



THREATS TO HUMAN RIGHTS DEFENDERS IN CAMBODIA

REPORT
December 2004



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LICADHO

CAMBODIAN LEAGUE FOR THE
PROMOTION AND DEFENSE OF HUMAN RIGHTS

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LICADHO

CAMBODIAN LEAGUE FOR THE PROMOTION
AND DEFENCE OF HUMAN RIGHTS

Cambodian League for the Promotion and Defense of Human Rights (LICADHO)

LICADHO is a national Cambodian human rights organization. Since its establishment in 1992, LICADHO has been at the forefront of efforts to protect the rights in Cambodia and to promote respect for civil and political rights by the Cambodian government and institutions. Building on its past achievements, LICADHO continues to be an advocate for the people and a monitor of the government through wide ranging human rights programs from its main office in Phnom Penh and 12 provincial offices.

LICADHO pursues its activities through its six program offices:

- The Human Rights Education Office provides training courses to target groups such as government officials, students, monks and provides dissemination sessions to the general public.
- The Monitoring Office investigates human rights violations and assists victims in the legal process. Specially trained staff also monitors 18 prisons to assess prison conditions and ensure that pre-trial detainees have access to legal representation.
- The Medical Office provides medical assistance to prisoners and prison officials in 18 prisons and provides medical care and referrals to hospitals for victims of human rights violations.
- Project Against Torture provides comprehensive rehabilitation services to victims of torture and conducts advocacy against torture.
- The Children's Rights Office educates the public on children's rights, creates child protection networks at the grassroots level, and investigates children's rights violations.
- The Women's Rights Office educates the public about women's rights, investigates women's rights violations and advocates for social and legal changes.

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Executive Summary

“Human rights defenders stand in the front lines of protection, casting the bright light of human rights into the darkest corners of tyranny and abuse. They work to safeguard the rule of law, to reduce violence, poverty and discrimination, and to build structures for freer, more equitable and more democratic societies. It is to them that many victims of human rights violations turn in their hour of need.”

Kofi Annan, United Nations Secretary-General, on the occasion of Human Rights Day December 10, 2003

Human rights defenders in Cambodia continue to suffer threats and intimidation. It is difficult to identify any real improvement in the situation of defenders in 2004, as it is equally difficult to discern a genuine acceptance of the importance of human rights work by government, and a willingness to take appropriate action to address threats against defenders.

In 2004, 42 reports of threats to human rights defenders have been documented. This year the definition of a ‘human rights defender’ has been broadened beyond that used in previous reports, which included only NGO workers. In 2004 incidents have been recorded concerning local villagers, community groups, journalists, and students, amongst others.

Perpetrators have adopted a wide range of different types of threats. There have been a number of violent incidents including the assassination of the trade union leader and labor rights activist, Chea Vichea, which created a climate of fear and drew widespread international condemnation. In many cases actual violence is being replaced by threats and other discreet, less violent forms of intimidation which bypass legal and constitutional provisions while avoiding international condemnation. In 2004, more subtle tactics included: threats of lawsuits or threats of arrest; restricting the movements of NGO staff or denying travel without authorization; and summoning individuals for questioning by high-ranking government officials.

Defenders working in many different contexts have been the targets of threats. In addition to a general analysis, this briefing paper assesses threats to human rights defenders in four areas of ongoing concern: demonstrations and public gatherings; Montagnard asylum seekers; land concessions and forestry issues; and trade unionism and labor rights. The threat to political and economic interests that human rights work in these areas represents has created a particularly dangerous environment for such defenders.

Threats have been issued at a number of different government levels, including by high-profile figures such as Prime Minister Hun Sen himself. The Prime Minister has made public statements attacking defenders working on issues such as illegal logging and denounced particular human rights workers. Clearly, these types of remarks only encourage hostility towards defenders and undermine their security. Positive leadership is needed at the highest levels of government to underscore the importance of human rights work and to ensure the ability of human rights defenders to work safely.

By being able to exercise their fundamental human rights, such as freedom of expression, movement and association, human rights defenders provide a benchmark, set standards and encourage respect for these principles in Cambodian society at large. The degree of engagement of the government with the community of human rights defenders in Cambodia

is a measure of its commitment and understanding of human rights, and its willingness to make improvements in the human rights situation. Poor engagement points to a lack of genuine political will to address human rights abuses.

The Cambodian government is urged to adhere to the UN Declaration on Human Rights Defenders, adopted by consensus in the UN General Assembly in 1998, which sets out the specific protections that should be afforded to those defending human rights. Through its participation in the General Assembly the Cambodian government has signaled its acceptance of the principles in this Declaration, to which it must now work towards giving practical effect.

1. Introduction

i. Human Rights Defenders in Cambodia

Human rights defenders are those people who, individually or with others, act to promote or protect human rights in a peaceful manner. They range from international organizations such as the UN, to individuals working within their local communities. The defining criteria is not professional title, or membership of a particular organization, but a person's action in respect of human rights, i.e. what someone does for the protection of human rights, not who they are.

In Cambodia today there is a strong and active community of human rights defenders in civil society. The community has developed from embryonic stage since 1991 when the first human rights NGOs were established after the signing of the Paris Peace Accords. Today there are over 40 NGOs working directly on human rights issues in Cambodia, out of a total of approximately 800 local and 150 international NGOs registered in 2003¹.

National and international NGOs – both those working directly and indirectly on human rights – still play the primary role in human rights work. As awareness of rights spreads through Cambodian society, however, human rights work is becoming no longer the exclusive domain of NGOs. Non-professional associations, community and grassroots networks, and other civil participants and individuals, are playing an increasingly important part in protecting and promoting human rights.

ii. Scope of this Briefing Paper

This briefing paper provides a general overview of the nature and extent of threats facing human rights defenders in Cambodia during 2004. It is based on investigations and information compiled by LICADHO, with particular help from the Cambodia Office of United Nations High Commissioner for Human Rights.² Details of individual incidents, including those from previous years, are catalogued in Annex I.

LICADHO's briefing papers for 2002 and 2003 only covered threats to human rights defenders directly engaged in human rights NGO work, i.e. those staff members directly addressing human rights violations as part of their work for UN agencies, national and international NGOs, and volunteer or unpaid NGO activists or community network members.

However, as noted above, given the growing awareness of human rights in Cambodian society, other civil society actors are increasingly engaged in defending human rights, and are thus increasingly exposed to the risks involved. Indeed the dangers may be heightened for these individuals and groups if they lack formal membership of a network or NGO. In recognition of this, LICADHO's 2004 briefing paper includes threats against these actors. It is important to note that the number of reported incidents involving these types of defenders is likely to include only a small proportion of actual incidents since information on threats to non-NGO actors is more difficult to obtain, and less likely to be reported.³

¹ Cooperation Committee for Cambodia, *Directory of International Development Assistance in Cambodia, 2003-2004*

² It is important to note that incidents cited in this briefing paper are not exhaustive as some incidents of recent years cannot be reported for fear of endangering human rights workers. Furthermore in some cases incidents may not be reported at all due to fear of reprisal on the part of the victim.

³ The larger number of incidents listed in this year's briefing paper (over 40), vis-à-vis 2003 (9) and other previous years, may be partly attributed to this new inclusion of threats against non-NGO actors

This briefing paper also contains an analysis of the authorities' actions to restrict freedom of assembly in Cambodia by effectively banning demonstrations and other public gatherings, notably in Phnom Penh, since 2003⁴. This is not suggest that all those who participate in public gatherings should automatically be considered human rights defenders, but to recognize that the freedoms of assembly, association and expression are the bedrock of human rights work, vital to advocating for the protection of rights and to airing grievances when rights are violated. In addition, the demonstration ban has impacted organizations and individuals who clearly are human rights defenders, such as NGOs and civil society groups, who have been denied permission to hold public gatherings to draw attention to pressing rights issues such as domestic violence and rape.

As in previous years, incidents involving politicians or their prominent supporters are not included in this survey⁵. Neither does this briefing paper cover individuals or groups employed by the State, such as members of the judiciary, police and civil service. Although politicians, their supporters, and State actors can act as defenders of human rights in Cambodia it is difficult to separate genuine instances from the many occasions where apparent defence of human rights is in fact used simply as a pretext for political gain by these groups.

iii. Legal Protection of Human Rights Defenders

Governments all over the world, including Cambodia, have implicitly recognised the right to defend human rights by signing international declarations, resolutions and statements which promote and encourage human rights activities as essential to improve human dignity, alleviate poverty and discrimination and ensure the strengthening of societies based on democratic principles and the rule of law.

In Cambodia, the 1991 Paris Peace Accords provided a legal framework for protecting human rights defenders, including the rights of freedom of association, assembly and expression. In 1992 the Cambodian government signed and ratified relevant 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), also guaranteeing rights such as the freedom of association, assembly and expression. The provisions of these covenants, and the *Universal Declaration of Human Rights*, were incorporated into domestic law in the 1993 Constitution of Cambodia, the highest law in the country.

Furthermore, on December 9 1998, on the occasion of the 50th anniversary of the Universal Declaration of Human Rights, the UN General Assembly adopted by consensus the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*. The Declaration has become commonly known as the Declaration on Human Rights Defenders.⁶

⁴ This briefing paper contains only a short analysis of the crackdown on demonstrations and gatherings (see Section 4) by the authorities. For further analysis and details of specific incidents refer to the LICADHO briefing paper *Crackdown on Demonstrations in Phnom Penh Since 2003*, Nov 2004, available at www.licadho.org

⁵ The only exception to this has been the inclusion of the killing of the trade union leader Chea Vichea who was closely associated with the opposition Sam Rainsy Party. This case has been included because of Vichea's well-known efforts to improve labor rights in Cambodia, and because of the effect the killing has had in creating a climate of fear amongst civil society actors working on human rights.

