

Political Control, Human Rights, and  
the  
UN Mission in Cambodia

**September 1992**

**Asia Watch**

**A Division of Human Rights Watch**

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## **INTRODUCTION**

**Cambodia is unique, in both the extent of destruction it suffered under the Khmer Rouge and in the extent of international involvement in the effort to end its civil war and aid its reconstruction. The United Nations has embarked on its most ambitious project ever there, in terms of both expense and scope, and the exercise will undoubtedly exert great influence on how the UN is used in the settlement of other conflicts around the world. The centerpiece of the Cambodian peace settlement, "free and fair elections," is predicated on the success of a series of steps designed to ensure an atmosphere of political neutrality that will allow Cambodians to choose their own government, free from the control of any one of the four parties to the conflict: the Phnom Penh-based State of Cambodia (SOC); the Khmer People's National Liberation Front (KPNLF) nominally headed by former Prime Minister Son Sann; the United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC), loyal to Prince Norodom Sihanouk; and the Party of Democratic Kampuchea, better known as the Khmer Rouge.**

**None of these parties has a democratic tradition or a reputation for respecting fundamental freedoms or independent civil institutions. The Khmer Rouge have far and away the worst human rights record and they show little sign of real change in their policies, making evidence of their increased infiltration into Cambodian villages all the more alarming. FUNCINPEC and the KPNLF, often grouped together as the "non-communist resistance" are no paragons of democratic virtue. Both parties kept tight control over the Cambodians living in refugee camps they administered along the Thai border, where "justice" was dispensed at the whim of military strongmen acting through camp leaders. Both appear to be trying to retain that control by encouraging and intimidating refugees to return to territory they control inside Cambodia. Until last year, the SOC was run as a classic one-party socialist state, with imprisonment the consequence for advocating political reforms.**

**Given the history of political control and human rights abuses, what must the UN do to ensure political neutrality before the elections, and respect for human rights both during the current transition period and thereafter? This report identifies some of the underlying conditions and institutions each party exploits to perpetuate control, and how foreign interests affect that control. It highlights safeguards that should be in place to ensure the abuses of the past are not repeated, either against those returning to Cambodia from the border camps or those who never left.**

**To accomplish its task, the UN must balance its role as mediator among hostile parties and guardian of basic human rights. This would be difficult enough under the best of circumstances, but the United Nations Transitional Authority in Cambodia (UNTAC), the body set up to guide the country through its transition to a freely-elected government, is in a race against time. Elections are now scheduled for May 1993. Before they are held, there is supposed to be a ceasefire, disarmament and demobilization of 70 percent of the four parties' armed forces, repatriation of all 360,000 Cambodians in the Thai border camps, electoral registration, the rebuilding of at least a portion of the country's shattered infrastructure, the reconstruction of a judicial system and the incorporation of human rights standards into laws and practice. Even before the Khmer Rouge showed its unwillingness to cooperate, the peace plan was criticized for promising too much, too quickly, and there have already been compromises and adjustments as reality sets in.**

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**This report discusses both ongoing abuses related to the struggle for political control and underlying conditions which may serve to restrict basic freedoms in the future. It is based on a visit to Cambodia and Thailand in April and May 1992 by an Asia Watch delegation which included Aryeh Neier, executive director of Human Rights Watch, and research associates Therese Caouette and Dinah PoKempner. The delegates interviewed UN personnel, representatives of the four Cambodian parties, diplomats, voluntary agency workers and ordinary Cambodians.**

**The report begins by examining the human rights provisions of the Paris accords and the gradual deployment of UNTAC personnel to implement those provisions. It then examines how political control is exerted by each of the four parties, and the dilemmas the UN faces as a result.**

**The cooperation of the SOC government, which controls over 80 percent of the territory of Cambodia, is critical to the success of the UN mission. The Phnom Penh government happens to be the target of most of the human rights complaints received so far by UNTAC, simply because both UNTAC and other foreign observers have much better access to SOC-controlled territory than to the territory controlled by the other three factions. UNTAC is therefore reluctant to embarrass the government through public reporting of investigations. But in the absence of an established free press, there are few other means to expose attempts at intimidation and counter their effects.**

**UNTAC must rely upon the SOC administration to maintain basic services and order during the transition period. There are aspects of the administration, however, that require far-reaching reform, including the courts, police, and prisons. An important issue of SOC control that UNTAC has yet to address is that of the political dossiers that the Phnom Penh government keeps on all citizens who apply for identity cards. These cards, and the dossiers to which they are coded, are used as controls on employment, residence and movement.**

**The report then looks at the pattern of control established through violence and coercion in the major KPNLF and FUNCINPEC border camps, Site 2 and Site B, which the UN Border Relief Operation (UNBRO) historically has had very little ability to stop. Camp leaders appear to be trying to recreate that pattern in the "zones" they control in Cambodia, in part by encouraging speedy repatriation there from the camps. If an independent and professional justice system is lacking in the SOC, there are no civil institutions of any kind in the zones, heightening concern about whether or how well the human rights of returning refugees can be protected. The issue has taken on particular urgency as the UN begins itself to sponsor returns to the zones in the face of a shortage of available land to resettle refugees in the rest of Cambodia.**

**The Khmer Rouge present at once the most obvious and the most intractable problem of political control, as they obstruct the implementation of the UN plan, deny access to their strongholds, prevent close contact with outsiders, and proceed quietly with political infiltration at the village and district level in Cambodia. UNTAC has tried to address the party's allegations of a Vietnamese military presence by creating border posts and mobile investigatory units, while steadfastly condemning Khmer Rouge violations of the cease-fire and its attempts to incite racial violence.**

**But it is the international community, not UNTAC, that has the power to fashion effective sanctions that might move the Khmer Rouge to cooperate. Persuading Thailand to cut off the Khmer Rouge's ability to trade across the Thai-Cambodia border is one such option. If the Khmer Rouge refuse to demobilize, the**

**prospect of securing human rights in Cambodia may be severely compromised, whether the accords are implemented in the rest of Cambodia or renegotiated. The establishment and defense of freedom of speech, assembly, association, movement, not to mention politically neutral administration and law enforcement, will be vastly more difficult under conditions of a guerilla insurgency or renewed civil war.**

**The report then examines four other particular challenges to the UN establishing political neutrality and protecting human rights: repatriation, racial violence, removal of land mines, and foreign interests in the Cambodian political struggle. In all these areas, there are strong pressures to compromise neutrality and protection to gain cooperation from various parties to the peace agreements.**

**Asia Watch concludes by urging the UN to move quickly to ease abusive political control by the four parties by securing the right of all Cambodians to freedom of movement and residence; ensuring that refugees have the freedom to return to their destination of choice; and protecting the rights of vulnerable minorities such as the ethnic Vietnamese. The UN should also address fundamental conditions that could lead to human rights problems, by dismantling structures that facilitate political control such as the dossier and identity card system; eliminating the need for refugees to use documents that associate them with one or another political group, such as "family books" from their camps; and more vigorously publicizing human rights investigations.**

**Asia Watch calls on the international community, and particularly the United States and Thailand, to actively assist the effort to establish political neutrality and avoid policies or programs that would undermine the efforts to give Cambodians the chance to speak, meet and move freely for what may be the first time in their lives.**

## **THE CAMBODIAN PEACE PROCESS**

### ***The Paris Accords***

**The agreements<sup>1</sup> that were to end Cambodia's civil war were signed on October 23, 1991 by eighteen nations and the four warring Cambodian parties. A resolution to the war had been sought as early as November 1987, when Prince Sihanouk and Prime Minister Hun Sen met to discuss a settlement. Discussions among all parties to the conflict continued with erratic progress over the next three years. During that period major obstacles to peace disappeared: Vietnam withdrew its forces from Cambodia, the U.S. backed off its position that the resistance hold Cambodia's seat at the UN, and China and Vietnam began a rapprochement.**

**In August 1990, the five permanent members of the UN Security Council,<sup>2</sup> who had been meeting throughout the year to discuss a Cambodian settlement, presented a "framework" document for a settlement agreement, which the Cambodian parties accepted as a basis of negotiation. The idea of the UN assuming responsibility for the civil administration of the country pending election of a new government was proposed by Congressman Stephen Solarz to Australian Foreign Minister Gareth Evans, who in turn refined the proposal that was to become a basis of the Perm Five discussions. Prime Minister Hun Sen, after initially agreeing to the framework, resisted the interpretation that UN supervision would require dissolution of the Phnom Penh government or its administrative apparatus. In November, the Permanent Five presented as a *fait accompli* draft settlement agreement, based on the principles of the framework document. This draft, subject to hard-fought revisions,<sup>3</sup> evolved into the documents signed in Paris. In it, the Cambodian parties retained responsibility for administration of the territories under their control, albeit subject to UN "supervision and control" where necessary to accomplish the ends of the settlement and ensure political neutrality.**

### **The Paris accords recognize as the sole legitimate embodiment of Cambodia's sovereignty the**

<sup>1</sup> These include the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, with Annexes; the Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia, and the Declaration on the Rehabilitation and Reconstruction of Cambodia, all signed in Paris on October 23, 1991. UN Doc. Nos. A/46/608; S/23177, 30 October 1991.

<sup>2</sup> The five permanent members, often called "Perm Five," of the Security Council, were the Soviet Union, the United States, the United Kingdom, the People's Republic of China, and France. Russia has now replaced the Soviet Union.

<sup>3</sup> Among the areas of greatest contention throughout the entire negotiation process were the following. The Phnom Penh government held out for references in the agreement to the Cambodian genocide, which in the end were deleted in favor of weaker language referring to "Cambodia's tragic recent history." The resistance parties backed elections on a nation-wide plurality system, thus guaranteeing some representation to parties that could win only a small fraction of voters in any locality, while the Phnom Penh government wished to have majority, winner-take-all elections for single seat district-level constituencies. The compromise reached calls for plurality elections for multiple seat provincial-level constituencies. Finally, the parties put forth various formulae and schedules for demobilization of armed forces, and ultimately agreed that all parties would demobilize 70 percent of their forces before the elections.

Supreme National Council (SNC), comprising representatives of all factions and headed by Prince Sihanouk.<sup>4</sup> The SNC, in turn, delegated all powers necessary to implement the accords to the United Nations Transitional Authority in Cambodia (UNTAC), headed by a Special Representative of the UN Secretary-General. The SNC advises UNTAC on matters of implementation, but it is the Special Representative's responsibility to determine if such advice is consistent with the objectives of the accord, and to comply only when it is.

As outlined in the accords, UNTAC's actual powers and responsibilities surpass those of any previous UN peace-keeping mission. UNTAC is to organize and conduct "free and fair elections," supervise and monitor the cease-fire, canton and disarm the armies, and supervise mine marking and demining. "In order to ensure a neutral political environment conducive to free and fair elections,"<sup>5</sup> UNTAC is authorized to directly control civilian administration in the areas of foreign affairs, national defense, finance, public security, information, and any other agencies that could directly influence the outcome of elections. The Special Representative has the power to remove officials, control the civil police, and override any administrative actions that work against the objectives of the agreement.

Human rights feature prominently in the text of the accords. In the absence of any explicit reference to the murderous record of the Khmer Rouge, the accords recognize that "Cambodia's tragic recent history requires special measures to assure protection of human rights and the non-return to the policies and practices of the past."<sup>6</sup> Those special measures include Cambodia's obligation to adhere to "relevant" international human rights instruments; the explicit inclusion in a new Cambodian constitution of guarantees of fundamental rights;<sup>7</sup> and a continuing monitoring role for the UN Commission on Human Rights.

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<sup>4</sup> The SNC, formed on September 10, 1990, has six representatives from the State of Cambodia (hereinafter SOC), and two from each of the three resistance factions, the Party of Democratic Kampuchea (Khmer Rouge), the Sihanoukist party, Front Uni National pour un Cambodge Independent, Neutre, Paicifique, et Cooperatif (FUNCINPEC), and the Khmer People's National Liberation Front (KPNLF).

