden, South Korea, Luxembourg and India.

In 2005, the European Parliament condemned the crackdown on the SRP, human trafficking, violations of freedom of expression, and Cheam Channys imprisonment. China, one of Cambodia's most important donors and investors, refrained from commenting on domestic

politics or rights abuses.

In May, Cambodia's National Assembly approved a bilateral immunity agreement with the United States that exempts U.S. citizens from the authority of the International Criminal Court, whose treaty Cambodia ratified in 2003. In response, in August, the United States lifted its ban on military aid to Cambodia. However, the United States announced sanctions against Cambodia for lack of progress on trafficking issues.

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