⁶ See Annex III: UN Declaration on Human Rights Defenders; also available online at [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.53.144.En?OpenDocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.53.144.En?OpenDocument)

The Declaration sets out the protections for human rights defenders which States are required to uphold, such as the rights to seek, obtain, receive and hold information relating to human rights or to complain about government non-compliance with human rights standards. The Special Representative of the Secretary-General on Human Rights Defenders notes that the Declaration is based on legally binding principles and rights enshrined in existing international human rights standards and that since “the Declaration was adopted by consensus by the General Assembly...[it] therefore represents a very strong commitment by States to its implementation.” As the Declaration has been adopted by consensus, Cambodia, as a member of the UN, is taken as having given its agreement⁷.

⁷ Information received via email from Cambodia Office of United Nations High Commissioner for Human Rights (UNHCHR)

2. 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 in 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 the UN Transitional Authority in Cambodia (UNTAC) in 1992 created some space for the re-emergence and reconstruction of civil society.

The political context in Cambodia is one influenced by this history of violence in which there is a halting transition to a more democratic state. Levels of violence and intimidation during the general elections in July 2003 were lower than previous elections, but still unacceptable: including the killing of some 13 political activists in the lead-up to the elections.

Cambodia has a poor record of protecting civil and political rights. Political activists, trade union leaders, journalists and human rights activists suffer arrests, threats, intimidation and even murder, and torture continues to be used with impunity. Since anti-Thai riots in January 2003 the authorities have repeatedly denied permission for demonstrations and gatherings and used excessive force in cracking down on unauthorized events. Although there are a large number of media outlets, all television channels, the main source of information for many Cambodians, are still partly or wholly under government control.

There is a lack of political will to advance important economic, social and cultural rights for Cambodia's population. Poverty is a stark reality, with an annual average income of under \$300⁸. The immediate result of this is a low standard of living, poor health conditions, lack of access to adequate education and an average life expectancy of just 54 years⁹. Ineffective land and resource rights continue to have a devastating impact on the livelihoods of individuals in rural areas, especially the transfer of large concessions of agricultural and forested areas to the private sector, and land-grabbing by powerful interests.

Numerous women and children in Cambodia are victims of violence. Many are trafficked from their homes and pressed into hard labor conditions or the sex trade. Powerful figures run trafficking networks, and along with their accomplices, often government officials, soldiers, or the police, continue to be largely immune from prosecution. Women hold inferior status to men and Cambodia has a high incidence of rape, increasingly affecting younger girls. Domestic violence is a major issue of concern with consequences for entire families.

Steps towards addressing all these human rights concerns involve democratic reforms and the promotion of accountability that have the potential to threaten the interests of officials and others who benefit from the established political and economic patronage systems.¹⁰ Unfortunately, impunity and corruption exist in Cambodia at the broadest, most pervasive levels and are a primary cause and result of many human rights problems. Without political will to address human rights, at the very top levels of government, the culture of corruption and impunity will continue to drive human rights abuses¹¹.

⁸ World Bank Statistics, 2002

⁹ World Bank Statistics, 2002

¹⁰ *Report of the Special Representative for Human Rights*, 19 Dec 2003, *ibid*

¹¹ LICADHO, ADHOC and Human Rights Watch, *Impunity in Cambodia: How Human Rights Offenders Escape Justice*, June 1999

3. Threats to Human Rights Defenders 2004: Analysis

Introduction

Information collected by LICADHO continues to reveal a pattern of violence, threats and intimidation against human rights defenders in Cambodia. It is difficult to discern much overall improvement in the security situation of those working on human rights issues. Details on 42 incidents of threats have been collected for 2004¹².

i. Victims of Threats

NGOs, and NGO workers, continue to be the primary target of reported threats. Threats are directed to NGO staff at all levels and also towards organisations as a whole. At the fieldwork level, while undertaking investigation or monitoring of abuses, NGO workers have faced harassment, obstruction and threats from local officials and police. For example, in some cases, activists are told to report to the local police station, or ordered to stop their work because they do not have authorization. In other instances, staff researching and reporting a sensitive issue have been intimidated: in April, after documenting illegal logging, a Global Witness staff member became seriously worried about safety when the staff member received strange phone calls and unknown men asked at the staff member's home.

In May 2004, a Cambodian UN staff member was summoned to the Ministry of Interior (MoI), questioned for four hours regarding a complaint filed against him, including one hour when the staff member's supervisor, a senior international UN officer, was out of the room. Strong intervention from the supervisor with regard to the staff person's immunity as an employee of the United Nations was ignored¹³. The incident was highly intimidating and an apparent attempt by the authorities to undermine Cambodian staff working at the UN

Several senior-level staff members of NGOs have been subjected to serious threats. A staff member of AFESIP, a women's rights organisation which assists victims of trafficking, left the country in August after receiving threatening phone calls, most likely from brothel owners or their associates, and warnings from the police that two contracts had reportedly been taken out to kill the staff member. Similarly a death threat was made against a senior-level staff member at the Cambodian National Research Organisation in an anonymous letter, threatening the staff member for his criticism of Cambodia's leaders. In other cases lawsuits or legal action have been initiated against prominent individuals in NGOs, such as in August against Kem Sokha, Director of the Cambodian Center for Human Rights.

Sometimes the organisation as a whole is the target of threats in an effort to tarnish the reputation of a particular NGO. For example, the environmental NGO, Global Witness, frequently targeted in previous years for its outspoken criticism of logging policy, was accused by the Prime Minister in June of lying in a new report about military-backed illegal logging. The Cambodian Women's Crisis Center was threatened with legal action in two instances, including being accused of fraud, forgery and defamation in an incident related to a convicted foreign paedophile in July.

¹² For details of individual incidents see: Annex I: Threats to Human Rights Defenders 1997-2004: Incidents

¹³ The staff member was then allowed to leave and later the MoI dropped the case against him

Other targets of threats in 2004 have been journalists, primarily in connection with their work covering demonstrations and gatherings and reporting the situation of Montagnard asylum seekers. Local villagers and the UNHCR have also been targeted when assisting Montagnards¹⁴. Those involved in labor rights issues have felt heightened vulnerability after the contract-style killing of two union leaders, including the high-profile Free Trade Union leader, Chea Vichea.

ii. Perpetrators of Threats

There were 10 instances in 2004 where the perpetrator of the threat was unknown, often in the cases of the most serious types of abuse, such as murders (e.g. Chea Vichea) or death threats against individuals (e.g. a staff member at AFESIP). Those receiving such threats became acutely concerned for their safety and in some cases suspended their human rights work or temporarily left the country.

The majority of threats, where the perpetrator was known, came from different parts of State and ranged from officials and police at local or provincial levels right up to Prime Minister Hun Sen, who has himself issued threats or warnings. In June, the Prime Minister accused forestry watchdog Global Witness of lying in a new report detailing illegal logging, claiming: "Global Witness has lied before and today they are lying again." Hun Sen made similar accusations against those reporting the well-documented presence of Montagnard asylum seekers in Cambodia and he was quoted as saying: "Those who misled the King about the refugees should die like they do in Chinese movies"¹⁵. In November, the Prime Minister, referring to what he called the basic Buddhist doctrine warned a certain unidentified human rights defender that "If one does merit, one gets merit; do sin, get sin."

Warnings and threats against human rights defenders coming directly from the Prime Minister are not new. The Prime Minister has previously accused human rights NGOs of "hiding terrorists" and threatened to imprison rights activists. Such intimidation, coming from Cambodia's highest government official, sends the strongest possible message tolerating, condoning and encouraging threats - and worse - to human rights defenders. The Prime Minister's actions and words set a very poor example to other branches of government. In March, for instance, the Ministries of Interior and Foreign Affairs made inflammatory accusations against UNHCR, including allegations that it was violating Cambodia's sovereignty and conducting "illegal activities".

At a provincial level action by the authorities often seeks to block, hamper or discourage rights defenders. The provincial authorities in Ratanakkiri and Monduliri provinces in particular have been active in threatening villagers assisting Montagnards, restricting the movements of NGOs and journalists and conducting surveillance of the offices of rights group ADHOC, amongst other things.

Finally, not all threats are instigated by the State; sometimes private business and individuals are responsible. These incidents arise when investigations of abuses by human rights defenders endanger commercial or personal interests. For instance, there have been repeated reports of intimidation by the security guards of companies managing land concessions, often against local community members. In another example, in March 2004, a journalist was

¹⁴ See Section 4: Issues of Particular Concern, for an analysis concerning Montagnard asylum seekers

¹⁵ The *Cambodia Daily*, July 7, 2004 'PM Threatens To Use Army on Montagnards'

reportedly threatened by a rubber plantation guard. No threats from private individuals were documented for 2004, although a case involving a private individual (later convicted of sexual assault) threatening staff at the Cambodian Women's Crisis Center in Siem Reap, which occurred in February 2003, was only reported this year¹⁶.

iii. Types of Threats

Many of the types of threats reported in previous years have been seen again in 2004. The main categories of threats are analysed as follows:

- Extra-judicial killing and physical assault

As the 2003 LICADHO briefing paper noted, in recent years threats, rather than actual violence, and other discreet, less violent forms of intimidation, have become the norm. Actual physical violence appears more common when human rights activities directly affect the economic interests of others. While there does appear to be a pattern towards less violent threats, there were several violent incidents in 2004. Most seriously, three defenders were murdered, two union leaders and Mrs. Mey Meakea, staff member of Church World Service, all by unknown assailants.