<sup>5</sup> Agreement on a Comprehensive Political Settlement of the Cambodia Conflict (hereinafter "Comprehensive Settlement"), Section III, Article 6.

<sup>6</sup> Comprehensive Settlement, Preamble. The initiation of proceedings against the Khmer Rouge or any other parties under the Genocide Convention or other treaties is not foreclosed; indeed, the 17 non-Cambodian signatories pledged to "promote and encourage respect for and observance of" human rights as embodied in "the relevant international instruments in order, in particular, to prevent the recurrence of human rights abuses." Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia, Article 3(2)(b).

<sup>7</sup> Comprehensive Settlement, Annex 5 provides that the future constitution shall have the status of a supreme law, and may be used by individuals to protect their rights. The constitution "will contain a declaration of fundamental rights," among them the rights to life, personal liberty, security, freedom of movement, freedom of religion, assembly and association, due process and equality before the law, protection from arbitrary deprivation of property or deprivation of private property without just compensation, freedom from racial, ethnic, religious or sexual discrimination, and freedom from retroactive applications of criminal law.

Conspicuously absent from this list is freedom of speech. However, the Comprehensive Settlement obligates Cambodia "to support the right of all Cambodian citizens to undertake activities which would promote and protect human rights and fundamental freedoms." Part III, Article 15(2)(a). Presumably free speech is one of those fundamental freedoms. Moreover, all parties to the SNC have signed the International Covenant on Civil and Political Rights, thus obligating the future Cambodian government to respect freedom of speech in accordance with Article 19 of the Covenant.



The "special measures" also include unprecedented powers and duties for UNTAC. UNTAC is to develop and implement a human rights education program, exercise general human rights oversight during the period between the cease-fire and the elections, investigate human rights complaints, and where appropriate, take corrective action.<sup>8</sup>

UNTAC is given responsibility for coordinating the repatriation of Cambodian refugees in Article 20 of the accords, and has designated the United Nations High Commissioner for Refugees (UNHCR) to be the lead agency. The same article guarantees that Cambodian refugees and displaced persons shall have the right to return to Cambodia and "to live in safety, security and dignity, free from intimidation or coercion of any kind." This promise is elaborated in Annex 4, which provides that all Cambodians, including returning refugees, must have "freedom of movement within Cambodia, the choice of domicile and employment, and the right to property."<sup>9</sup> It further provides:

Repatriation of Cambodian refugees and displaced persons should be voluntary and their decision should be taken in full possession of the facts. Choice of destination within Cambodia should be that of the individual. The unity of the family must be preserved.<sup>10</sup>

To implement the provisions of the Paris Accords on repatriation, Thailand, the SNC and UNHCR concluded a Memorandum of Understanding on November 21, 1991. The Memorandum lays great emphasis on preventing coerced departures from the border camps. Repatriation is to be on a voluntary basis, at least until "the circumstances that create the status of genuine refugee have ceased to exist". All parties to the Memorandum are to prevent any attempt to interfere with the exercise of free choice of destination in Cambodia, and no "organized movement inside Cambodia of any part of the returnees" is permitted without UN/SNC authorization. In order to achieve these goals, the Royal Thai Government agreed to allow UNHCR to share in the control and supervision of all the border camps for the first time, and to maintain an enhanced and uninterrupted presence within them.

The Memorandum also provides that the SNC shall "ensure" that returnees will not be subject to "persecution, prosecution or punitive or discriminatory measures" because of their status or political affiliation and activities. The SNC is also bound to recognize births, deaths, adoptions, marriages and divorces that have occurred in Thailand, and to recognize as appropriate the equivalency of school and training certificates granted in the border camps. Both the Cambodian and Thai parties are to grant full access to refugees to the UNHCR and other relevant international agencies to conduct humanitarian assistance and other activities "vital to the discharge of their mandates and operational and monitoring responsibilities."

### ***UN Deployment***

In February 1992, the Secretary-General of the United Nations reported on the modalities and

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<sup>8</sup> Comprehensive Settlement, Annex 1, Section E.

<sup>9</sup> Paris Accords, Annex 4, Part II, Article 4.

<sup>10</sup> Paris Accords, Annex 4, Part II, Article 7.

schedule for implementing the Paris Accords. Most notable in the report was the ambitious calendar for completing various phases of the operation, and the late start. The election, slated for late April or early May 1993, drives all other schedules. In order to register Cambodian refugees for the election, the repatriation of over 320,000 people by the UN<sup>11</sup> was to be completed in nine months. Cantonment and disarmament of 70 percent of the existing armies was also to be accomplished by the end of September 1992, with the three-month election registration period beginning the following month.

Even had the deployment of the UN in Cambodia begun on the day of the Paris Accords, such a schedule would have been extremely optimistic for a country with minimal communications and electricity whose dilapidated roads are barely passable for motor vehicles in dry season, and impassable for the five months of monsoon rains each year. Predictably, UN deployment has been slower and conditions in Cambodia more difficult than the drafters of the schedule anticipated. Yasushi Akashi, the Secretary-General's Special Representative and head of UNTAC, did not arrive in Cambodia until March 15, 1992, almost five months after the signing of the accords. As of the first week of May, many UNTAC departments were still minimally staffed, and there was serious doubt that sufficient troops would be available to begin cantonment and disarmament. Essential equipment, from vehicles to telecommunications to uniforms, had yet to arrive.

The pace of deployment picked up considerably thereafter. In place as of August 3, 1992, were just over half the 1,020 civil administrators, 2,300 of 3,600 expected civilian police, and all twelve military battalions (15,200 of 15,900 troops).<sup>12</sup> Cantonment began slightly behind schedule, on June 13, but only 18,000 troops have participated from the three cooperating factions, out of a total of 200,000 troops for all four. Some aircraft, tanks, and ammunition have been turned over to UNTAC, but by all accounts these goodwill gestures have not added up to a significant demobilization. Demobilization is unlikely to be accomplished unless all four militaries participate.

Repatriation of refugees from the Thai border also fell well behind schedule, although the pace increased dramatically during the rainy season after the UNHCR developed alternatives to its previously announced plan to locate two hectares of farmland for each family. Although Cambodian refugees are more anxious than ever to leave the camps, some relief officials are concerned that preparations within Cambodia -- locating housing sites, potable water, basic medical care -- cannot keep pace with the movements of refugees crossing the border. Demining, once a priority of all repatriation scenarios, has barely begun, and mine surveying and marking are still in the early stages.

### ***Khmer Rouge Non-Cooperation***

The entire future of the peace-settlement is tenuous at the time of this writing, due to the refusal of the Khmer Rouge to disarm and permit unhindered access to the territories under its control. Although the Khmer Rouge has cooperated with repatriation from three refugee camps it controls and allowed UN military observers into some areas, it has balked at allowing the UN to canton and disarm its military and supervise administration of the territory it occupies.

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<sup>11</sup> This figure was based on a population of 360,000 refugees, of whom 90 percent were expected to return with the UNHCR. Report of the Secretary-General on Cambodia, United Nations Security Council, Section F.136, Document S/23613 (February 19, 1992).

<sup>12</sup> "Soldiers Released from Barracks to Plant Rice," *Agence France Presse*, August 3, 1992 (*in* FBIS-EAS-92-151, August 5, 1992).

**A clear early signal of the Khmer Rouge's intention to withhold cooperation was its refusal in May to permit Akashi to traverse its territory near Pailin, the center of the Khmer Rouge's lucrative gem mining concessions. A Khmer Rouge policeman halted Akashi and his entourage before a bamboo pole at a checkpoint. They were on their way to meet the Dutch troops assigned to duty in Pailin, who were waiting at the Thai border due to the Khmer Rouge's refusal to permit them entry.<sup>13</sup> Undaunted, on August 5 Akashi told the SNC that UNTAC would send civilian and military police to Khmer Rouge zones "at a suitable point in the near future."<sup>14</sup> Cantonment of troops began on an extremely limited basis on June 13 without the participation of the Khmer Rouge, who have continued to launch attacks near cantonment sites, causing some soldiers from the other factions to flee and others to request their arms again.**

**Khmer Rouge violations of the ceasefire have been numerous and continuing. Since January 1992, the Khmer Rouge have engaged Phnom Penh forces in Kompong Thom province, Pol Pot's birthplace, seeking to control this strategic route between Phnom Penh and the northeast region of the country. Every month of the "ceasefire," Khmer Rouge troops have advanced in the province, despite the deployment in April of Indonesian peace-keeping units. The Khmer Rouge continue to lay mines, in some cases directly in the path of UNTAC patrols. According to the World Food Program (WFP), a total of 18,000 persons were driven from their homes in Kompong Thom province between January and April of this year, 7,000 of whom would not be able to return anytime soon because of newly laid mines in and around their villages.<sup>15</sup> As recently as July 14, twenty heavy shells were fired at the provincial capital of Kompong Thom, some landing near the UNTAC military headquarters, the governor's residence, and the hospital.<sup>16</sup> Fighting between Phnom Penh forces and the Khmer Rouge has also centered on Phum Kulen and surrounding villages in Preah Vihear province, which both armies have taken turns occupying in the last months. Akashi has condemned the continuing Khmer Rouge hostilities in strong language. Pointing out that the Khmer Rouge continued to attack ground targets with artillery barrages and to lay new landmines, he said "the nature of these activities points to a deliberate policy of terror against ordinary Cambodians."<sup>17</sup>**

**The Khmer Rouge has begun to direct both invective and fire at UNTAC as well. In recent broadcasts, the Khmer Rouge has accused UNTAC of favoring Vietnamese over Cambodians in land disputes, and asked whether it has "joined hands with the Yuon aggressors and their puppets -- Yuon lackeys -- in realizing their strategy to annex Cambodia and the Cambodian race."<sup>18</sup> "Yuan" is a Khmer pejorative for Vietnamese, which literally means "savage." One party broadcast reported a petition from "Canadian compatriots" demanding Akashi's resignation because of his authorization of the new election**

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<sup>13</sup> Sue Downie, "U.N. Chief Turned Back by Khmer Rouge," *United Press International*/May 30, 1992.

<sup>14</sup> Sheila McNulty, "U.N. Forces to Enter Khmer Rouge Zones With or Without Permission," *The Associated Press*, August 5, 1992.

<sup>15</sup> World Food Program, "Needs Assessment of Internally Displaced Persons in Kompong Thom Province, 9-10 April 1992" (internal report).

<sup>16</sup> Peter Eng, "Along Route 12, A Struggle Over Pol Pot's Birthplace," *Associated Press*, July 23, 1992.

<sup>17</sup> "UNTAC Head Reads Riot Act to Khmer Rouge," *Reuter*, July 23, 1992.

