

Report on Cambodia

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FAIR AND HONEST REPORTING

The events of recent days have once again focussed world attention on the state of human rights and the rule of law in Cambodia. This attention is legitimate. It arises out of the terrible sufferings of the Cambodian people in the recent past; the actions of the international community culminating in the *Paris Peace Agreements*; the contribution of the United Nations, through UNTAC, to the peaceful, democratic elections which put the present Government in place; and the commitment of the Government of Cambodia to the task of building a new society governed by law and respecting basic human freedoms.

I present my second report to the General Assembly, pursuant to its mandate and my appointment by the Secretary-General. The Government of Cambodia has also prepared a response which I commend to attention. It is inevitable that there will sometimes be differences of perspective in such a controversial matter as human rights. Indeed, the right to differ, and to express differing opinions is part of the culture which must be rebuilt in Cambodia. More significant than the differences is the wide areas of agreement.

In my capacity as Special Representative, I have now conducted six missions to Cambodia. I plan my next extended mission in January 1996. Over the period of my appointment, I have noticed many good developments. They are contained in my report. It is a constant source of complaint in Cambodia, often reasonable, that my words of praise are swallowed up in media reportage of criticism. I want to emphasise that there is good news about Cambodia. I challenge the media, if it is truly committed to free expression, to give coverage to the words of praise as well as to the words of caution. The failure to do so reinforces the elements in Cambodia which are hesitant about human rights and suspicious of free and critical opinions.

ACHIEVEMENTS

So let me start with the good news:

- The economy is definitely picking up. Improving the economic life of the ordinary citizen is essential for the underpinnings of human rights. Cambodia must join the

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economic lift-off in its region, whilst avoiding short term economic expansion, of benefit only to a few;

- The National Assembly and Government continue to function in lawmaking;
- The country boasts of many human rights non-governmental organisations. In a sense, these are the children of the United Nations. They have my vigilant support;
- The Office of the Centre for Human Rights in Phnom Penh continues to perform its vital work. Its Director is here with me in New York. A request of the Government to phase out its operation was amicably resolved. It continues;
- The Government persists with its vital work to clear landmines. It is profoundly disappointing that the international conference in Vienna in October broke up without a new, stronger, international treaty. Those who oppose a strong international law on landmines should visit Cambodia and see the evil consequences of these anti-people weapons;
- The Government has continued its progress in securing defections in the Khmer Rouge. But they remain opponents to the democratic constitution. Indeed, they may be driven to stronger action now that they are weaker;
- A major focus of my report was on the rights of the child. It records progress made in tackling problems in health, education and trafficking in minors;
- Despite difficulties, the print media remain vigorous, with more than 40 regular journals on regular sale;
- The Government has at last begun to tackle the problem of the ethnic Vietnamese boat people held on the river at Chrey Thom, at the border with Vietnam - permitting some to return to their villages; and
- Outstanding work continues to be done by the marvellous agencies of the United Nations. They continue the brave work of UNTAC. They bring great credit on this Organisation. In this 50th year, they are truly the unsung heroes of the United Nations.

PROBLEMS

Having said this, my report lists problem areas which the honest discharge of my mandate requires me to mention in the hope that, doing so, will lead on to technical assistance, agreement and the improvement of human rights:

- The Constitutional Council has not been formed, apparently for political reasons. There is thus no final, authoritative voice to resolve basic constitutional questions which frequently arise;
- One of those questions was the expulsion of a Member of the National Assembly (Mr Sam Rainsy). My view, in which I am not alone, was that the action was unconstitutional. It is now under the consideration of the Interparliamentary Union. The house arrest of HRH Prince Sirivuddh in recent days before removal of his Parliamentary immunity appears to have been another derogation from the privileges of Members of the National Assembly. Those privileges exist not for the Members but to defend Cambodia's democracy and the Assembly as a forum for divergent views.

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Expel those views from the Assembly and history teaches that they will surely find other outlets;

- There is an urgent need to build truly independent courts. How can Judges be independent of the Executive where they are paid but \$20 a month?
- A major problem, illustrated in the report, is the difficulty of bringing the rule of law to bear on the military who are often accused of breaching citizens' human rights;
- A civil service immunity is criticised as effectively putting some leading people above the law;
- Although a *Press Law* was finally enacted this year, its facilities for imprisonment of journalists and for administrative closure of media outlets offend, in my view, the basic constitutional right to free expression. There have been several serious and worrying developments in this area;
- Prisons continue to need attention. Even since my last mission, in October, a prisoner has been found dead and others malnourished in one prison (Kompong Speu). In another prison, I saw prisoners who were locked in their cells for 23 hours;
- In the struggle against HIV/AIDS, the removal of posters promoting condom use and the closure of brothels runs counter to effective measures designed to defend life;
- In a country of returnees, serious defects in land law continue to create opportunities for strife and violence;
- Although most members of the Government and officials have been supportive to my performance my duties, on my last mission, for the first time, I noticed some difficulties in that regard. Although Cambodia's leaders are rightly proud of many achievements, (sometimes made in difficult circumstances) they must understand that constructive criticism is inherent in the process of identifying problem areas that need their attention. I pay tribute to the high commitment of many Cambodian leaders to the cause of human rights and especially of HE Ung Huot, Minister for Foreign Affairs and International Cooperation, who is my point of contact with the Government. His Majesty King Sihanouk has shown unwavering support for the United Nations' work to defend human rights.

A CONTINUING TRUST

The events of recent weeks make it important, more than ever, to retain the United Nations commitment to human rights in Cambodia:

- The arrest of Prince Sirivuddh, former Foreign Minister, apparently on a charge under Terrorism law;
- The alleged impediment to the registration of an Opposition Party; and
- Physical attacks on a newspaper office and its journalists reportedly condoned at a very high level in the Government

all underline the need for vigilance and honest reporting to the international community.

Ensuring a culture of democracy and human rights is nowhere easy. It is important that the United Nations should maintain its commitment to the people of Cambodia. Foreign

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observers and critics should strive to understand the viewpoint of its people and Government. The media should be more even handed in reporting successes as well as problems. My function remains as it was when first assigned to me by the Secretary-General, pursuant to the resolution of the General Assembly. In a constructive spirit and with sensitivity, but also with complete honesty, I will continue to perform my duties whilst I have this mandate. Neither death threats from the Khmer Rouge nor verbal abuse nor occasional difficulties in relations with the Cambodian Government will deflect me from my obligations. In this, I am but one of thousands who continue to work proudly for the causes of the United Nations and for the people of Cambodia, who still put their faith in us. We must not let them down.