- Illegal arrest and detention (actual and threatened)

In previous years human rights defenders have been arrested and detained for periods of a month or more. In 2004, no detentions of this length have been reported. Nonetheless, there have been several threats of arrest – for instance, of villagers accused of assisting Montagnards – and other rights defenders have been detained for short periods.

- Verbal or written threats, including telephone threats and public attacks

These remain a very common form of intimidation. They are fairly regularly experienced by human rights field workers who encounter public officials or police in the course of their work. Other NGO workers have received anonymous threats – sometimes high profile figures in the organisation, or sometimes before or after publicizing a human rights issues.

Verbal threats also take the form of public statements by high level government figures, including the Prime Minister, attacking rights defenders, and often aimed at discrediting their work. Recently, in November, Hun Sen criticized and warned an unidentified human rights worker that “A person who does [human rights work] like this, [will] get sin”¹⁷ These high profile statements only encourage and condone threats from local level officials and worsen the security of rights workers.

- Legal action (or threat of) designed to intimidate

Human rights NGOs who monitor human rights violations are increasingly subject to the threat of unfounded legal actions designed to intimidate. These threats may have an *outward* appearance of legitimacy. In 2004, lawsuits were threatened against the Cambodian Women's Crisis Center in a letter apparently written by former clients of the Center but reportedly instigated by another individual or group. A lawsuit is in progress against Kem Sokha, head of the Cambodian Center for Human Rights.

There is 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

¹⁶ See Annex I, Feb 18 2003, for more details

¹⁷ The *Cambodia Daily*, Nov 16 2004, 'PM Denounces Unidentified Rights Worker'

work. The Special Representative of the Secretary-General on Human Rights Defenders has noted that “these actions amount to attempts at controlling civil society and undermining its freedom, independence, autonomy and integrity.”¹⁸

- Travel restrictions and surveillance

Most NGOs suspect surveillance from governmental and local police authorities and precautions are routinely taken to avoid relaying sensitive information and material by telephone or email. In 1997, the ruling Cambodian People’s Party established an NGO Monitoring Commission, which had as its goal the investigation of selected NGOs, particularly those involved in human rights work. Surveillance in many cases may be difficult to detect, although incidences were reported, for instance, the surveillance of ADHOC offices in Mondulhiri in May 2004.

NGO groups and journalists have faced travel restrictions and roadblocks, especially when monitoring Montagnard asylum seekers in Mondulhiri and Ratannakkiri provinces. In one instance in Mondulhiri, reporters were followed, detained and questioned by police. In June, NGO and community groups from Ratannakkiri attempting to travel to Phnom Penh for environmental meetings, including discussions with relevant government ministers over dam construction, were stopped en-route by police, refused permission to leave the province (and threatened with arrest if they did so) and ordered to ask permission before leaving in future.

¹⁸ Report by the Special Representative of the Secretary-General on human rights defenders, Sept 10, 2001, A/56/341, online at: <http://www.ohchr.org/english/issues/defenders/annual.htm>

4. Issues of Particular Concern

Introduction

Last year the July 2003 election period was a time of heightened vulnerability for human rights defenders, particularly for those working on election-related issues. This year LICADHO has identified several areas where there is particular ongoing concern about the safety of human rights defenders: those attending demonstrations or gatherings, trade union leaders and members, those assisting Montagnard asylum seekers and activists working on land rights and forestry issues.

By setting out the context of these issues, and highlighting the pattern of intimidation faced by human rights defenders in these areas in 2004 (and previously), it is hoped to underscore the seriousness of the threats these defenders face as well as the urgent need to improve the security of those engaged in this work.

i. Demonstrations and Gatherings¹⁹

Since the anti-Thai riots of January 2003, the authorities – particularly the Phnom Penh Municipality – have denied virtually all requests by NGOs and other groups to hold marches, demonstrations or other public gatherings. The police have at times violently dispersed demonstrations, and have prevented attempts by human rights NGO staff to monitor such demonstrations for excessive police brutality or other abuses.

Not all marchers and demonstrators can necessarily be described as “human rights defenders” – although all have the right to exercise freedom of assembly in a peaceful manner – but in certain cases they clearly can be. The authorities’ unconstitutional ban on demonstrations has extended to preventing human rights NGO staff and civil society groups from holding public events to draw attention to pressing human rights and social problems. For example, NGOs have been refused permission to hold marches or other gatherings on World Environment Day, domestic violence and rape, labor rights, and civil liberties. By refusing permission for such events, on the spurious grounds that they are a threat to national security and public order, the authorities are deliberately obstructing a core part of the defense of human rights – raising awareness of human rights abuses and urging action from the government and from the community against them. For that reason – and the fact that the freedoms of assembly, association and expression are at the heart of any work to promote and protect human rights – a discussion of the crackdown by the authorities on public gatherings is included in this briefing paper.

Besides refusing requests for demonstrations the authorities have also used hostile and threatening language towards demonstrators. For instance, in July 2003, the Director-General of the National Police warned that if necessary the police would employ “vicious attack dogs”²⁰ in post-election demonstrations; in April 2004, striking hotel workers were reportedly asked by police “if they wanted to end up like [murdered union leader] Chea

¹⁹ This briefing paper does not contain a list of individual incidents relating to the crackdown on demonstrations and gatherings. For details of such incidents since January 2003 refer to the LICADHO briefing paper *Crackdown on Demonstrations in Phnom Penh Since 2003*, Nov 2004, available at www.licadho.org

²⁰ The *Cambodia Daily*, July 23, 2003, ‘Police Warn Against Post-Election Protests’

Vichea²¹. Police have also claimed they have a “legal right to crackdown on demonstrators with violence”.²²

Those public gatherings which have gone ahead unauthorized have faced police intimidation, violence, detention and arrests. Some crackdowns have involved hundreds of heavily armed police officers, carrying guns, electric batons or truncheons, who have lunged into crowds of peaceful demonstrators and beaten or arrested those involved. Journalists have also been threatened, arrested, detained, and blamed for demonstrations or had their equipment confiscated while covering demonstrations.

Police recently admitted to using plain-clothes officers to carry out violence against protestors: in September, Ouch Sokhon, chief of Chamkar Mon district police, was reported saying: “The demonstrators always complain that police use violent force against them, and that is why we use plainclothes policemen to crackdown on them”²³. These tactics may be attempts to bypass legal and constitutional provisions and to avoid condemnation from the international community. Plain-clothes officers or civilians acting on their behalf may also be used to turn peaceful protests violent and subsequently blame protestors for the violence.

In addition, protestors face intimidation and violence from counter-demonstrations by pro-government groups such as the so-called ‘Pagoda Boys’, a group registered as an NGO who have publicly acknowledged receiving money from the Prime Minister. Police have reportedly stood by and done nothing while these groups have attacked protestors. On other occasions fearful protestors have cancelled planned demonstrations after they hear the ‘Pagoda Boys’ will be attending.

In the face of such threats, human rights defenders and activists now feel vulnerable planning public events to draw attention to human rights issues, or even monitoring demonstrations held by others, fearing violence and/or arrest. Indeed in some cases, such as a planned CAMBOW gathering against domestic violence in May 2003 and a march against rape to be held by NGOs in September 2004, organizers have decided that going ahead with the event as planned is not worth the risks entailed after permission was refused by the authorities. The sustained campaign by the Cambodian authorities to prevent individuals and groups in civil society from raising public attention to issues of concern is in clear violation of the Cambodian Constitution and various international instruments to which Cambodia is party.

ii. Montagnard asylum seekers

2004 has seen a disturbing level of threats and interference by all levels of the Cambodian authorities against those working to protect the rights of Vietnamese Montagnard refugees. The 2004 threats form part of a continuing pattern of intimidation, observed in previous years²⁴, against those assisting Montagnards.

The Cambodian government, under pressure from Vietnam, has assumed a very hostile attitude towards Montagnard people fleeing persecution by the Vietnamese authorities, including arrest, unfair trials, and torture. They are viewed as illegal economic migrants rather than legitimate asylum seekers and hundreds have been forcibly returned (‘refouled’)

²¹ The *Cambodia Daily*, Apr 12, 2004, ‘Pagoda Boys Accused of Interference at Strike’

²² The *Cambodia Daily*, Aug 26, 2004, ‘Two Worker Strikes End in Violence’

²³ The *Cambodia Daily*, Sept 21, 2004, ‘New police tactics seen as threat to protestors’

²⁴ See Annex I: Threats to Human Rights Defenders 1997-2004: Incidents, for information on incidents in previous years

to Vietnam in violation of Cambodia's international obligations under the 1951 Refugee Convention and the Convention Against Torture.

The Cambodian authorities have also taken a hostile approach towards those assisting asylum seekers and drawing attention to their cause, whether they be individual villagers, NGOs, journalists or UNHCR itself.

The UNHCR is currently responsible for reception and registration of asylum seekers and refugee status determination procedures. However, UNHCR has not been able to act without restriction in Cambodia, particularly in border provinces Mondulhiri and Ratanakkiri where UNHCR refugee camps have been closed (and in Mondulhiri, burned and looted while police stood by²⁵) and UNHCR has been denied a field presence.

The UNHCR, as in previous years, has been subject to intimidation by the authorities, including smear campaigns. Smear campaigns are identified by the Special Representative to the Secretary-General on Human Rights Defenders as a tool increasingly used against human rights defenders who:

are either accused of being in the political opposition or portrayed as enemies of the people 'serving foreign powers for financial gain'. Human rights activity is reviled in such terms as 'damaging national interests', 'disturbing social peace'²⁶.

For instance, in March 2004, an Interior Ministry document accused UNHCR of trafficking Montagnards and "violating the sovereignty of the Kingdom of Cambodia" and the Foreign Affairs Ministry described UNHCR as "arrogant". The Ratanakkiri Province Governor accused UNHCR of trafficking in April and demanded closure of the provincial office.