<sup>18</sup> "UNTAC Accused of Aiding Vietnamese Settlers," *(Glandestine) Voice of the Great National Union Front of Cambodia*, July 9, 1992 (in FBIS-EAS-92-133 July 10, 1992.)

law, which would allow ethnic Vietnamese who were born in Cambodia and who have one parent born in Cambodia to vote. A more likely reason for this diatribe is Akashi's willingness to publicly condemn ongoing Khmer Rouge violations and insistence that the provisions of the Paris accords be upheld. Direct attacks on UN helicopters for the most part have been attributed to the Khmer Rouge, although the Khmer Rouge have venemently denied them. Eight such attacks have occurred so far. Following three attacks in one week in June, a spokesman revealed that UNTAC had received unsubstantiated information that the Khmer Rouge had offered a bounty of \$3,500 for the downing of each UN helicopter. According to a UN spokesman, two UNTAC civilian police, three election officers, and two Cambodian interpreters were captured and detained by Khmer Rouge guerrillas in Kompong Cham province on August 23, and released two hours later with a warning not to return until the UN had "satisfied the conditions" put forward by the party.<sup>19</sup>

In return for its cooperation with the peace settlement, the Khmer Rouge has demanded the dismantling of the Phnom Penh government and UN verification that all Vietnamese "forces" have left Cambodia, interpreting "forces" to include Vietnamese civilians who they claim are soldiers in disguise. UNTAC and the world community have rejected the claim that the accords mandate that existing administrations must be dissolved. Although no party has presented concrete evidence of Vietnamese troops still in Cambodia, UNTAC has nevertheless created mobile units in addition to border checkpoints to better investigate any credible claim. To date, UNTAC has found no evidence of Vietnamese military units. UNTAC has also agreed to check personnel lists of Phnom Penh government ministries to determine whether any are Vietnamese advisers left over from the occupation of Cambodia and to escort such persons back to Vietnam.<sup>20</sup> The Khmer Rouge added new conditions, including the redrawing of the border between Cambodia and Vietnam, and direct KR participation along with other SNC members in committees that would monitor the five key areas of government administration currently given to UNTAC supervision and control. In a move that may signal a new interest in resolving the impasse, the Khmer Rouge invited Akashi on September 9 to future talks at their Pailin headquarters, from which he had earlier been barred.<sup>21</sup>

The 33 nations attending the Ministerial Conference on Rehabilitation and Reconstruction in Cambodia held in Tokyo this June pledged \$880 million towards Cambodia's development, but not without expressing "serious concern" over "the refusal of one party to allow the necessary deployment of UNTAC prior to and since the commencement of the second phase of the cease-fire in the areas under its control."<sup>22</sup> This message was reinforced by the unanimous Security Council resolution on July 21 to cut off development aid to the Khmer Rouge if they refuse to cooperate with the peace settlement. Given that the Khmer Rouge have accumulated, and continue to amass, enormous wealth from logging and gem mining operations, it is unlikely that this sanction will have much effect. Indeed, many believe that the principal

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<sup>19</sup> "Khmer Rouge Abducts, Releases 5 UN Peacekeepers," *Agence France Presse* August 28, 1992 (*in* FBIS-EAS-92-168 August 28, 1992).

<sup>20</sup> Sheri Prasso, "UN to Check Phnom Penh Staff for Vietnamese," *Agence France Presse*, August 21, 1992 (*in* FBIS-EAS-92-164, August 24, 1992).

<sup>21</sup> Sheila McNulty, "Khmer Rouge Invite Head of U.N. Mission to Secluded Base," *Associated Press*, September 9, 1992.

<sup>22</sup> Kyodo, Declaration on Peace Process [Full text of Tokyo Declaration on Cambodia issued at the Ministerial Conference on Rehabilitation and Reconstruction in Cambodia in Tokyo on 22 June 1992] June 22, 1992 (*in* FBIS-EAS-92-121 June 23, 1992).

**reason the Khmer Rouge have balked at cooperating with UNTAC is not a fear of disarmament, but a fear of losing control over the people they rule once their zones are opened to access by the outside world.**

**The Khmer Rouge's continued refusal to cooperate with UNTAC undermines the entire premise of the Paris accords. The week before cantonment was due to begin, Yasushi Akashi, head of the UNTAC mission, warned:**

**Without cantonment, regroupment, disarmament and demobilization there can be no neutral political environment, there can be no safe and dignified return of refugees, there can be no sure UNTAC control of the administrative apparatus of all four factions, there can be no certainty that human rights will be respected and, ultimately, there can be no free and fair election.<sup>23</sup>**

**Since those words, UNTAC has proceeded with cantonment of the three cooperating armies, albeit on a very limited basis. Nevertheless, it is difficult to see how the parties can continue to implement the Paris accords as written with one army not participating. Certainly, the guarantee of basic human rights, such as freedom of movement, speech and association, will be far more tenuous in a country still at war than in one where all combatants agree to cede authority to a neutral arbiter. Should the international community and the other Cambodian parties decide to press forward with elections without the cooperation of the Khmer Rouge, the UN project in Cambodia will pursue a very different goal -- reformulating a Cambodian government and army that can be supported by the international community in a time of civil war -- than the original vision of a democratic, neutral, reconstructing nation at peace.**

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<sup>23</sup> Mark Dodd, "U.N. Soldiers Helpless to Enforce Cambodian Pact," *Reuters* (June 7, 1992).

## **POLITICAL CONTROL IN THE STATE OF CAMBODIA**

The Phnom Penh government was installed by Vietnam at the time of its 1979 invasion. Treated as a pariah by the United States and its allies, hobbled by an international embargo in its effort to rebuild the country after the devastating Khmer Rouge years, and engaged in a continuous civil war against the Khmer Rouge and the US-sponsored resistance, the regime ruled the country without tolerating political dissent or opposition until the arrival of the UN. The National Assembly, selected in noncompetitive elections in 1982, extends its own mandate on an annual basis despite a constitutional requirement that elections be held every five years. No independent press existed before the peace settlement, nor any open independent political associations.

There were signs of change in 1990, as the idea of a "Nicaraguan" solution to ending Cambodia's international isolation (holding competitive elections without a comprehensive peace settlement) gained currency in Phnom Penh.<sup>24</sup> In March of that year, a group of intellectuals and senior officials led by Ung Phan, former Minister of Transportation, began organizing an alternative Liberal Social Democratic Party with the knowledge of key government officers. The group was arrested, however, in May 1990, and not released until the peace settlement was imminent, in September 1991. Since Ung Phan was close to Prime Minister Hun Sen, the arrests were widely interpreted as an effort of orthodox Marxists such as Chea Sim to maintain control over more outward-looking moderates in the government. Khieu Kanharith, the editor of *Kampuchea Weekly*, a government journal that had supported political pluralism, was relieved of his post at the same time. On October 18, 1991, a week before the Paris Accords were finalized, the ruling party changed its name from the Kampuchean People's Revolutionary Party to the Cambodian People's Party (CPP) and endorsed a multi-party democratic political system and a market economy. Kanharith now holds an official position as an adviser to Prime Minister Hun Sen.

Reports of human rights violations ascribed to the Phnom Penh regime centered on the jailing of thousands of suspected political opponents without trial, sometimes involving dark cells, inadequate food and medical care, and torture.<sup>25</sup> In 1986, the government began to address reports of abuses and bolster the country's rudimentary justice system, although freedom of expression, association and assembly remained largely non-existent. The systematic use of torture appears to have declined since the government promulgated rules on the treatment of prisoners in 1986.<sup>26</sup> In 1987, the Council of Ministers called on provincial and municipal authorities to review the lawfulness of detention of political prisoners, and the Prosecutor-General reported over 500 persons were released as a result,<sup>27</sup> although hundreds more were imprisoned for political reasons subsequently. In 1989, a new constitution was introduced that abolished the death penalty, strengthened the prohibition of physical abuse of prisoners, and barred coerced statements from use in proving a defendant's guilt. However, there is still no effective means to

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<sup>24</sup> See, Sidney Jones, "War and Human Rights in Cambodia," *New York Review of Books*, July 19, 1990, Vol. XXXVII, Number 12.

<sup>25</sup> See Amnesty International, *Kampuchea: Political Imprisonment and Torture*, (London: Amnesty International, June 1987); and Lawyers Committee for Human Rights, *Kampuchea: After the Worst* (New York: Lawyers Committee for Human Rights, August 1985).

<sup>26</sup> Lawyers Committee for Human Rights, *Cambodia: The Justice System and Violations of Human Rights*, (New York: Lawyers Committee for Human Rights, May 1992) p. 17.

<sup>27</sup> Amnesty International, "Cambodia: Recent Human Rights Developments" London: Amnesty International, December 1990).

enforce these guarantees in the absence of judicial independence, well-educated legal professionals or the ability of the courts or Prosecutor General to supervise the police or prisons, both of which are under the direction of the Ministry of the Interior.<sup>28</sup> It was not until September 1991, when all parties to the Cambodian conflict agreed to release political prisoners under the auspices of the International Committee of the Red Cross (ICRC) that dramatic progress occurred. Although it resisted ICRC supervision until mid-January, the Phnom Penh government began releasing political detainees in September, and claimed it had released over a thousand prisoners by October 30, 1991, including 442 political prisoners and 483 "prisoners of war."<sup>29</sup> The ICRC, which ultimately registered and supervised the release of hundreds more held by the government, has declined to certify that any political party has released all its political prisoners. Asia Watch sources report, however, that the Phnom Penh authorities generally have been cooperative with the efforts of international agencies to identify and free such prisoners.

The Phnom Penh government has been able to rely on civil institutions for political control, unlike the resistance factions which are limited to military enforcement of political decrees. As the option of indefinitely jailing political opponents becomes impractical under UNTAC's oversight, other means of control have come to the fore. Among them are legislative or administrative regulation of expression and association; maintaining political dossiers on citizens and restricting movement through an identity card system; threats against former political prisoners; and terrorist attacks that often cannot be clearly ascribed to any particular authority. As the resistance parties set up shop in Phnom Penh, the new political competition has stimulated a corresponding anxiety on the part of government officials. Habits of control die hard, and dissidents and members of the resistance parties have experienced harassment, arrest and in some cases, attempts on their lives.

Political competition is also fierce within the Cambodian People's Party as different factions jockey to retain or win power. The central government on many occasions has reaffirmed its desire to cooperate with UNTAC on human rights issues, but it is not always able to enforce that policy over resistant officials at all levels. Ascribing responsibility for abuses or policies presents a dilemma under these circumstances, when it is not clear at any one moment which leader can truly speak for the government, and there is not enough core stability to enable the government to investigate or suppress wrongs sponsored by contending groups. The task of the UN in asserting control and supervision over the government is further complicated by the relative autonomy of provincial authorities, and widespread corruption at all levels of government.

Its abuses notwithstanding, it is the SOC that more than any other faction has given access to outsiders. It is in SOC-controlled territory that UNTAC is most completely deployed, and where the closest supervision and observation of administrative compliance with human rights standards is possible. Although UNTAC has begun to deploy police and military in the KPNLF and FUNCINPEC zones, access to these zones by international observers and Phnom Penh government officials is extremely restricted; no CPP party headquarters are to be found in the FUNCINPEC district of Ampil or the KPNLF district of Thmar Pouk. Even as representatives of those parties told Asia Watch that they intend to open access to all parties once UNTAC was deployed or once cantonment began, the fact remains that political competition in those areas waits for the future, while it has begun in the SOC territory. The Khmer Rouge have yet to grant access to

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<sup>28</sup> See generally, Lawyers Committee for Human Rights, *Cambodia: The Justice System and Violations of Human Rights*.

<sup>29</sup> *Indochina Digest*, Number 91-44, November 1, 1991.