At the other end of the spectrum, local villagers in Mondulhiri and Ratanakkiri provinces have been accused of assisting and hiding Montagnards. Several villagers requested protection from human rights organizations after threats in October 2004, and went into hiding. Provincial officials and police have reportedly warned villagers that their villages would be sealed off if they did not cooperate and they would face "big problems" or imprisonment for helping Montagnards. One local person was also threatened by provincial authorities after being temporarily hired as a translator by UNHCR. Individuals such as these, assisting human rights organizations but not permanent staff, are especially vulnerable to targeting by the authorities. Previously in a similar situation, in March 2002, a boat driver hired by UNHCR was threatened and detained for four months on charges of human trafficking.

Journalists, NGOs and human rights workers have also faced difficulties in provinces bordering Vietnam. Travel restrictions have frequently been imposed by the provincial authorities, including one occasion where NGO and community representatives were stopped by police and refused permission by the provincial Governor to leave Ratanakkiri to go to Phnom Penh for environmental meetings. Hor Ang, deputy police chief of Ratanakkiri, was quoted as saying the Governor's actions were "a warning to the NGOs"²⁷. Among other incidents, in Mondulhiri province the rights group ADHOC reported surveillance of their provincial office and two newspaper reporters were detained and questioned about their movements by Mondulhiri police.

²⁵ See Annex I, April 2002

²⁶ *ibid.*, Report of the Special Representative for Human Rights, Sept 10, 2001

²⁷ The *Cambodia Daily*, June 11, 2004, 'NGOs Must Get Gov't OK to Leave Ratanakkiri'

It should be emphasised that acting to help Montagnards is not illegal. In July 2004 the Cambodia Office of UNHCHR stated that those helping asylum seekers

should not be seen as acting unlawfully and should not be subject to harassment, threats or other reprisals. They are simply assisting asylum seekers to realise their rights under an international law by which Cambodia is legally bound²⁸

iii. Land Concessions and Forestry Issues

The Cambodian government has undertaken a policy of granting land-scale land concessions to commercial interests, often logging companies, in a non-transparent manner which encourages illegal logging and represents a serious danger to livelihoods of the already vulnerable rural poor. The largest concessions are half the size, or more, of entire provinces (up to several hundred thousand hectares), when the 2001 Land Law stipulates the maximum size should be 10,000 hectares.²⁹

The close connections between logging and concessionaire companies and influential government figures, and the profitable returns on managing concessions, has meant NGOs or groups demanding reform or conducting investigations face serious risks. International NGO Global Witness, appointed as the independent forestry watchdog in 1999 (until its forest monitoring contract was terminated by the government in April 2003), has pointed to “a pattern of intimidation” intended to prevent the collection of “evidence of illegal logging by the concessionaires; the more information uncover[ed], the more serious the threats become³⁰”.

In past years Global Witness itself has been the subject of numerous attacks by the authorities. In January 2001 the organization was threatened with expulsion from Cambodia after releasing a report critical of illegal logging prior to an international donor meeting. A senior official with the organization was beaten and kicked in April 2002, and sent an email message the next day instructing her to “QUIT”.

There have been problems for other groups that have tried to express their views on forest resources: for example, in December 2002, Cambodian police used violent force, including electric shock batons, to disperse a peaceful sit-in of community representatives outside the Department of Forestry and Wildlife (DFW). The representatives had been waiting all day for a response from the DFW to their request for a workshop on the logging concession management plans. Global Witness was later accused of inciting the protests for political reasons and fabricating reports of violence and the Prime Minister threatened criminal charges against the country program director for inciting crimes, disinformation and defamation. Human Rights Watch noted that the Cambodian government appeared to be “attempting to intimidate and silence a group that is internationally respected for its monitoring of illegal logging.”³¹ In mid-December 2002, the director of a grassroots environmental NGO in Kratie province, which was present at the gathering in Phnom Penh, was interrogated by police for an entire day and questioned in detail about her family. Local authorities later threatened to shut down the organization.

²⁸ UNCOHCHR, Briefing Note *Cambodia's obligations under the UN Convention relating to the Status of Refugees and under international law*, July 16, 2004

²⁹ *ibid.*, Report of the Special Representative for Human Rights, Dec 19, 2003

³⁰ Associated Press report, May 4 2002, *Staffer of British Environmental Group attacked in Cambodia*, see Global Witness website, http://www.globalwitness.org/press_releases/article.php?id=59

³¹ Human Rights Watch, *Cambodia: Excessive Force Used Against Environmental Advocates*, Dec 24, 2002.

Unfortunately, this pattern of intimidation has continued into 2004. Global Witness has again come under fire. In June 2004 the Prime Minister accused the organisation of lying in a report on military involvement in illegal logging. Earlier in the year, after a report documenting an illegal logging scam was made public, the author of the report at Global Witness reported threatening phone calls and surveillance. In September 2004, two NGOs came under attack from a logging concession company for publishing a report on recently-released forest concession management plans. The company copied its accusations, which included the assertion that the NGOs were involved in political plots against the Cambodian government, to the courthouse and government departments.³²

In March 2004, the League of Cambodian Journalists reported the alleged beating of a journalist as he tried to photograph illegal logging in Kirirom National Park. Another journalist was threatened and had his camera confiscated by a security guard of a rubber plantation in Kompong Cham. In other cases, as the UN Special Representative noted in December 2003, armed guards hired by companies managing concessionaire have threatened and intimidated local villagers³³. For remote populations, armed guards represent an especially powerful and threatening presence.

In a recent case involving local people, in November 2004, villagers were injured in a grenade attack while protesting operations by land and timber company Pheapimex to clear more than 300,000 hectares of land for a eucalyptus plantation in Pursat province. In a discouraging sign the police immediately suggested the attack was “some sort of game” and an effort to tarnish Pheapimex’s reputation, and that the protesters might have thrown the grenade at themselves.³⁴ In another incident in November, a Kratie province villager was beaten by an RCAF soldier after attempts by local people to stop military-linked illegal logging in the Snuol Wildlife Sanctuary.

Forestry and land rights are fundamental to the livelihoods of rural Cambodians and government concession policies continue to have gravely damaging consequences, leading to dispossession and impoverishment of local people – to use a Khmer phrase, they are “Eating the Kingdom”³⁵. NGOs and local groups who have attempted to draw attention to these issues, particularly local people who have a right to be consulted on how natural resources are managed, have not only been sidelined but threatened and assaulted.

iv. Trade Union Leaders

A very worrying recent pattern of threats has been the intimidation and assassination of labor leaders in Cambodia. On January 22, 2004 labor leader Chea Vichea, founder and president of the Free Trade Union of Workers, was shot dead in Phnom Penh. Vichea was well-known for his outspoken efforts to improve working conditions in Cambodia and organize garment workers. He was also closely associated with the opposition Sam Rainsy Party (SRP). Before the killing Vichea had filed complaints with several human rights organisations, claiming that he received threatening letters and phone calls before and after the July 2003 national elections. He had also reported a death threat in the months leading up to his killing.

³² Specific details cannot be released due to the sensitive nature of the incident at present

³³ For example, Human Rights Watch reported that in June 2003 security guards from the Tomring rubber plantation company in Kompong Thom province fired shots to intimidate local villagers attempting to prevent the company from further clearing trees they used to collect resin. See: Human Rights Watch, World Report 2003 Cambodia: <http://www.hrw.org/wr2k3/asia3.html>

³⁴ The *Cambodia Daily*, Nov 15, 2004, ‘Grenade Blast Injures 8 Land Demonstrators’

³⁵ Used in the report by the Cambodia Office of UNHCHR, *Land Concessions for Economic Purposes in Cambodia*, Nov 2004

The high-profile murder of a leading defender of labor rights in Cambodia, in the aftermath of a large number of political killings in 2003³⁶, has created a climate of fear amongst all those who speak publicly in support of human rights and labor issues. These fears have been intensified by widespread doubt about the validity of the subsequent judicial and police investigation into the killing, including allegations of forced confessions from two suspects, and strong suspicions of political interference in the process. Ten months after the shooting, the two suspects continue to be illegally detained without trial, and the people behind the killing of Chea Vichea remain at large.

Fears were heightened further after a similar murder of another labor activist, Ros Sovannareth, a few months later on May 7, 2004. Sovannareth was leader of the Free Trade Union at Trininggal Komara Garment Factory, the same union as Chea Vichea, and was shot in a similar manner to Vichea: by two men on a motorcycle while driving home from the factory. On July 24 a paratrooper was arrested in this case and remains in pre-trial detention at the time of writing.

As well as these two killings, there have been other reported cases of intimidation and violence against union leaders, including an attack on the female president of the Luen Thai garment factory Free Trade union in Phnom Penh in June 2004. She was followed home by two men and attacked, accused of "being a Chea Vichea person" and left unconscious under her bed until she was found by colleagues the next day.³⁷ Factory workers demonstrating or marching in Phnom Penh in support of labor rights have been intimidated and attacked by the police on repeated occasions.³⁸

The International Federation of Free Trade Unions (IFFTU), in a submission to the International Labor Organization in October 2004, citing other cases of anti-union harassment and intimidation in Cambodia, stated that despite former improvements it believed "the level of trade union harassment has now intensified and that a concerted attack against trade unionists is carried out in a climate of total impunity."³⁹ The IFFTU suggested a connection between increased trade union harassment and a purported desire of the garment industry to reduce the strength of the trade unions in light of increased competition after the imminent end of the US quota system.

The killings of the two labor activists, and the threats and harassment of others, seriously undermines the confidence of civil society members in both their own security and their government's willingness to uphold the rule of law.