**UNTAC apart from a few military observers whose movements are extremely circumscribed.**

### ***Political Violence***

**Using violence to intimidate, incapacitate or remove political rivals has been a time-honored and extremely effective method of control throughout Cambodia's history.<sup>30</sup> There has been an upsurge in violence since the peace agreement with its provision on the release of political prisoners and the impending control of police, prisons and judicial process by UNTAC. As discussed in later sections, violence has been the primary method of political control in the resistance zones, but news of killings and attacks in the SOC territory has been more widely disseminated because of the access granted to international observers and the media.**

**The period before UNTAC's arrival in Cambodia was marked by social unrest and political violence, quite apart from the continuing military confrontations. On November 27, 1991, Khmer Rouge leader Khieu Samphan narrowly escaped being lynched by an angry Phnom Penh crowd. Although several sources report that members of the SOC government had organized the demonstration, it is not clear whether the violent outcome was anticipated. While SOC Prime Minister Hun Sen denounced the attack, both he and Chea Sim, leader of the CPP, publicly affirmed the right of the people to hold non-violent demonstrations (such demonstrations had never been permitted before). This position was tested shortly after, when hundreds of Phnom Penh residents demonstrated against high-level government corruption beginning December 17. Police response was for the most part restrained until December 21, when two students were beaten and another arrested. When hundreds of students took to the streets to protest these incidents and attacked police stations in the process, police, and then military units, responded by beating and firing on demonstrators. By the time protests ended on December 24, at least eight civilians had died and 26 were injured. The government imposed a curfew in Phnom Penh, shut down the universities, banned all demonstrations, and subsequently passed legislation allowing the government to ban demonstrations that it believes could result in violence and requiring protesters to apply for permits three days in advance.<sup>31</sup>**

**The new year began with more political killings. On January 22, 1992, Tea Bun Long, a government official who was a member of the United Front and chairman of its Religion Directorate, was abducted by two men in a jeep and found shot through the head. He was an outspoken critic of government corruption, and his death was widely interpreted as a warning to others who might criticize the government.**

**Six days later, gunmen shot and wounded Ung Phan, a former political prisoner who had just announced the formation of a new political party. As noted above, Ung Phan and five other men had been jailed in 1990 for attempting to form the Liberal Social Democratic Party, and had been warned at the time of their release in September 1991 not to engage in politics. According to a report by Amnesty International, they were never given official release papers, implying that they were still subject to re-arrest. They were also told that since international oversight would make it difficult to return them to jail,**

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<sup>30</sup> See generally, David Chandler, *The Tragedy of Cambodian History: Politics, War and Revolution Since 1945*, Yale University Press (New Haven: 1991).

<sup>31</sup> These events are documented in Amnesty International, *State of Cambodia: Human Rights Developments: 1 October 1991 to 31 January 1992* (April 1992).



other means would be used against them should they resume political activities. In some cases, security officers allegedly accompanied this warning with explicit death threats.<sup>32</sup> Despite such threats, the group began reorganizing its party in mid-December 1991. On January 17, three days after the SNC agreed to accept applications for new political associations, they formally announced the formation or re-emergence of the party. On January 28, six or seven gunmen in two jeeps fired at Ung Phan, who was wounded in the neck. Prime Minister Hun Sen, a friend of Ung Phan, took him from the hospital to his home. The government denied any responsibility for the attack, but no suspects have been identified.

On March 15, just as the heads of UNTAC's police and human rights departments arrived, Yang Horn, another former political prisoner associated with Ung Phan and his new party, sustained a mysterious blow to his head and died of a cerebral hemorrhage four days later. According to Asia Watch sources, the incident occurred when Ung Phan and Yang Horn were "invited" out to eat by their former prison guards, who had warned them not to engage in political activity when they were released. At one point during the meal, Yang Horn got up and walked out. Once on the street, he was knocked unconscious by a severe blow and his body was dropped at a hospital by a cyclo (pedicab) driver. Both UNTAC and the Phnom Penh government investigated the incident, each investigation coming to a close without reaching any conclusion as to the cause of his death. No autopsy of the body was performed, and examination of his wound while he was still unconscious did not reveal whether it was caused by a fall or a direct blow.

The immediate effect of these attacks was severe intimidation of independent political figures and government critics. Although UNTAC attempted to find eyewitnesses to Yang Horn's injury, it was unable to determine what had transpired. Asia Watch attempted unsuccessfully to interview Ung Phan, whose house was surrounded on all sides by police-occupied buildings. In June, Ung Phan abandoned his new party and formally allied himself with FUNCINPEC. Since the attack on Yang Horn, no other major political figures have been attacked. The improvement in the atmosphere is reflected in the emergence of two other new independent parties.

UNTAC has undertaken no investigation of incidents that occurred prior to the arrival of Akashi in March 1992, primarily for reasons of limited resources. While the inconclusive investigation of Yang Horn's death was conducted under adverse conditions, the Human Rights Component of UNTAC has had more success in later investigations into incidents of politically-motivated violence. An early investigation into an incident in Kandal province set an important precedent. In the first week of April 1992, villagers protested the government's expropriation of some land without adequate compensation. Police and militia suppressed the protests, in the course of which one villager was killed. An UNTAC investigation team that set out to interview villagers in April was stopped by local authorities and forced under threat of arms to leave the area. UNTAC immediately protested the non-cooperation to the Phnom Penh government, which issued a directive to all provincial authorities to cooperate with any UN investigations. The team resumed their work within days. A visit to the area some weeks later showed there had been no reprisals, and indeed, the government had already arranged compensation for the victim's family, and reached a compromise with the villagers on the land dispute. Subsequent investigations have concerned alleged political killings of KPNLF and FUNCINPEC members in the provinces, and incidents of political harassment. No results or public reports of these investigations have been issued so far.

### ***Political Competition and Abuses Against Other Parties***

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<sup>32</sup> Ibid., p. 12.

The Phnom Penh government, which had never permitted a single opposition party prior to accepting UN oversight, must now cope with each of the resistance factions establishing a headquarters in Phnom Penh, actively recruiting members, and circulating cadres throughout Cambodia. In the first quarter of 1992, FUNCINPEC benefitted from an unstable alliance with figures in the Phnom Penh government that facilitated the movements of its members and its activities, or at any rate muted its complaints of harassment. As of late April, FUNCINPEC headquarters in the capital were mobbed daily by Cambodians hopeful of receiving a party t-shirt with Prince Sihanouk's picture emblazoned on it. Young men crowded the party headquarters for seminars, and the facilities were well equipped with printing machinery, telephones and fax machines. The KPNLF headquarters were more spare, with frequent interruptions in electricity and telephone communications that reflect their more difficult relations with the Phnom Penh authorities. It was nonetheless crowded with KPNLF members from various parts of the country. Both the FUNCINPEC and KPNLF offices are supported by the US Agency for International Development (USAID) which covers administrative expenses for each party's participation in the SNC. The Khmer Rouge also maintains an office in the capital. Following the attack on Khieu Samphan, the Khmer Rouge representative to the SNC, the party established its Phnom Penh headquarters behind a solid steel gate in a walled compound adjacent to the Royal Palace.

Rival party members have been subjected to attacks and harassment. According to sources in the Phnom Penh government, incidents of police attacks on KPNLF members in the provinces in April were due in part to their lack of authorized travel papers, which the KPNLF had eschewed in favor of "laissez passer" instructions written on KPNLF-SNC letterhead. That does not entirely explain SOC police detaining for six hours the KPNLF representative to the SNC, Ieng Mouli. On July 25, Ieng Mouli, his entourage and bodyguards were stopped on their way back from Kompong Som (lately renamed Sihanoukville) when they were halted on Route 4 and brought to a police station, in what the head of the UNTAC police component described as a "premeditated" and "well-planned" incident.<sup>33</sup> UNTAC sources confirm that SOC police asked the KPNLF leader to leave with them his two AK47s and two bodyguards, whose names were not found on the papers authorizing the entourage. A letter by the SOC Deputy Minister of National Security, Sin Sen, to UNTAC's Akashi denied that Ieng Mouli was placed under arrest and claimed that he was stopped by local police hunting for armed robbers said to be fleeing Kompong Som. It also accused Ieng Mouli's group of bearing unauthorized weapons outside the capital. The letter concluded somewhat tortuously, "It is undeniable that H.E. Ieng Mouli used the label of a faction's SNC membership to intimidate those whose duty is to protect the safety of the people as well as to provide security for the delegation itself."<sup>34</sup>

The Phnom Penh authorities are clearly disquieted by this surge in political activity and have attempted to keep it under control. On April 9, 1992, a Phnom Penh municipal committee issued a directive authorizing house to house surveys of all residents in the city in order to "guarantee the holding of the forthcoming election" and to "stop all criminal activities." The directive said that all persons must report any arms and explosives they have and that persons who did not have household registrations and identity cards must register with the police before they could obtain them.<sup>35</sup> Diplomats, non-governmental

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<sup>33</sup> "Detained KPNLF Official Threatened by Police," *Agence France Presse*, July 27, 1992 reported in FBIS-EAS-92-146, July 29, 1992.

<sup>34</sup> "Letter Clarifies Ieng Mouli Incident With Police," *Phnom Penh Samleng Pracheachon Kampuchea Radio Network*, July 30, 1992 (in FBIS-EAS-92-148, July 31, 1992).

<sup>35</sup> As discussed below, identity cards are a primary means of political control for the SOC administration, and persons are not permitted to

organizations, SNC members and military and police were exempted from this order. Members of the KPNLF apparently were not, because two found their house surrounded at night by a dozen police, demanding they come out to answer questions in compliance with this directive. In addition, FUNCINPEC complained that one of its diplomats associated with the SNC also had a late-night house check by the police. Asia Watch brought this order to the attention of UNTAC which, after consultation with Prime Minister Hun Sen, had it suspended.

Despite this harassment, the KPNLF managed to hold a party congress on May 21-22 at the Olympic Stadium in downtown Phnom Penh, with the permission of the Phnom Penh government and with security provided by UNTAC. If relations between the SOC and the KPNLF have become somewhat smoother since April, relations between FUNCINPEC and the SOC have cooled markedly. The SOC suspects FUNCINPEC of continued cooperation with the Khmer Rouge,<sup>36</sup> and military units affiliated with the party may still be engaged in fighting the government in Kompong Thom. One result is that the number of complaints of new arrests and attacks against FUNCINPEC members has escalated.

The Khmer Rouge claim that one of their guerrilla leaders was killed by Phnom Penh soldiers after he had surrendered, and complain that UNTAC has yet to take action. An UNTAC spokesman was quoted as saying "They [the Khmer Rouge] claim nothing has been done...so now they will seek revenge themselves. Military observers are in place and will try to defuse the situation."<sup>37</sup>

The recent arrest of a member of the independent human rights organization ADHOC demonstrates that local officials in the SOC are inclined to view independent groups with great suspicion, and have not yet accepted the authority of the SNC and UNTAC. Following the SNC's January 14 decision to register new political groups and associations, former political prisoners Thun Saray and Khay Matoury submitted the first application to establish a human rights organization, *L'Association des droits de l'homme au Cambodge*, or ADHOC, as the group is commonly known. ADHOC's charter describes its mission as "to eliminate all human rights violations in Cambodia and to try by every means to avoid the return of the massacres and tortures and all inhuman practices that were widespread in the past." The charter also identifies as particular objectives the ending of arbitrary detention, investigation of the conditions of imprisonment throughout the country, and the respect for UN standards on the treatment of prisoners.

On May 1, 1992, Yin Phal, an ADHOC member, presented himself to the chief of Me Bon Hamlet in Prey Veng district, Prey Veng province, along with the group's letters of authorization from Prince Sihanouk. The village leader called for the police, who claimed the letters must be fakes, and sent ten armed police to guard him. The village police chief was unimpressed by the fact that ADHOC was also recognized by UNTAC, and threatened to arrest any UNTAC personnel who showed up to meddle. Yin Phal was then interrogated for two and a half hours, after which the police were about to place him in a temporary detention center. They relented when his wife intervened and allowed him to spend the night at a nearby house. The next day

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reside except where their identity card specifies.

<sup>36</sup> Indeed, Prince Ranariddh, Sihanouk's son who used to lead FUNCINPEC's military before he took his father's place as head of the party, has a history of cooperation with the Khmer Rouge. A US administration report to Congress of February 26, 1991 on the subject acknowledged reports of tactical military cooperation between the two groups, included coordinated attacks and shared supplies.