³⁶ Chea Vichea's assassination was the latest in a string of political killings in Cambodia spanning 2003: As HRW state, in 2003, "Four other political activists were killed in January, including an SRP activist in Kompong Cham province, two SRP activists in Banteay Meanchey province, and an activist for the royalist Funcinpec party in Kampot province. In May, another union leader, Ros Sovanareth, was assassinated. Those killed during 2003 included a radio journalist and popular singer, both of whom were affiliated with Funcinpec; a judge and a court clerk; and a senior adviser to Prince Norodom Ranariddh. At least 13 political party activists were killed in the run-up to Cambodia's national elections in July 2003". See: *Cambodia: Labour Leader's Murder Trial Tests Judiciary*, June 30 2004, <http://hrw.org/english/docs/2004/06/30/cambod8979.htm>

³⁷ Complaint of International Federation of Free Trade Unions to the International Labor Organisation (ILO), Oct 26, 2004 <http://www.icftu.org/displaydocument.asp?Index=991220667&Language=EN>

³⁸ For details on individuals incidents refer to the LICADHO briefing paper *Crackdown on Demonstrations in Phnom Penh Since 2003*, Nov 2004, available at www.licadho.org

³⁹ *ibid.*, Complaint of IFFTU

5. Impact of Threats on Human Rights Work

i. Human Rights Defenders

The threats detailed above are designed to intimidate, obstruct and discourage human rights workers from performing their jobs to the best of their abilities. In response to threats human rights defenders may be deterred from entering specific geographic areas, be reluctant to take on particular types of cases or be discouraged from following-up on certain investigations. Often these threats go unreported, and the only sign may be a cumulative deterioration of the protection and upholding of rights.

However, from 2004 specific examples can be cited of the impact of threats. For instance, in April, the Ratanakkiri authorities accused UNHCR of trafficking Montagnards to Phnom Penh and requested UNHCR close its office in the provincial capital Banlung. UNHCR denied the allegations, but eventually closed the office. In June, in a sign of the hostile climate in which those helping Montagnards operate, the Cambodian Red Cross stated that it “dare not” help sick and hungry Montagnard asylum seekers in Ratanakkiri province because it was worried about the potential government backlash⁴⁰.

Following the crackdown on demonstrations and gatherings in Phnom Penh, and police violence which has accompanied unauthorized demonstrations, some organizers have cancelled planned demonstrations out of fear protestors will be arrested or physically harmed. For instance, a peaceful march against rape, organized by NGOs and to be held in September 2004, was called off after permission for the march was refused. Thus the authorities’ crackdown has effectively silenced such groups from publicly voicing concerns on social and human rights issues.

On a broader level, threats to human rights defenders, when tolerated, condoned or committed by government authorities, particularly high-profile figures such as the Prime Minister, 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.

ii. Civil Society

When victims of human rights abuses see human rights defenders being mistreated, threatened and intimidated they are deterred from exercising their rights to justice. Victims become afraid to ask for help from human rights groups to seek police intervention and judicial recourse against the perpetrators. Personal efforts at seeking justice seem futile and dangerous when even staff from UN agencies and international rights groups face threats and abuse. Community members are also deterred from being seen to work with human rights organizations, or come forward with information on human rights abuses. The well-known corruption and lack of impartiality in the judiciary increases this fear.

⁴⁰ The *Cambodia Daily*, June 29 2004, Red Cross Staff ‘Dare Not’ Aid Montagnards

The 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, as illustrated by the effects of Phnom Penh's Municipality's aggressive stance against demonstrations. 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.

The key behind attacks on human rights defenders is the desire of the perpetrators of human rights violations to cover up their crimes or prevent investigation into them and thus avoid national or international censure and accountability. Without human rights defenders, victims of human rights abuses are far more likely to be coerced or intimidated into desisting from their complaints. For this reason, respecting the work of human rights defenders in Cambodia must be an important component of any efforts designed to tackle impunity and improve access to justice.

6. Recommendations

LICADHO remains deeply concerned about threats, intimidation and violence against human rights defenders. In light of the continuing pattern of abuse, LICADHO urges the following action:

The Royal Government of Cambodia

- The government must recognize the importance played human rights defenders in the development of Cambodian civil society and accept and commit to the legitimacy of human rights activity *in practice*. The current obstructive attitude coupled with paying lip service to human rights ideals is entirely unacceptable.
- The government should take immediate steps to prosecute alleged perpetrators of violence and intimidation towards human rights defenders.
- 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.⁴¹
- The government must observe the provisions of the 1999 United Nations General Assembly Declaration on Human Rights Defenders.⁴² 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 Agents

Increased collaboration of foreign governments, embassies and donors in the development of protection mechanisms for human rights defenders in Cambodia is essential and will 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.

⁴¹ 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.

⁴²United Nations, Reference: A/RES/53/144, 8 March 1999. See Annex III

Cambodian and International Human Rights NGOs

- International and Cambodian human rights organizations should discuss and establish both short and long-term protection mechanisms, including advocacy and legal protection, the establishment of emergency trust funds to enable threatened NGO workers to go into hiding as a last resort, the establishment of emergency exit procedures, and participation in a national and 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, if appropriate, 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.
- Proper documentation of all threats to the personal and professional security of human rights defenders should be encouraged and systematized to enable threats to be better publicised for the greater protection of human rights defenders, and Cambodian civil society in general. Efforts should be made to improve the monitoring and reporting of threats against non-NGO civil society actors, such as community groups.

ANNEX I: Table of Incidents to Human Rights Defenders in Cambodia 2004

Human Rights Defenders Incidents in Cambodia 2004⁴³	
Nov 25 2004	<p>Kratie villager attacked by RCAF soldier after protest against illegal logging⁴⁴</p> <ul style="list-style-type: none"> ▪ Following a search of forested areas by 200 local community forest leaders, commune officials and villagers in Snuol Wildlife Sanctuary in Kratie province on November 22 in an attempt to prevent military-linked illegal logging, one villager who joined the search is reportedly seriously beaten by an RCAF soldier in an unprovoked attack. According to a human rights worker the villager was hit on the head with a bottle and beaten unconscious. ▪ The rights worker reported that two chain saws, allegedly belonging to members of the military, were confiscated by activists from the site of freshly logged trees during the search. ▪ Villagers claim the attack was part of a widespread campaign of harassment against community forestry activists by soldiers and RCAF officials. One villager reported that soldiers threatened to shot villagers in the legs and that the harassment left the villagers terrified and reluctant to continue fighting to stop illegal logging.
Nov 15 2004	<p>Prime Minister denounces and threatens unidentified human rights defender⁴⁵</p> <ul style="list-style-type: none"> ▪ In a speech in Kompong Cham province, Prime Minister Hun Sen criticizes a human rights worker he names as “Akuk Sora”, describing him as an irate critic who often attacked Cambodia’s human rights record on the radio, reported <i>The Cambodia Daily</i>. Hun Sen states “Some foreign radios and foreigners buzz with him. They are jobless [in their country], so they try to do [human rights work]. If they did not cry like this, how could they get money”. ▪ The Prime Minister also said, referring to the rights worker: “He targets curses against Hun Sen. But it’s no problem for Hun Sen. Let him do it. A person who does like this, he would get sin at anytime” and “If one does merit, one gets merit; do sin, get sin”
Nov 13 2004	<p>Grenade attack injures eight land concession demonstrators⁴⁶</p> <ul style="list-style-type: none"> ▪ A grenade explodes amongst a group of villagers in Pursat province, peacefully protesting against land and timber company, Pheapimex, which is preparing to clear more than 300,000 hectares of land to make way for a eucalyptus plantation. The grenade explodes during the night close to a group of sleeping protestors, injuring eight, three of whom suffered serious shrapnel wounds. Six are taken to hospital in Phnom Penh. ▪ Police immediately suggest the attack was “some sort of game” and an effort to tarnish Pheapimex’s reputation, and that the protesters might have thrown the grenade at themselves. Human rights workers at the scene report suspicious police movements on the night of the attack. ▪ The protestors are part of an ongoing demonstration by several hundred people which began on November 12, after villagers learned Pheapimex is restarting its operations halted after protests in 2001.

⁴³ Incident information gathered from: LICADHO reports and monitoring documents, the Cambodia Office of the UN High Commissioner for Human Rights, interviews with human rights defenders, media reports, Human Rights Watch and ADHOC’s Annual Report

⁴⁴ *The Cambodia Daily*, Nov 27-28 2004, ‘Logging Dispute Leave Villager Hospitalized’; Nov 29 2004 ‘Villagers Say Soldiers Threatening Activists’

⁴⁵ *The Cambodia Daily*, Nov 16 2004, ‘PM Denounces Unidentified Rights Worker’

⁴⁶ *The Cambodia Daily*, Nov 15 2004, ‘Grenade Blast Injures 8 Land Demonstrators’; Nov 16, ‘Police Considering Arrests for Grenade Attacks’