<sup>37</sup> "Khmer Rouge Complain to U.N. About Killing," *Reuter*, August 17, 1992.

he was again interrogated by police who had confiscated from his home the application papers and photographs of over 30 persons who were interested in joining ADHOC. This time he was accused of being a Khmer Rouge supporter by the district police chief, who has a reputation for being particularly abusive. The following day Yin Phal took the opportunity to escape and was in hiding at the time of the Asia Watch visit in mid-May. UNTAC investigated the incident, and received assurances that no further members will be arrested. Since that time, the leader of the group, Thun Saray, has indirectly received threats, and members in Prey Veng received word that if they continue to report to UNTAC, "they may win for a little while, but meet an accident later." Despite such threats, the group has continued its recruitment drive, managed to hold a series of human rights seminars with the cooperation of UNTAC, and published a newsletter. Two other human rights organizations have come into existence since the formation of ADHOC, the Cambodian League for the Defense of Human Rights and Human Rights Vigilance in Cambodia.

### ***Identity Cards and Personal Dossiers as Mechanisms of Control***

Identity cards in any society are a form of control, but one often accepted as necessary to facilitate civil administration and law enforcement. In the SOC, however, where an identity card is necessary to travel any distance without police harassment and extortion, to engage in employment of any kind other than cultivation, or to live in any but remote rural communities, the control is put to less benign uses.

The abuses inherent in the identity card system lie in its use as a key to the political dossiers that the Phnom Penh government has kept on individuals. This system is copied from Vietnam and other socialist states. According to Cambodian sources, applicants for identity cards are required to submit extensive biographical data on themselves and their extended family, including their political affiliations and activities at various periods of Cambodia's modern history. This information is recorded in a dossier that is kept in a government office at the district of residence, where it may be consulted by officials who wish to evaluate an individual's political background. If residence changes through employment or marriage, the dossier will travel to the new district. The individual does not have access to the dossier, in which officials may record further employment, political evaluations, or incidents such as political detentions. However, the dossier is easily accessible to officials, through the number on the top of the individual's identity card.

The dossier system poses a direct challenge to the objective of political neutrality, as outlined in the Paris accords. These dossiers give one party to the conflict, the SOC, the ability to identify people by political profile for purposes of campaigning, recruitment, coercion and intimidation, both subtle and blatant. Each time the police request someone to produce his or her card, they have access to that person's political profile. In a country where the primary assignment of the security forces has been to identify political suspects, and where indefinite detention without formal charge or trial has been the norm, continued reliance on the present identity card system only invites continued abuses. The government's access to political dossiers has an obvious potential to subvert neutral administration of the electoral process, particularly if the SOC cards are in any way used to register or identify voters.

The identity card is also a control on movement. By listing the bearer's precise address, it shows the only place that person is authorized to be. Individuals who wish to travel to other parts of the country -- for example, people traveling to regional hospitals or visiting relatives -- require permission from their local authority to make the journey. Without such permission, many do travel, but they are subject to police

harassment and extortion in varying degree. Travel on the main highways away from war zones is relatively unhindered for foreigners, but Cambodians without identity cards are subject to "fines" of 200 or more riel (approximately 20 cents) each time they are stopped. Even those who can present identity cards and travel authorizations are often fined, but the lack of these documents subjects the victim to a greater likelihood of extortion, and increased vulnerability to threats of imprisonment or accusations that they are spies or Khmer Rouge infiltrators. Roadblocks appear to be a main source of financial support for police and military units.

The provision of SOC identity cards to refugees returning to SOC territory has proved a thorny issue. Initially, refugees were to apply for identity cards at distribution points,<sup>38</sup> and receive them in their local communities. In order to avoid any discrimination against returnees on account of their political history, the UNHCR has edited the extensive biographical questionnaire to omit all reference to the individual's past history, other than place of origin in Cambodia. Nonetheless, police and Cambodian Red Cross officials have questioned returnees on these forbidden topics. Complaints brought by UNTAC to the SOC were answered by a denial that such practices are condoned, and UNHCR confirmed that the incidence of these interrogations did decline.

Nevertheless, returnees have yet to receive SOC cards through the application process. The SOC claimed it would take between six months and a year to process and deliver cards. Asia Watch learned, however, that for a bribe of between 10,000 and 20,000 riel (\$10 to \$20), Cambodians can get an identity card processed in a matter of days. The SOC refused to permit UNTAC to take over the processing of SOC identity cards for the returnees, agreeing instead to permit UNTAC to issue a temporary "UN" identity card to returnees that would be recognized by SOC authorities as giving the bearer the right to employment. Unlike the SOC card, which is laminated and bears a photograph and fingerprint of the bearer, the UN card is made of heavy paper with no photograph affixed. UNTAC itself initially required job applicants within Cambodia to present SOC identity cards. According to refugees who had returned from the border to seek work as translators, this policy forced them to bribe SOC authorities as a precondition of employment. Since the provision of temporary UN cards, UNTAC requires no further identification of refugees it recruits in the camps, but refugees who have returned to Cambodia must still present either a UN card or an SOC card.

The lack of an SOC identity card compromises the returnees' ability to maintain a politically neutral profile. When they need to identify themselves to authorities, such as police, refugees have no means of doing so other than their UN card -- flimsy, easily forged and without a photograph -- or their family book from the border camp -- bulky, conspicuous, containing photographs of every family member and the name of their border camp.<sup>39</sup> This information is easily observed by any casual onlooker, thus permitting an inference of political affiliation. The reluctance to promptly issue returnees SOC identity cards has unfortunately sent the message that returnees are not treated the same as other Cambodian citizens. It is significant that in every border camp, refugees mentioned to Asia Watch the difficulty in getting identity papers as a basis for their fears of discrimination and persecution upon return.

The Paris accords stipulate that all Cambodians, including repatriated refugees and displaced

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<sup>38</sup> These are local centers to which refugees are delivered before continuing on to their final settlement destination.

<sup>39</sup> "Family books" were used to obtain food rations in the camps and were a major source of corruption. See below, Chapter III.

persons, are entitled "to live in peace and security, free from intimidation and coercion of any kind" with the rights of "freedom of movement within Cambodia, the choice of domicile and employment and the right to property."<sup>40</sup> The current linking of identity cards and political dossiers, the withholding of identity cards, the extortion or bribe paying required in their absence, and the political interrogation that has occasionally been part of the application process, violate every one of these guarantees.

Should the civil war continue because the Khmer Rouge refuses to abide by the Paris accords they signed, the government will doubtless wish to limit movement and maintain as comprehensive a system of identifying the political loyalties of its citizens as possible. The temptation is for UNTAC to accede to these wishes and leave reform of the identity card/dossier system to the next government. In conversations with Asia Watch, some UNTAC officials noted that identity cards are required in most Western countries, failing to take into account the different circumstances and the benign uses of such cards in other places. The Cambodian system is quite another matter. The maintenance of this system threatens the very integrity of the elections that are to constitute that next government and perpetuates the climate of political control that has prevailed in Cambodia heretofore.

### ***The Justice System, Legal Reform and the Enforcement of Basic Rights***

UNTAC's mandate to "supervise and control" key areas of civil administration entails in many instances deep reformation of existing institutions. The task is nothing less than to transform wartime bureaucracies geared to one-party control into a professional administration that is compatible with the development of a pluralist civil society. Formidable obstacles exist, not the least of which is the lack of training and education for most public servants, and the complete unfamiliarity of most Cambodians with life in an open society. Although hampered by their late deployment, the UNTAC administrators have begun oversight of areas most directly concerning human rights, the police, prisons, and courts, drafting of criminal regulations and a constitutional framework, investigation into abuses, and human rights education.

One of the critical tests of UNTAC's ability to enforce respect for human rights is the degree to which it is able to assert control over the public security apparatus, one of the five areas directly under the UN mandate. The Phnom Penh government, well aware of this impending supervision, rearranged its administration in April, just after Akashi's arrival, splitting the Interior Ministry in two, and handing oversight of police and prisons to the newly created Ministry for National Security. The SOC also claims that in 1990 it disbanded the "A-3" paramilitary group used to target political opponents.<sup>41</sup> The A-3 was an elite unit under the Interior Ministry, thought to be trained by Vietnamese security advisers, that among other activities, controlled trading and military recruitment on the Cambodian side of the Thai-Cambodian border.<sup>42</sup> Most Phnom Penh residents with whom Asia Watch spoke expressed great skepticism that the A-3

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<sup>40</sup> Comprehensive Settlement, Annex 4, Part II, Article 4.

<sup>41</sup> Deputy Minister of the Interior, Sin Sen, told an Amnesty International delegation in December 1991 that the A-3 units, which he commanded, existed as a military force for only three months after their formation in October 1989, and that they had been reintegrated into their home provinces by the time of the Paris Accords. Amnesty International, *State of Cambodia, Human Rights Developments: 1 October 1991 to 31 January 1992*, pp. 28-29 (London: AI Index ASA 23/02/92, April 1992).

<sup>42</sup> "Army Offers Trading Rights to Recruit Soldiers," *Bangkok Post*, p. 6, April 3, 1990 (*in* FBIS-EAS-90-067, April 6, 1990).

had simply disappeared and believed that its members had been incorporated into other security units or diverted to plainclothes work. The chief of UNTAC's civil administration unit, Gerard Porcell, expressed no reluctance to exert control over the new Interior Ministry should it continue to manage public security, or to expose the A-3 should UNTAC discover it still exists. The question was whether there will be sufficient personnel, expertise, and time to exercise control effectively. One diplomat likened UNTAC's presence in Cambodia to an oil slick: widely dispersed, but only floating on the surface. To accomplish its goals, the UN must penetrate Cambodia's society sufficiently to transform it.

Control and supervision of all police forces is vital to addressing human rights abuses. Unlike the military, the police forces of the Cambodian parties will not disband, but will continue their functions under UNTAC supervision. According to UNTAC, the SOC says it employs 47,000 police, the Khmer Rouge claim 9,000 police, FUNCINPEC 150 police, and the KPNLF none. According to informed sources, only the SOC police could be considered civilian in organization, although they are as heavily armed as soldiers. At the provincial level, the police corps is divided between land patrols, marine patrols, investigative units, and "special" plainclothes police, who are generally assumed to handle politically sensitive investigations.<sup>43</sup> The corps is further divided into units which operate at the provincial level, the district level, sub-district units of one or two dozen men and commune and village patrols of two to five men.<sup>44</sup>

Despite their large numbers, the police are barely trained for professional duties. According to one source, a typical policeman's day begins with four hours "patrolling," that is, wandering rather aimlessly, with a few more hours in the afternoon. Then from midnight until early morning, many police supplement their meager wages<sup>45</sup> by standing at bridges or road crossings and extorting money from travellers. On occasion, criminal or political suspects are apprehended, but due to the weakness of the legal system there is no check on the legality of the arrest or the length of detention. The police frequently do little to investigate complaints as most police lack even basic investigatory skills. Generally, only higher-ranking officers are fully literate, and government connections tend to be a more desirable qualification than skills.

Given this state of affairs, some UNTAC police supervisors see their mission as educating the force about ordinary police work in a civil society. UNTAC proposed, and the Minister of National Security agreed, that the SOC adopt the UN Code of Conduct for Law Enforcement Officers. In August, UNTAC organized a seminar for some 400 senior SOC police officials to introduce the UN Code. In Battambang, the police have been placed on 24-hour duty, a move some suspect may have caused a few "special" police to don uniforms in order to relieve their overworked colleagues. The UNTAC police accompany SOC units on patrol, reach out to the local community to let them know they can bring complaints to the UNTAC police office if necessary (which is open 24 hours a day), and closely monitor and assist local police with investigations. Occasionally they have also followed their Cambodian counterparts on nocturnal outings

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<sup>43</sup> There are also special administrative units for border patrols and customs duties, and defense of government buildings, embassies and public figures.

<sup>44</sup> At the commune and village level, the units are relatively stable, as the police are from the community, but above those levels numbers of staff vary with police frequently shifting duties between levels.