Nov 4 2004	<p>Threatening language used by military police officer against LICADHO and client⁴⁷</p> <ul style="list-style-type: none"> ▪ LICADHO staff from the Sihanoukville office help write a complaint and offer legal advice to an individual who approaches the office and they accompany the man to the military police to try to resolve the problem. ▪ However the military police officer gets angry and blames the individual with the complaint because he has approached LICADHO. The military police officer says human rights organizations are good for nothing and are only good at inciting people.
Nov 1 2004	<p>Soldier threatens local people and demands identities of rights workers⁴⁸</p> <ul style="list-style-type: none"> ▪ In Damnak Sdreach area, O Chheu Teal, Sihanoukville province a soldier responsible for guarding the land belonging to the official His Excellency Pol Saroeun begins shooting into the air, and threatening people living in the area. After the neighbors inform human rights organizations about his activities the soldier shouts at them to tell him the names and identities of the human rights workers saying he wants to shoot and punch them.
Oct 26 2004	<p>ADHOC and KKKHRA staff members threatened during investigation⁴⁹</p> <ul style="list-style-type: none"> ▪ An ADHOC coordinator and a KKKHRA investigator are threatened by police in Takeo province and ordered to stop their investigation into the murder of a handicapped person, killed in his house on October 26.
Oct 19 2004	<p>LICADHO monitor in Kampong Cham threatened after working on case⁵⁰</p> <ul style="list-style-type: none"> ▪ Following the death of a patient at the hands of a doctor in Bost Khnor commune, Chamkar Leu district, Kampong Cham province, on September 9, the patient's widow visits LICADHO for advice. She decides to file a court case against the doctor and demand 4 million riel in compensation. ▪ After case is sent to the central office of the justice department in Kg Cham the LICADHO monitor working on the case receives a threatening phone call from an anonymous caller who says: "You are like an insect who does not understand the fire. You know that in Cambodia if you have a lot of money you can do anything, even order ghosts to do things". The caller indicates he works for the cabinet of ministry but does not give his name.
Oct 11 2004	<p>Mondolkiri villagers threatened and accused of aiding Montagnards⁵¹</p> <ul style="list-style-type: none"> ▪ Five villagers in Mondolkiri province, including one temporarily hired as a translator by UNHCR, request protection from human rights workers after they are reportedly threatened by local authorities for assisting UNHCR and Montagnard asylum seekers.
Oct 4 2004	<p>Christian World Service staff member shot dead in Phnom Penh⁵²</p> <ul style="list-style-type: none"> ▪ Mrs. Mey Meakea, Cambodia Program Manager for Community Development of Christian Church World Service (CWS) is killed by an unknown assailant as she is traveling home by motorbike taxi. ▪ Mrs. Meakea had worked with CWS Cambodia for two years and was a well-respected figure amongst civil society practitioners who devoted her life to working to improve the lives of disadvantaged children and poor rural communities. She also worked on issues of micro-disarmament and anti-corruption. A police investigation is currently underway.
Sept 23 2004	<p>KKKHRA worker in Stung Treng province told to report to police station⁵³</p> <ul style="list-style-type: none"> ▪ A staff member of Khmer Kampuchea Krom Human Rights Association (KKKHRA)

⁴⁷ Unpublished LICADHO monitoring report

⁴⁸ Unpublished LICADHO monitoring report

⁴⁹ Information received from Cambodian Human Rights Action Committee, Nov 12, 2004

⁵⁰ Unpublished LICADHO monitoring report

⁵¹ Information received from HRW via email, Nov 24, 2004; *The Cambodia Daily*, Oct 11, 2004, '5 Accused of Aiding Montagnards Seek Help', Oct 13, '2 Accused of Helping Montagnards Protected'

⁵² UNCOHCHR internal case list, *Human Rights Defenders Cases in 2004*; Letter from NGO Forum and CCC to Government Ministries, Oct 18, 2004

⁵³ Unpublished LICADHO monitoring report

	<p>accompanies a trainer to conduct training in Kang Cham village, Kang Cham commune, Stung Treng province. After the training session is underway the staff member leaves to travel back to his office but at the edge of Kang Cham village he is told by Lay Mao, deputy police officer, that he must go and see the chief of the police post, Kun Keoun.</p> <ul style="list-style-type: none"> ▪ When the KKKHRA staff member arrives at the police post he is told that the chief police officer does not in fact want to see him. Lay Mao says “regardless of where you are coming from, no matter how high your rank is, you must inform the local authority” and he asks the KKKHRA staff member for an authorization letter. The staff member is released 10 minutes later after the intervention of the KKKHRA coordinator based in the Stung Steng office.
Sept 14 2004	<p>Arrest of journalists and rights worker covering enforcement of land settlement⁵⁴</p> <ul style="list-style-type: none"> ▪ Around 100 police and military carrying out an eviction order in Poipet Commune, Banteay Meanchey Province beat and kick about 200 protesters from 250 families who were ordered to leave the land, forcibly removing them from their houses and arresting one representative. Leaders of the group of families go into hiding after the protest, fearing arrest. ▪ During the proceedings three journalists and a human rights worker are arrested, and some of their equipment confiscated. A reporter for the Khmer newspaper, Thngei Nis, says he was handcuffed at gunpoint after taking a picture of police and military police pushing a women into a ditch and his camera, tape recorder, telephone and cassette were confiscated and film destroyed. ▪ A staff member from the Cambodian Center for Human Rights is arrested for twenty minutes and his camera, hand phone and document bag are confiscated.
Sept 2004	<p>NGOs come under attack from logging concession company⁵⁵</p> <ul style="list-style-type: none"> ▪ Two NGOs come under attack from a logging concession company for publishing a report on recently-released forest concession management plans. The company copies its accusations, which include the belief that the NGOs are involved in political plots against the Cambodian government, to the courthouse and government departments
Aug 31 2004	<p>Defamation lawsuit against Kem Sokha, Director of CCHR⁵⁶</p> <ul style="list-style-type: none"> ▪ Prince Norodom Sirrivudh, Secretary General of the Funcinpec party, on behalf of his president, Prince Norodom Ranariddh, files a lawsuit against Kem Sokha, Director of the Cambodia Centre for Human Rights, on 31 August 2004. The lawsuit relates to an interview Kem Sokha gave with the FM105 radio when he claimed that the government deadlock following the July 2003 elections had been resolved after an airplane was given to Prince Ranariddh by Prime Minister Hun Sen. ▪ The Funcinpec party demands that Kem Sokha pay compensation of 100,000,000 riel. Kem Sokha is summoned to appear in court on 15 September and as of November 2004 the case is still under investigation by the judge. ▪ Kem Sokha said “This is a kind of threat against me not to criticize [Funcinpec party]”
Aug 24 2004	<p>UNHCR denied access to Montagnard asylum-seekers in Ratanakkiri⁵⁷</p> <ul style="list-style-type: none"> ▪ The UNHCR is refused permission to access the O’Tang and O’Leav areas of Lumphat district, Ratanakkiri province where 17 Montagnard asylum seekers are reported to be hiding and short of food, UNHCR staff reported.
Aug 9 2004	<p>Police with electric batons beat villagers protesting arrest over land-grabbing⁵⁸</p> <ul style="list-style-type: none"> ▪ Police with electric batons beat and kick a group of around 300 villagers protesting along National Route 4 in Kompong Speu province against the arrest of a village leader whom they say is innocent, following a long-running land-grabbing dispute

⁵⁴ The *Cambodia Daily*, Sept 15, 2004, ‘Police Accused of Violence at Poipet Eviction’, Sept 17 2004, ‘Leaders of Poipet Homeless Families in Hiding’; Unpublished LICADHO monitoring report

⁵⁵ UNCOHCHR *ibid*

⁵⁶ UNCOHCHR *ibid.*; The *Cambodia Daily*, Sept 3, 2004, ‘Rights Group Leader Latest Legal Target’

⁵⁷ The *Cambodia Daily*, Aug 25, 2004, ‘UNHCR Denied Access to Asylum Seekers’; information received from HRW via email

⁵⁸ Unpublished LICADHO monitoring report, The *Cambodia Daily*, Aug 10 2004, ‘Groups Say Police Beat Protesting Villagers’

between the villagers and the secretary of state of the Ministry of Women's and Veteran's Affairs, You Ay.

- Previously, on August 7, provincial police arrested the village leader and two other men whom You Ay accuses of plotting to grab hundreds of acres of her land.
- On August 9, police and military police block villagers attempts to protest outside Kompong Speu Provincial Court so the villagers block National Route 4. Police and military police then begin to beat and kick the protesters, according to the villagers and representatives from ADHOC and LICADHO. At least three people are seriously injured, including a deaf boy and a physically handicapped man, and are taken to hospital.
- The police claim the villagers attacked the police with sticks and knives, but human rights workers present said the villagers carried no weapons. Provincial Deputy police Chief Chea Vuth denies his officers beat the protesters but reportedly says: "Military police beat the villagers in order to maintain traffic order"

**Aug 7
2004**

Travel restrictions on journalists covering Montagnards in Ratanakkiri⁵⁹

- Reporters traveling by car between Banlung town and Bokeo district town in Ratanakkiri province are stopped at a police checkpoint and notified that access to areas beyond the police post is closed to journalists reporting on Montagnards.

Aug 2004

Contract-killing reportedly taken out against senior-level staff member at AFESIP⁶⁰

- A senior-level staff member of the NGO Agir pour les Femmes en Situation Précaire (AFESIP) receives numerous threatening phone calls. When the staff member speaks to Phnom Penh Municipal police officials they warn the staff member that they have received information that two contracts have been taken out to kill the staff member. As a result the staff member leaves Cambodia temporarily. Threats were also made against AFESIP in March 2003.

**July 25-7
2004**

Asylum-seekers detained while traveling with ADHOC and journalists⁶¹

- On July 25 boats carrying the provincial director of ADHOC human rights group, who is escorting a group of 17 Montagnard asylum seekers to Banlung, Ratanakkiri province, are stopped by RCAF armed soldiers. Two journalists (the editor-in-chief of *The Cambodia Daily* and a Radio Free Asia reporter) are also traveling with the group.
- The RCAF chief says he does not have authorization to allow the boats through and the asylum seekers are detained for two days. The ADHOC official and two journalists remain with the detained asylum seekers at the military post on the Sre Pok river until the group is allowed to travel to Banlung on July 27. The asylum seekers are then admitted to the UNHCR site in Banlung.
- On July 26, Long Visalo, secretary of state at the Ministry of Foreign Affairs, accuses ADHOC, Radio Free Asia and *The Cambodia Daily* of exploiting the Montagnards for "political motivations" and "luring" them across the border.