<sup>45</sup> Police earn between \$15 to \$50 per month; most estimate an income of \$100 per month is necessary for urban dwellers. The police unlike most others in the civil service, have received their salaries regularly.

to bridges and roads, which is generally enough to embarrass the latter into good behavior. At the time of our visit, relations between the UNTAC and local police were reported to be good, possibly due to the novelty of the experience for both.

UNTAC police are deployed down to the district level in all 21 provinces and have established a liaison system with all levels of the SOC police. During the first months of repatriation, UNTAC police accompanied SOC police to patrol new settlements, and have continued these efforts despite their diminished mobility during the monsoon season. Nonetheless, UNTAC is not in any sense a substitute police force.

Even with dedicated officers, such as those Asia Watch encountered in Battambang, the UNTAC police, who carry no arms, are limited in the degree of protection they can provide. UNTAC does not provide guards for political figures and activists, though it has mobilized police for political events, such as the KPNLF conference. During the first months of repatriation, UNTAC police accompanied SOC police to patrol new settlements and distribution points on a daily basis, but during the monsoon season such patrols were expected to diminish or cease because of impassable roads. Refugees were sometimes hesitant to approach UNTAC officers in the hearing of their SOC counterparts.

In view of these limitations, freedom of movement takes on even greater importance for ordinary Cambodians. The most vulnerable will often find no other way to protect themselves from abuse than to flee. Banditry is presently the most grave threat to security and free movement in Cambodia, and by all accounts it is getting worse as UN-supervised cantonment stalls. Even as the Khmer Rouge fight on, soldiers from all sides are spontaneously demobilizing, and taking their weapons with them. While in some cases banditry is simply a problem beyond the means of the SOC police to control, in others it flourishes with the cooperation of the police. Virtually everywhere in the country, heavily armed men, sometimes still in uniform, stand by roads collecting "tolls" from passers-by with impunity.<sup>46</sup> Robberies by heavily armed gangs are also increasing. UNTAC initially was slow to address this issue, possibly from a belief that much of the cure lay in the successful management of cantonment and disarmament of all soldiers. Since this phase of the peace plan ran into trouble, UNTAC mobilized its military units to conduct patrols and set up roadblocks.<sup>47</sup> A mixed working group has been constituted to coordinate a response to banditry, including representatives from each of the three cooperating Cambodian parties, and UNTAC military, civilian police, and public security administrators.

The SOC prison system requires vigorous UN supervision to bring practices and conditions up to international standards, although it is worth noting that the SOC is the only party to have granted the UNTAC Human Rights Component and Police Component access to its prisoners. Both components have responsibility for supervising prisons. Conditions in SOC civilian prisons were found to be poor, with overcrowding, lack of sanitation, medical care, food and water. Abusive practices are prevalent, including shackling prisoners, withholding food and water as punishment, prolonged detention without charge, and failure to segregate prisoners by age, or sometimes even by sex.<sup>48</sup> To address these concerns, UNTAC and

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<sup>46</sup> Though it is relatively rare for foreigners to be stopped, even a clearly marked UNTAC police vehicle was stopped in July. Sheri Prasso, "UN Peacekeepers Unable to Stop Rising Banditry," *Agence France Presse*, July 27, 1992 (*in* FBIS-EAS-92-145 July 28, 1992).

<sup>47</sup> Kevin Cooney, "U.N. Troops in Cambodia Deploy Against Bandits," *Reuters* July 31, 1992.

<sup>48</sup> The Standard Minimum Rules for the Treatment of Prisoners, Part I, Paragraph 8, mandates that prisoners of different sexes shall be kept



**the SOC have just established a Prisons Control Commission to oversee prison conditions and review the detention of all prisoners presently held in the SOC. SOC authorities have agreed to halt abusive practices such as shackling and dark cells, although Asia Watch sources report that in August, prisoners were still shackled in T-3, the main prison in Phnom Penh. The World Food Program has agreed to provide emergency subsistence rations to all prisoners in Phnom Penh jails. In August, the SOC agreed to permit UNTAC access to military prisons as well.**

**The justice system is another area where there is little to supervise, much less control. Between six to ten professionally educated lawyers remained in the country after the Khmer Rouge massacres, and their number has actually declined as a few lawyers have died since 1979. The Hun Sen government has created courts in each of the 18 provinces and two municipalities of the country, but judges have only rudimentary training and handle relatively few cases. This is not surprising, given the very few persons trained to act as lawyers in the system, and the small number of laws. There is no pretense of judicial independence, nor do judges or public prosecutors have any way to compel agencies under the Interior Ministry (now the Ministry for National Security) to obey the few existing legal restraints on arbitrary detention of suspects or maltreatment of prisoners.<sup>49</sup> To remedy this situation, UNTAC has stipulated the independence of the judiciary in a draft Penal Code it plans to promulgate (judicial independence is also mandated by the accords for Cambodia's next constitution). According to the head of UNTAC's Civil Administration Component, the approach will be to work with the institutions and personnel they find in each area, and to promulgate interim measures as necessary to deal with fundamental problems. In the area of criminal law, he cited as priorities the introduction of the concept of habeas corpus, limits on investigative detention of suspects, and proportionality between crimes and punishments. UNTAC observers have begun to monitor trials and to advise judges and prosecutors on fundamentals of procedural fairness and independence.**

**Another last-ditch attempt to regulate an area given to UNTAC control was the SOC National Assembly's approval of a press law on April 6, 1992, shortly after UNTAC had arrived in Phnom Penh. The law, which was closely modeled on a Lon Nol-era version, contains an outright ban on foreigners and National Assembly members owning, publishing or editing newspapers. These provisions were a rather thinly-disguised attempt to exclude Khieu Kanharith, a National Assembly member as well as editor until May 1990 of the reformist *Kampuchea Weekly*, as well as to forestall several foreigners interested in starting independent newspapers. The law also features intimidating procedures such as the submission of "life histories certified by the local political administration" for principals in any new publishing enterprise, declarations from distribution agents and printers for every publication with which they work, and submission of copies of every issue published to the local public prosecutor. Under the law, it is forbidden to publish "incorrect, falsified or exaggerated information" with the intent "to cause alarm among the citizenry," or to publish any reports of judicial proceedings, administrative documents, or "any written text which has already been proscribed." The law, which has not been enforced, has never been formally abrogated. UNTAC has advised publishers to ignore it, and is drafting its own set of press guidelines, as well as provisions in the penal law that criminalize defamation and racial incitement. Two English**

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**separate and that young prisoners should be kept separate from adults.**

<sup>49</sup> In theory, the Prosecutor-General is empowered to check on and assess the legality of investigations under Decree-Law No. 34 of 1988; however, the Interior Ministry has generally failed to cooperate with the Prosecutor-General's attempts at supervision. Lawyers Committee for Human Rights, *Cambodia: The Justice System and Violations of Human Rights*, p.44-45.

**language newspapers have begun distribution in Phnom Penh, both of them under foreign ownership.**

**In addition to its formal drafting of penal and media regulations, UNTAC has issued guidelines with SNC approval to clarify the obligations of all parties with respect to particular human rights guarantees. Following the failure of Phnom Penh authorities to give permission for a public gathering the KPNLF wished to sponsor in April, UNTAC drafted a note on freedom of association, and a procedure for the approval of public assemblies. In May, the SNC, with the agreement of all four Cambodian parties, formally acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Prior to the signing of the two covenants, UNTAC presented the Cambodian parties with an explanatory note that highlighted important guarantees and the steps necessary to enforce them in domestic law. Unfortunately, UNTAC did not recommend at that time that the parties accede to the Optional Protocol of the International Covenant on Civil and Political Rights, which permits the individuals to present complaints to the UN's Human Rights Committee when all domestic remedies have failed. Such a recommendation, Asia Watch was told, would be forthcoming.**

**The Paris accords empower UNTAC to provide for the "investigation of human rights complaints, and, where appropriate, corrective action."<sup>50</sup> An UNTAC note approved by the SNC in early April authorizes UNTAC investigators to go to the scene where serious violations are alleged, and interview victims, witnesses, and any investigating officers. Between April and August, the UNTAC human rights component received almost 200 complaints to its Phnom Penh and provincial offices. Almost half of these complaints concerned land disputes, which for the most part have been referred to the civilian administration component or the police. The human rights office has investigated allegations of killings, political harassment, wrongful imprisonment, and assault, and where necessary, it has recommended corrective action. SOC authorities generally have been cooperative, and over one hundred wrongfully held detainees have been released. Although it has not reported on the results of specific investigations, the human rights office does include information on how to make complaints in educational materials it disseminates through leaflets, radio broadcasts and videotapes.**

**Dennis McNamara, head of the Human Rights Component, has laid particular emphasis on the need for the international community and voluntary agencies to assist UNTAC's efforts in human rights education. The office has so far held sessions in human rights for UNTAC police officers as part of their initial training, and has developed a curriculum it used to train educational administrators and teachers in Kandal province. Plans are in place to conduct similar training sessions for Cambodian officials and administrators throughout the provinces, as well as to create a human rights curriculum for use in schools, and materials for general public dissemination. The office has also worked with non-governmental groups, including ADHOC, with whom it held a five day seminar in July for human rights advocates and Buddhist monks. The goal of the educational effort, as McNamara explains it, is to elevate public expectations as to official behavior, and change the belief that ordinary people have no option other than to accept abuses.**

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<sup>50</sup> Comprehensive Settlement, Annex 1, Section E (c).

## **POLITICAL CONTROL IN AREAS UNDER THE NON-COMMUNIST RESISTANCE**

The "non-communist" parties consist of two political factions, FUNCINPEC and the KPNLF, and their respective armies, the Armée Nationale du Kampuchea Independent (ANKI) and the Khmer People's Liberation Armed Forces (KPNLAF). Both parties have established an unenviable record of abuse over the civilian populations they control in refugee camps at the Thai border. While these groups have not attempted to control daily life in the camps as minutely as the Khmer Rouge (see the next chapter), they have arguably tolerated a high level of violence and corruption. The strength of these parties has largely derived from foreign aid, both in the form of direct military assistance from the US and its allies, and in the form of humanitarian aid intended for the civilian populations they control. To maintain their control, they have tried to recruit and coerce refugees to live in the small zones they have captured within Cambodia that have been the locus of much of the fighting in the civil war. The challenge facing the UN is to ensure that the pattern of abuses in the border camps is not reproduced in the zones.

The zones, lightly populated and heavily mined, for the most part have been off-limits to neutral observers, although they have received a disproportionate share of aid from the international community. The areas are controlled by military commanders rather than civil administrators, although a small corps of the latter exists, paid by the U.S. and largely drawn from the ranks of former military personnel. Khmer Rouge military units are also scattered in the non-communists' territory, operating with the apparent cooperation of the local military. Recent observers confirm that virtually no civil institutions exist in these areas. Within each party there are various factions, particularly in the KPNLF which has lost control over its military force. The internal competition and disunity results in much intra-party violence, in which civilians are often the victims. At the local level, economic collusion with the Thais and the Khmer Rouge contributes to the diffusion of power, presenting a difficult situation for UNTAC supervision, much less control. With even less in the way of a hierarchical civil administration to monitor, UNTAC's task in reconstructing civil society is particularly formidable.

### ***Control in the Border Camps***

The refugee camps on the Thai-Cambodian border merit particular attention, because it is there that the practices of the non-communist administrations have been visible to the international community for over a decade. The border relief operation also constituted much of the UN's prior experience with the Cambodia, although its activities and responsibilities were constrained by a far more limited mandate. Many of the same issues that now confront UNTAC were first apparent there: gross human rights abuses and lawlessness, with a concomitant need for investigation and public disclosure; UN efforts to supervise and control law enforcement, and the efforts of the political administrations to evade such controls; the pressure not to antagonize participants or donors and thus jeopardize the humanitarian mission; and the influence of foreign interests on the welfare of particular political factions. The balancing of these elements has often led to compromises that have denied human rights protection and the suppression of information about abuses and corruption in order to maintain humanitarian aid. As a result, refugees, who have been encouraged to rely on the UN, have been left in a particularly vulnerable position, ill-equipped to make informed choices regarding return to their homeland and their future. As the project of the UN in Cambodia is not to provide services for a set time, but to create the conditions whereby Cambodians can freely choose a future for themselves and their country, it is especially important to learn from the border operations and rectify the balance in favor of protection, disclosure, and accountability.

Over two thirds of the current refugee population at the Thai-Cambodian border dates from late

1979 and early 1980,<sup>51</sup> when the Khmer Rouge first fled in the wake of Vietnam's invasion, and later large numbers of Cambodian civilians left the devastated interior in search of food, medical assistance, relatives, and asylum abroad. Except for three brief months,<sup>52</sup> Thailand refused to recognize the tens of thousands of Cambodians massing on the border as refugees. Nevertheless, both Thailand and the United States recognized the strategic value of the border encampments as a buffer between Thailand and the powerful Vietnamese army, and encouraged international relief efforts.<sup>53</sup> Both governments also encouraged military resistance groups to emerge and take control of the frequently shifting encampments, so that a base for countering Vietnam could be organized.

From the beginning, international organizations were largely unable to ensure that the relief they provided went only to civilians. Regular access to many camps was impossible, and supplies were often handed directly to the resistance leaders or the Thai military for distribution. Attempts to assess the actual numbers of refugees met with resistance, and with tacit approval of major donors such as the US and overt assistance by Thailand, the factional leaders collected huge surpluses which they used to nurture their militaries and consolidate their control. By 1982, the agencies that had coordinated the relief effort withdrew from coordinating food distribution, convinced that they had exceeded their mandate to aid only civilian populations. Not coincidentally, the relief effort had succeeded by this time in not only saving the lives of thousands of refugees, but in revivifying the Khmer Rouge as well as creating new guerrilla leaders who pledged allegiance to Prince Sihanouk and Son Sann, a former prime minister during Sihanouk's era. Under pressure from the United States, Thailand, and the countries of ASEAN, the three factions formed an uneasy alliance in 1982 called the "Coalition Government of Democratic Kampuchea." This ersatz "government" assumed Cambodia's seat at the United Nations, which until that time had been retained by the Khmer Rouge. The United Nations Border Relief Operation (UNBRO) was created to take over the coordination of relief aid to the border. The same year, the US government began an overt program of

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<sup>51</sup> James Lynch, *Border Khmer: A Demographic Study of the Residents of Site 2, Site B and Site 8*, p.26 (Ford Foundation, 1989). This survey was drawn from a 29 percent sample of the three largest border camps, or 25 percent of the total civilian camp population along the Thai-Cambodian border.

<sup>52</sup> Thailand had sheltered Indochinese refugees prior to the 1979 exodus, including a handful of Khmer refugees who escaped during the Khmer Rouge era. The policy of forcing Cambodians back across the border changed on October 19, 1979, in response to international pressure and a personal visit by then-prime minister General Kriangsak Chamanand. Cambodians who reached the border were able to request to be taken to UNHCR camps in Thailand, where they could be eligible for resettlement abroad. During the next three months, Khao I Dang, the only camp presently administered by the UNHCR and not controlled by a resistance faction administration, was created. On January 24, 1980, Thai policy changed again, and Cambodians at the border were forced into one or another of the resistance camps at the border, unless they were able to bribe their way into Khao I Dang. Khao I Dang is the only camp where displaced Cambodians are actually called "refugees," and are eligible for resettlement abroad. Although in theory resettlement opportunities were available only to Cambodians who arrived before January 24, 1980, at various points the policy was relaxed to allow resettlement of groups of late-comers. Khao I Dang is the only camp where a significant number of Cambodians do not wish to return to their country, and still hope for a highly unlikely chance to move abroad.

<sup>53</sup> This is not to discount the genuine humanitarian motives of both governments in providing relief. The complex humanitarian and political considerations that shaped relief efforts at the Thai-Cambodian border and within Cambodia itself are examined in detail in Linda Mason and Roger Brown, *Rice, Rivalry and Politics*, University of Notre Dame Press (Notre Dame, Indiana: 1983) and William Shawcross, *The Quality of Mercy*, Touchstone Books (New York: 1984).

**"non-lethal" military aid to the non-communist resistance.**

**The present border camps date from the successful 1984-1985 dry season offensive mounted by the Phnom Penh forces and their Vietnamese allies to dislodge the resistance from their bases at the border. Many of the border encampments were totally destroyed, and their populations regrouped in closed camps on the Thai side of the border. Four major camps were assisted by UNBRO and foreign relief agencies. Site 2, the largest of these camps with a population estimated in early August 1992 of 201,287 persons,<sup>54</sup> is an agglomeration of five smaller units whose administrations are divided in allegiance between Son Sann, president of the KPNLF, and General Sak Sutsakhan, a former Lon Nol general and chief commander of the KPNLAF. As of August 1992, the others included Site B, a FUNCINPEC camp with an estimated population of 57,303, Site 8, a Khmer Rouge camp with an estimated population of 43,897, and Sok Sanh, a KPNLF camp with an estimated population of 9,932. After a struggle, UNBRO was able to establish access to two more Khmer Rouge camps, O'Trao, population 17,925 and Site K, population 9,932, in 1988 and 1989 respectively. The UN was not granted unlimited access to the camps until the 1991 Memorandum of Understanding, and UN personnel have only been permitted to stay overnight in most camps since 1990.**

**Despite the efforts of UNBRO to control the distribution of relief assistance to the camps, the non-communist factions managed to circumvent attempts to limit the distribution of rations to civilians. Administrators grossly inflated population figures for the camps, hid soldiers in civilian families, and levied "taxes" on relief assistance, all with the acquiescence of Thai military authorities.<sup>55</sup> Site B, which received aid for a base population of 59,000, has estimated to have an actual population of 20,000 to 30,000 fewer people; Site 2's population was thought to be similarly inflated.<sup>56</sup> UNBRO initiated "family books" which listed the name and photograph of every household member as a way of controlling the distribution of rations, but over a decade these books have been altered by camp residents and administrators in order to maximize the flow of benefits. It is not unusual to find "families" such as that of one old woman whom Asia Watch interviewed after her repatriation to Cambodia. The camp administration had placed four unrelated single men in her book and her hut (probably soldiers). As people are being called up for repatriation according to these books, this woman was left wondering whether she would continue to have to share her food, home and land in Cambodia with these strangers.**

<sup>54</sup> Memorandum from T. Kratovil, UNHCR Information Office in Washington, D.C., August 11, 1992. All population figures should be treated as estimates given the frequent movements in and out of the camps by refugees. As discussed later, the registered number of refugees for each camp may be grossly inflated in some instances.

<sup>55</sup> The Displaced Persons Protection Unit (DPPU), a special unit of the Royal Thai Government's Supreme Command is charged with maintaining the security of the border camps. In 1988, the DPPU replaced the Royal Thai Army's Task Force 80, which had been heavily criticized for abusing the Cambodian refugees under its protection. DPPU typically guards the entrance to the camps, and does not patrol internally except in emergency situations. Actual policing of the camps is left to Khmer police, trained and paid by UNBRO. Three Thai military divisions patrol the Cambodian-Laos border, with headquarters in Surin, Wattana and Chantaburi. Unit 315 is an intelligence division that handles Khmer civilians, and Unit 838 is the military division that handles relations with the armies of each Cambodian resistance faction.

<sup>56</sup> Based on May 1992 interviews with various international aid workers. Approximately 30 percent of the registered population of Site B failed to show up for UNHCR pre-registration for repatriation. KPNLF sources estimate as much as a third of those registered in Site 2 do not live there. Khmer Rouge camps tend not to have grossly exaggerated population counts; in O'Trao, fewer than 200 persons failed to pre-register.

The "civilian" nature of the Thai border camps has always been debatable. Though they are nominally ruled by civilian administrations, it was well understood by all that these administrations derived their authority from the factional militaries. All the camps were targets of sporadic shelling, with the notable exception of Khao I Dang, the one truly neutral camp, administered by UNHCR, equally within artillery range as the others.<sup>57</sup> Soldiers and commanders could be found in all the camps. So could grenades, mines, machine guns and rocket launchers, all of which were often put to use by camp residents or "bandits," the prevailing euphemism for renegade soldiers.<sup>58</sup> Each of the factions recruited or coerced refugees to act as porters from the border camps to the front, and each sent soldiers to the camps for medical care and assistance.

No-one referred to "soldiers." Cambodians who turned up at the hospital with, for example, malaria which did not exist in the camps as a result of a stringent vector-control programme, were referred to as "people from outside the camp." This was the terminology that was widely used to refer to all such non-civilians. This type of chicanery was not only misleading, constant use of such sanitized language soon took on a life of its own and bred a certain psychological reluctance to acknowledge the presence of the military....Over time camp Administrators, camp residents and relief workers began to accept "low profile soldiers" as the norm; the presence of off-duty soldiers was not a major issue.<sup>59</sup>

The factions themselves show little regard for separating civilians from their war effort. One of the most blatant examples occurred in March 1989, on the eve of peace talks in Paris, when the KPNLF mounted an attack that may have been designed to draw retaliatory fire onto a refugee camp (and with it international condemnation of the Phnom Penh forces). The offensive was launched directly opposite and a few thousand meters from Site 2, the largest refugee camp on the border and one under KPNLF control. Some 50,000 elderly and disabled refugees had to be evacuated even while the military used teenagers from the camp to transport food to the front.<sup>60</sup>

The camps have been closed and guarded by the Thai military. In theory, movement in and out has been forbidden to refugees except for unusual circumstances such as medical emergencies. In fact, male civilians and resistance soldiers moved in and out of the camps regularly and in large numbers. The Thai military, in collusion with camp administrators, permitted men to leave the camps (often for a fee) to travel in Cambodia and the factional zones for trade or military activities. Since the establishment of a partial cease-fire, camp residents are also travelling back to Cambodia to search for family and observe conditions with an eye to permanent return, either as part of UN-sponsored trips or on their own. Once permission from the administration for such a trip is in hand, the refugee needs only to find money for the transportation.<sup>61</sup>

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<sup>57</sup> Norah Niland, *The Politics of Suffering*, Dissertation p. 101 (University of Dublin, November 1991).

<sup>58</sup> See Niland, *supra* p. 136.

<sup>59</sup> *Id.* at 101-102.

<sup>60</sup> Niland, *The Politics of Suffering*, *id.* at p. 103.

<sup>61</sup> In May, it was possible to take a car from Site 2 to Sisophon for 600 baht (\$24), or from Site B to Battambang for about 500 baht (\$20).