**July 13
2004**

Montagnard sympathizers flee into Ratanakkiri jungle fearing arrest⁶²

- Six ethnic Jarai minority members from O'Yadao district in Ratanakkiri province join Montagnard asylum seekers in the jungle out of fear of being arrested by the police for providing aid to Montagnards, human rights workers reported. A seventh Jarai man seeks shelter at the provincial office of human rights group ADHOC. The men's flight followed tip-offs and the expiry of a five-day ultimatum for villagers to inform the authorities of the locations of Montagnards in hiding and after reported threats by the authorities to arrest those helping asylum seekers. The authorities deny planning to arrest the men.
- Villagers also report that district officials called meetings in several Jarai villages where they issued warnings against villagers giving assistance to asylum seekers. O'Yadao district chief, Bun Than, reportedly warned that villages would be sealed off

⁵⁹ *The Cambodia Daily*, August 9, 2004, 'Reporters covering Montagnards Restricted'

⁶⁰ Information received from AFESIP via email, Oct 28, 2004

⁶¹ *The Cambodia Daily*, July 28, 2004, 'Detained Asylum Seekers, Journalists Freed'

⁶² *The Cambodia Daily*, July 14, 2004, 'Montagnard Sympathizers Flee Into Jungle'; July 13, 'Sympathizers Defy Gov't, Help Montagnards'; July 12, 'Montagnard Sympathizers Under Threat'; information received from HRW via email

by the police and the inhabitants would be prevented from tending their jungle plantations if they helped Montagnards.

- Other villagers reported officials as saying “the police will patrol in the jungle and they will shoot the refugees and also shoot the villagers who help them”. District authorities also reportedly told villagers they would face “big problems” if they did not cooperate and that those found to be helping Montagnards would be imprisoned from three to six months.
- After intervention from the provincial office of ADHOC, Ratanakkiri Governor Kham Khouen issues a letter asserting that no reprisals will be taken against Cambodian villagers who assist Montagnard asylum seekers.

**July 6
2004**

Prime Minister calls reports of Montagnard asylum seekers a lie⁶³

- Prime Minister Hun Sen tells journalists that reports of Montagnard asylum seekers hiding in Ratanakkiri province “can be regarded as a lie and an insulting offence against the King”. He also threatens to use military force against the Montagnards. The *Cambodia Daily* reports Hun Sen “quipped that those who misled the King about the refugees should die like they do in Chinese movies”.

July 2004

Open letter to the Prime Minister accusing CWCC of extortion⁶⁴

- An open letter to Prime Minister Hun Sen is apparently sent from eight girls, victims of sexual abuse, in Siem Reap province attacking the Cambodian Women’s Crisis Center (CWCC) over its intervention in the activities of convicted pedophile Bart Lauwaert, an Australian national.
- The letter makes various accusations against CWCC including providing false evidence and extortion. The letter states the girls want to bring a lawsuit against CWCC for fraud, forgery and defamation. It is suggested the girls were encouraged to write the letter by an unknown person, possibly with using monetary incentive.
- According to CWCC, 10 young girls, aged between 11 and 18, were brought by the anti-human trafficking police to seek shelter at CWCC in Siem Riep province in August 2002. The girls were rescued from Bart Lauwaert’s house after sexual abuse by Bart, and a friend, Betteridge Clinrex.

**July 25
2004**

CWCC Monitoring supervisor attacked by unknown assailant⁶⁵

- A Monitoring Supervisor from Cambodian Women’s Crisis Centre (CWCC) is attacked by an unknown person while driving his motorbike home. He is assaulted and the assailant throws him into bushes. Afterwards the Monitoring Supervisor manages to walk to seek help from villagers and is taken to hospital in Siem Reap.

June 2004

Accusations against BPS Director by Preah Vihear authorities⁶⁶

- The director of Buddhism for Progressive Society (BPS) is threatened by the Preah Vihear provincial authorities, in particular the provincial governor, who makes accusations against him to the country representative of NGO Forum during their official meeting in early June 2004. The governor also accuses the BPS Director of political bias because he organized community groups to join the demonstration in Phnom Penh on 5th December 2002⁶⁷ and says that he was responsible for the death of village chief, Mr. Hem Sao. The governor claims to have received a letter of complaint from the wife of the victim who died regarding the filing of a lawsuit, and that the director is under investigation.
- In July, a team from OHCHR-Cambodia office and the BPS board of directors visits the province and makes enquiries into the governor’s allegations. The team finds no grounds to support the accusations, and regarding the death of the village chief, no

⁶³ The *Cambodia Daily*, July 7, 2004 ‘PM Threatens To Use Army on Montagnards’

⁶⁴ UNCOHCHR *ibid*.

⁶⁵ Information received from CWCC via email, Oct 29, 2004

⁶⁶ UNCOHCHR *ibid*.; report from BPS board on the issue

⁶⁷ Community representatives from half a dozen provinces where logging concessions are located have pushed for months for the Department of Forestry and Wildlife (DFW) to allow a public review of forestry concession management plans. On December 5, 2002 they were gathered outside the Forestry Department to waiting for a response and law enforcement official used excessive violence to disperse the community representatives. One village chief from Preah Vihear province who was present died a few hours afterwards at a guesthouse

	one from his family had filed a lawsuit and the chief was not married.
June 10 2004	<p>Travel restrictions imposed on all NGOs in Ratanakkiri province⁶⁸</p> <ul style="list-style-type: none"> ▪ Ratanakkiri provincial officials order that all nongovernmental agencies in the province must now request permission to leave the province. This restriction follows the prevention of NGO and community group members from traveling to Phnom Penh on June 8/9.
June 8/9 2004	<p>NGO and community group travel movements restricted in Ratanakkiri⁶⁹</p> <ul style="list-style-type: none"> ▪ On June 8, a car carrying seven Ratanakkiri community representatives and two Sesan Protection Network Project staff to Phnom Penh is stopped by police in Kratie and the passengers are requested to show their ID cards. None of the group are carrying ID cards with them but explain they are traveling to Phnom Penh to attend environmental meetings organized by NGO Forum and to meet relevant Cambodian Ministers to discuss dam construction. The police contact Ratanakkiri Provincial Governor Kham Khoeun who refuses to allow the group to continue their journey ▪ The Governor later agrees to allow the group to continue if he is brought a letter of notification from a Sesan representative in Ratanakkiri. On June 9 Sesan staff in Ratanakkiri take a letter of notification to the Governor but he refuses again to agree to the request and says if the NGO staff leave the province they will be arrested. He also demands that in future the group ask permission before traveling out of Ratanakkiri province. ▪ Hor Ang, deputy police chief of Ratanakkiri, says the Governor's actions are "a warning to the NGOs".
June 5 2004	<p>Prime Minister accuses Global Witness of lying in logging report⁷⁰</p> <ul style="list-style-type: none"> ▪ Prime Minister Hun Sen accuses forestry watchdog, Global Witness, of lying in a new report that describes illegal logging in Kompong Thom province. The report accuses the military of running an illegal logging operation in Santuk district inside a forestry concession controlled by Pheapimex-Fu Cha Cambodia Co. Ltd. Hun Sen tells reporters "Global Witness has lied before and today they are lying again"
May 28 2004	<p>Travel restrictions and surveillance of ADHOC staff in Mondulkiri⁷¹</p> <ul style="list-style-type: none"> ▪ ADHOC staff in Mondulkiri province, and in Phnom Penh, try to access the border in Pech Chhreada district on several occasions without success. There are reportedly 13 checkpoints lining the last three or four kilometers to the border. Armed forces deployed at the checkpoints stop the staff and ask why they are traveling. The staff are told they would only be allowed to go near the border area if they possess authorization papers from the provincial authorities. ▪ The ADHOC office and staff in Mondulkiri province also report surveillance by police from the provincial Intervention Department. Police have reportedly been watching the ADHOC office since May 28, 2004.
May 10 2004	<p>Legal action threat against CWCC regarding Vietnamese prostitutes⁷²</p> <ul style="list-style-type: none"> ▪ Juvenile protection police officer, Touch Ngim, from the Ministry of Interior threatens legal action against the Cambodian Women's Crisis Center (CWCC) after 10 Vietnamese prostitute girls (aged 9 to 16) who were rescued from a Phnom Penh brothel in April run away from the CWCC shelter. ▪ The officer accuses CWCC of allowing the girls to run away and says he is concerned the girls' testimony, which would be the key evidence against the brothel's owner and manager, could no longer be submitted. "If I cannot find [the girls] I will file a lawsuit against this NGO for allowing the girls to run away" Touch Ngim said. CWCC says that it cannot keep the girls confined against their will.
May 9	Intimidation of LICADHO coordinator and family in Kompong Thom province⁷³

⁶⁸ The *Cambodia Daily*, June 11, 2004, 'NGOs Must Get Gov't OK to Leave Ratanakkiri'

⁶⁹ UNCOHCHR *ibid.*; The *Cambodia Daily*, June 11, 2004, 'NGOs Must Get Gov't OK to Leave Ratanakkiri'

⁷⁰ The *Cambodia Daily*, June 7, 2004, 'Hun Sen Says Global Witness Lied in Report'

⁷¹ UNCOHCHR *ibid.*

⁷² UNCOHCHR *ibid.*; The *Cambodia Daily*, May 11, 2004, 'Center Assailed for Letting Sex Workers Flee'

- May 7
2004

 - A LICADHO coordinator and his family, at a restaurant in Srayov village, Srayov commune and district, notice being closely observed, and talked about in an intimidating manner by two men (no one else is present in the restaurant). The family leave the restaurant and as they do so one of the men appears to want to follow them, but is held back by his colleague.
 - The next day LICADHO workers discover one of the men is the security officer to the Police Commissioner and the other is a tourist officer of the Police Commissioner. LICADHO staff then inform the Police Commissioner of this behavior and disciplinary action was reportedly taken against the two men.

Summoning and questioning of UN staff member by Ministry of Interior⁷⁴

 - A Cambodian U.N. staff member receives a summons from the Ministry of Interior (MoI), requiring him to present himself for questioning regarding a complaint filed against him. The staff member goes to the Ministry, accompanied by his supervisor, a senior international U.N. officer.
 - Despite strong intervention from the supervisor in regard to the staff person's immunity as an employee of the United Nations, MoI officials insist on questioning the staff person for four hours, including one hour when his supervisor is out of the room. He is then allowed to leave. Later the MoI drops the case against the staff person.
- May 7
2004

Killing of Free Trade Union factory leader Ros Savonnareth⁷⁵

 - Ros Sovannareth, the Free Trade Union leader of Trinunggal Komara Garment Factory (the same union Chea Vichea belonged to) is shot dead by two men on a motorcycle while driving home from the factory.
 - The police investigation focuses on a conflict last year between Ros Sovannarith's Free Trade Union and the Cambodian Union Federation, which is viewed as a pro-government union. In July, police arrested and charged a member of a military paratroop unit with Ros Savonnareth's murder. Investigations are continuing.
- May 2004

Death threat against senior staff at Cambodian National Research Organization⁷⁶

 - An anonymous letter directed to a senior-level staff member at the Cambodian National Research (CNRO) threatens him for his strong verbal criticism of the Cambodia's leaders. It warns him not to criticize the leaders on radio and not to appear at public events. Following the threat the staff member files a complaint with the Ministry of Interior and the Municipal Police Commissioner.
- Apr 27
2004

Travel restrictions and journalists detained in Mondolkiri province⁷⁷

 - Mondolkiri police officials restrict travel in eastern Pech Chhreada district, an area where Montagnard refugees have crossed into Cambodia. Police say Pech Chhreada district is now closed to outsiders and official permission is required to travel in the area.
 - On April 27 Mondolkiri police detain two newspaper reporters in Bou Sra town, Bou Sra Commune, Pech Chhreada district for almost one hour. The reporters are followed by an RCAF soldier when they enter the town and are later ordered to the district governor's office where they are questioned about their purpose of travel by Yim Mak, Pech Chhreada deputy district police officer before being allowed to leave the district.
 - On May 4 the French-language newspaper *Cambodge Soir* also report that well-armed security forces stopped one of its reporters from traveling north about 40km from the provincial capital Sen Monorom, and ordered them to turn back.
- Apr 22,

Ratanakkiri Authorities accuses UNHCR of human trafficking⁷⁸

⁷³ Unpublished LICADHO monitoring report

⁷⁴ UNCOHCHR *ibid.*; Information received from HRW via email, Nov 24, 2004. Specific details cannot be reported due to the sensitive nature of the case.

⁷⁵ UNCOHCHR *ibid.*

⁷⁶ UNCOHCHR *ibid.*

⁷⁷ The *Cambodia Daily*, May 5, 2004, 'Gov't Denies Travel Ban, Despite Restrictions', April 30, 2004, 'Police Restrict Access to Vietnamese Border'

- Apr 9
2004**
- Ratanakkiri Governor, Kham Khoeun, accuses UNHCR of trafficking Montagnards to Phnom Penh. The authorities also request that UNHCR close its office in Banlung, Ratanakkiri. The UNHCR country representative states that the accusations are baseless, but UNHCR eventually close their Banlung office.
- Harassment and surveillance of Global Witness staff member⁷⁹**
- While investigating a scam involving the sale and transport of illegally logged wood a Global Witness staff member begins receiving strange phone calls and on April 9 unknown men look for the staff member at the residence of the staff member's mother. As the staff member no longer lives there the staff member's sister says the staff member is not around.
 - All the documentation collected by Global Witness, including the report on the case, had been passed to Phnom Penh Post to be publicized (the story had previously been run by Koh Sontepheap who were harassed afterwards). The documentation also somehow found its way to the Chief of Cabinet of the Senate President.
 - The Global Witness staff member is worried about safety because although the staff member's name does not appear directly in the report all the sources the staff member spoke to know the staff member's identity.
- Mar 25
2004**
- League of Cambodian Journalists reports beating and harassment of journalists⁸⁰**
- The League of Cambodian Journalists reports harassment or beating of three local journalists in recent months.
 - On March 19 the editor of the Pohna Vorn Khmer (Khmer Intellectual) newspaper is allegedly beaten by guard employed by Duty Free Stop Co.
 - On February 23 a Ponleu Samaki (Light of Solidarity) newspaper photographer is allegedly beaten by a Kirirom National Park chief as he tries to photograph illegal logging the park.
 - On January 30 a reporter for the Kompong Cham province branch of The League of Cambodian Journalists alleges he was threatened and his camera confiscated by a security guard of the Chamka Andoung rubber plantation.
- Mar 18
2004**
- Government accuses UNHCR of 'arrogance' and illegal activities⁸¹**
- An Interior Ministry document, sent to UNHCR, accuses the UN agency of secretly moving Montagnards from border areas of Vietnam to Phnom Penh and of "violating the sovereignty of the Kingdom of Cambodia". The document is titled "Aide Memoire on Illegal Activities of the UNHCR in Cambodia". The human rights NGO, ADHOC, and the Christian and Missionary Alliance (CAMA) are also referred to in the accusations.
 - A Foreign Affairs Ministry statement calls the refugee office "arrogant" and states that "UNHCR still continues to hide its agents along the border of Mondolkiri and Ratanakkiri provinces so as to lure and gather the Vietnamese Montagnards"
- Feb 10
2004**
- Human rights workers threatened in Kampot province land dispute⁸²**
- After ADHOC and LICADHO staff visit Damnak Trach village in Kompot district to investigate land grabbing, two policemen with rifles are reported waiting to ambush them as they leave the village. The two staff members then take a different route back. Afterwards the two policemen reportedly angrily approach the villagers saying "I will shoot [the rights workers] to death if I see them".
- Jan 24
2004**
- Telephone threat against IRI staff member after labor leader killing⁸³**
- An International Republican Institute (IRI) staff member receives a telephone threat at his office from an anonymous man two days after the killing of Chea Vichea. The caller keeps asking, in a threatening manner, "how long have you been working for this organization?" The member of staff repeatedly asks the man who he is and

⁷⁸ UNCOHCHR *ibid.*, The *Cambodia Daily*, Apr 23, 2004, 'UN Is Accused of Smuggling Montagnards'

⁷⁹ UNCOHCHR *ibid.*

⁸⁰ The *Cambodia Daily*, March 25, 2004, '3 Journalists Report Recent Harassment'

⁸¹ The *Cambodia Daily*, April 9, 2004, 'Gov't Accuses UNHCR of being "Arrogant"'

⁸² Unpublished LICADHO monitoring report

⁸³ UNCOHCHR *ibid.*

conversation, consisting of these two questions, continues for about three minutes. Finally the staff member tells the caller he has been working at IRI for a long time. The caller then replies "You are too arrogant!" (chhloeuy nas)" and hangs up.

- The member of staff had been seen accompanying IRI's resident program director to the place where Chea Vichea was shot to death and also went to Preah Puth Pagoda when police took the body there. The staff member also assisted IRI's program director with interpretation and helped distribute food to people who gathered at the union office and talked to people from opposition party who were present at the union office.

**Jan 22
2004**

Contract-style killing of Free Trade Union leader Chea Vichea⁸⁴

- Chea Vichea, President of the Free Trade Union of the Workers of the Kingdom of Cambodia, is shot dead at close range by an unknown assailant in a contract-style killing at around 9am while he is reading at a newspaper stand. The gunman escapes on the back of a motorcycle driven by an accomplice. Several days after the killing police arrest two suspects. However, major inconsistencies in the police case and allegations of forced confessions lead human rights groups to condemn the conduct of the official investigation. Ten months later, the two men remain illegally detained without trial, and the people behind the killing of Chea Vichea remain at large.
- Prior to his death, in July 2003, Chea Vichea received a death threat by telephone. Police told Chea Vichea that they knew who sent the message to him but that they could do nothing because the person was connected to high ranking people. Chea Vichea went into hiding on the police advice but he resumed normal activity after about one month, keeping a lower public profile. He remained concerned that he would be killed.

**Jan 7
2004**

Threats against journalists covering Khmer Front Party demonstration⁸⁵

- Journalists present at a demonstration in front of the National Assembly by students from the Khmer Front Party, against CPP-organized celebrations of the anniversary of Vietnam's ousting of the Khmer Rouge, are told by the police to leave the scene or face "action" if they do not stop reporting on the demonstration crackdown.
- Police later block off the street outside the Khmer Front Party offices, herding activists inside their building. Daun Penh district Deputy Police Chief Svay Thuon threatens to confiscate one reporter's tape recorder and notebook. He claims journalists are responsible for the protesters' shouts and are disturbing the peace.

⁸⁴ UNCOHCHR *ibid.*

⁸⁵ Unpublished LICADHO monitoring report, Jan 7, 2004, 'Khmer Front demonstration Anti 7-January'; Human Rights Watch Cambodia

Overview, January 2004, <http://hrw.org/english/docs/2004/01/21/cambod6974.htm>; The Cambodia Daily, Jan 8, 2003, 'Police stop Khmer Front's Anti-Jan 7 Rally'