## **HUMAN RIGHTS ABUSES**

**Each of the resistance factions has a long record of human rights abuses at the border camps. Coerced military service, portering, and officially sanctioned or tolerated attacks and killings have been common experiences at most camps. In response to sharply escalating violence in the border camps, UNBRO instituted a "Protection Unit" in January 1987. The first full-time protection officer was not in place until March 1988, and more staff was not recruited until September of that year. Despite the common belief that only a fraction of incidents ever reached the attention of UNBRO, in the first two years an astonishing number of complaints was recorded, including 792 incidents of beating, 261 incidents of knifing or axing, 101 shootings, 52 assaults by grenade, 57 assaults by shelling or mines, 64 reports of rape or sexual abuse, and 164 suicides.<sup>62</sup> Many of the incidents involved the factional administrations, the Thai border units, Task Force 80 and, to a lesser extent, its successor the Displaced Persons Protection Unit (DPPU).**

**Although UNBRO regularly compiled statistics and investigated incidents where possible, none of these reports were ever made public by the agency. The first UNBRO protection officer resigned, returning all his paychecks to UNBRO and disclosing his confidential protection reports as a protest against the low priority the agency gave to disclosure, advocacy and supervision. The following excerpt from his reports gives a snapshot of typical abuses.<sup>63</sup>**

**The Khmer military also made its presence known by a letter from its Commander-in-Chief General Sak Suthsakan to eight military commanders living in Site 2 who are part of the opposite faction within the KPNLF instructing them to go to Klan Dong. Task Force 838 went to Site 2 to pick them up but the men sought refuge in the Nong Chan Administration compound and protection from UNBRO and from ICRC. The men all claimed to fear for their lives if they were to be forced to go to Klan Dong. This is one example of the distrust and animosity felt by each faction of the KPNLF for the other; this type of harassment by warring military factions in what is supposed to be a unified civilian camp raises tensions and leads to both violence and oppression. The administrations in Site 2 are restricting the political and civil freedoms of the people living in their particular camp to a greater and greater extent through such means as at times cutting off UNBRO supplies (food, water, fuelwood...) to families with members who work in one of the camps from "the other side."**

**In an attempt to grapple with the problem of official complicity in extortion, rape, assaults and killings, UNBRO devised a Code of Justice, prison rules and informal courts called Justice Committees that were first instituted in Site 2 in May 1989. It also instituted guidelines and training for the Khmer Police, who in theory are answerable to UNBRO and not to the camp administrations. Although there was a general**

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**People often leave the camp to go to local markets, and Cambodians from the resistance zones and ethnic Khmer from Thai villages often enter the camp, especially on food distribution days.**

<sup>62</sup> Bob Maat, *The Weight of These Sad Times: "End of Mission" Report on the Thai Kampuchean Border, December 8, 1979 - April 30, 1989*, Appendix (privately published manuscript).

<sup>63</sup> *Ibid*, p.xxxv, February 1989.

belief that these efforts had been helpful, Asia Watch interviews with camp workers and refugees in 1992 revealed wide skepticism at the independence and expertise of these institutions. The police, under supervision in each camp by a U.N. security liaison officer, were generally described as the more professionally trained and detached group. Nevertheless, Asia Watch found complaints of brutality and misconduct under pressure from the resistance factions or the Thai authorities, as detailed below. The justice system was frequently described by observers as incapable of administering impartial decisions except in a minority of cases. Few of its officials have professional legal training other than courses held in the camps. Judges, appointed by the factional administration, also tended to hold parallel administration posts. In mid-1992, bribery of judges was rampant, and justice committees were easily subject to both subtle and blatant pressures in sensitive cases. Sources recounted various occasions where factional soldiers "observed" trials, weapons in hand. Abuses in the arrest and detention of individuals who have in some way offended the administration abounded. Similarly, accounts of wrongdoers who had been exculpated or released from prison after intervention by the factional leaders were common.

Site 2, the largest of the KPNLF camps and the largest settlement of Cambodians outside of Phnom Penh, is known for pervasive violence. Although arguably the most "free" of the camps, due to the large amount of economic activity, foreign aid workers, and diffuse power bases, it is also one of the most dangerous to live in. The first UNBRO protection officer assigned to Site 2 recorded over 900 incidents of physical assault or killings in 1988 alone, and recent interviews did not suggest any radical reduction in the incidence of violent crime. In May 1992, grenades could be bought for 50 baht (\$2) and handguns for 300 baht (\$12). Criminal assaults flourished with the tolerance, and sometimes complicity, of the administrative authorities.

A recent rape trial illustrates the interplay between the various camp authorities and the justice system. The case, which involved events in November 1991, was unusual in two respects. Rape victims rarely use the justice system; usually the only form of "redress" is a payment to the victim's family (4,000 to 10,000 baht, or \$160 to \$400 is common) and possibly a marriage offer (rape is frequently used as a means of forcing agreement to an unwanted marriage). The other unusual feature was that this trial was the first time a highly-placed member of the camp administration was the accused. In this case, the defendant was none other than the former Chief Judge of the Justice Committee, Pon Piseth. In addition to acting as Chief Judge, Pon Piseth had authored many books on human rights and criminal law and was on the Central Legislative Committee for the KPNLF.

The victim, a 17-year-old girl, lived with her sister next to a deputy judge, in the same compound as Pon Piseth. Pon Piseth slept with the older sister, who consented to become his fourth wife. When he raped the younger sister, her neighbor, the deputy judge found out. Disturbed that the Chief Judge would be involved in such an act, he agreed to help her bring the case to court. A few days afterwards, the Chief Judge sent other judges and his third and fourth wives to the victim and the deputy with jewelry, to bribe them not to take action. The victim kept the jewelry, which became the conclusive evidence at trial.

In the course of the investigation, allegations surfaced from many different quarters in the camp that the Chief Judge had committed many other rapes and abused his office through acts of sexual coercion throughout his tenure. He was accused of using subpoenas to bring women to him in order to coerce sexual favors, and of offering to release women prisoners, or grant women divorces in exchange for sex. The charge at trial, however, was limited to the rape of his fourth wife's sister. After a trial which featured a preliminary hearing, an active defense and cross-examination of witnesses by both sides, Pon



**Piseth was convicted by a five-judge panel and sentenced to four and one half years of a possible four to ten year term.**

**Before his arrest, Pon Piseth (who had taken a fifth wife in the meantime) sent soldiers to the deputy judge to threaten him, and personally threatened the victim he would kill her if she proceeded. There was heavy pressure on the police from Site 2 leaders not to arrest Pon Piseth: to arrest such a high-ranking KPNLF official was "not the Khmer way." In the end, a meeting of senior administrators several weeks before the trial date decided that there would be no direct interference. Nevertheless, the trial was heavily attended by soldiers, and the atmosphere was tense until the jewelry that proved the victim's allegations was produced. In May 1992, after the sentencing, the chief of police, who had led the prosecution, had two landmines placed in front of his house. Half a dozen families had to be cleared from that vicinity. A voluntary agency employee who was called to testify at the trial also received general threats. Both the rape victim and the deputy judge had to be relocated to a different camp for their own protection. Pon Piseth sent them a letter there, continuing to threaten vengeance.**

**This case, described as one of the best investigations and trials in the history of the camp, shows the pressures brought to bear on the police even in investigations that have the approval of high levels of the administration. Where there is a potential conflict with either the Thai or factional military administration, the typical response of the camp police is to yield.**

**If the violence and corruption in Site 2 are bad, the atmosphere in Site B, a FUNCINPEC camp, is worse. Site B is often cited as one of the most repressive and controlled camps, run on an almost feudal system of allegiance to Prince Sihanouk and his son Ranariddh, current head of the party. It is also known as one of the most corrupt. Camp authorities deliberately inflate the population of the camp to nearly twice the actual figure and receive international aid accordingly; they then present the aid to camp residents as a "gift" from the administration. Information within the camp is tightly controlled, and residents need not only bribes but good political connections to engage in a range of activities, from forming associations to operating video parlors, which were only permitted within the last year. From a very early age, boys are pressured to work for the military. In contrast to Site 8, the most open of the Khmer Rouge camps, there have been no free elections for section leaders. Instead, camp administrators proposed section heads in what they later described to one UN official as "directed democracy."**

**As in other border camps, the Cambodian police at Site B have few constraints on their actions other than the guidance of an UNBRO police adviser. One night in February 1992, approximately ten police went to the grounds of the camp hospital, identified a medic as a participant in a brawl that had erupted earlier, and beat him severely in the face in front of the entire hospital staff. He was then taken into custody for four hours, during which four to six police beat him with their guns. In response to this attack, the medics at Site B held a three-day strike, demanding improved security at the hospital, which is the only building within the camp that is open on a 24-hour basis. Medics were afraid to leave the hospital grounds to go home, or to refer patients with complications to the hospital in the nearby town of Surin. They were given a radio with which they could contact the DPPU, which is stationed some distance from the hospital.**

**Medical personnel in all the camps tend to be among the most educated residents, with close associations to foreign voluntary agency workers. In Site B, they are distrusted by the administration. At the time of the February incident, administrators warned them not to involve foreigners or voluntary agencies in the issue. One week later, a midwife was arrested for breaking an unannounced "curfew" when she brought a woman having complications in labor to the camp hospital and then tried to return to her hut a**

few meters away.

**The Thai military aids the factional militaries in "law enforcement" efforts in the border area. Until a year and a half ago, the Thai military's Task Force 838 would enter Site B to arrest and remove persons on behalf of ANKI. The UN now demands arrest warrants before persons are removed, but according to relief workers, Task Force 838 entered the camp to remove suspects as recently as April 1992. Evidence of the general lawlessness of the border appears with regularity in the form of bodies of Khmer civilians found outside the camps. In many cases, it is difficult to determine who is to blame for the many attacks and murders in the region, including two men and two women found killed in the mountains behind Site 2 at the end of April and the bullet-ridden body of a man found around the same time just beyond the camp's boundaries.**

**The pattern of abuse in the KPNLF and Sihanoukist camps has implications for the well-being of refugees who choose or are pressured to return to zones inside Cambodia controlled by the two factions. As will be discussed in a later section, the same factional administrators who control refugee groups in Thailand are preparing new villages in the zones, and exerting pressure on those they govern to settle there.**

### ***The Resistance Zones***

**The small pockets of territory controlled by the KPNLF and FUNCINPEC, which hug the Thai border from Thmar Pouk district in Battambang province to Ampil and areas northeast of Samrong in Banteay Meanchey province, vary widely in terms of physical conditions but are similar in their lack of civil institutions and lawlessness.**

**Land in the zones ranges from arable and mine-free to malarial, forested and heavily mined. The village of Thmar Pouk, under KPNLF control, has large tracts of fertile, unmined land, and according to US AID officials, last year sold a 10,000 metric ton surplus in rice to Thailand. Ampil, on the other hand, is one of the poorest areas of Cambodia, arid with agricultural yields too low to sustain the population. The ANKI administration gives rice assistance to villagers there. O'Smak, the main FUNCINPEC military base, is a heavily forested, highly malarial area where the main economic activity is logging. The area near the gem-mining center of Pailin, in Khmer Rouge territory, has been devastated by sluice-mining and logging, with most buildings reduced to rubble. The zone is marked by a 150 kilometer belt of mines. Other Khmer Rouge areas in the Cardamom and Elephant mountain ranges are very poor and highly malarial.**

**According to the first UN fact-finding mission to the KPNLF and FUNCINPEC areas in 1991, malnutrition was widespread, especially among children, and what health care facilities exist are for military, not civilian use. Interviews with refugees who worked in the zones suggest that in some areas, such as Thmar Pouk, more civilians are receiving care from military hospitals since the ceasefire. At that time, the UN team observed that children, when they go to school at all, attend irregularly. In its most recent information bulletin, however, the UNHCR reports that, on recent visits, officials have been "impressed at the quality of farming land and services -- provided with support by USAID."<sup>64</sup>**

**Asia Watch received conflicting information on freedom of movement within the KPNLF and**

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<sup>64</sup> UNHCR, "Repatriation Operation Cambodia," Information Bulletin No. 6, August 2, 1992.

**FUNCINPEC zones. Foreign sources reported it was uncontrolled within the zones themselves, but refugees reported it was not always easy to move freely. Factional soldiers often hire themselves out as guides between mined areas. Internal roads are heavily mined, and virtually no foreigners travel in the zones without military escorts. The 1991 UN mission found the road network extremely poor, and in parts traversable only by small four wheel drive vehicles. There was a heavy concentration of mines around military bases, water sources and abandoned villages, especially in the ANKI area, with no effort by the administration to map minefields or record mine incidents. Banditry in these areas has been an obstacle to travel, even for foreigners, and was expected to worsen as soldiers continue to demobilize spontaneously, taking weapons with them. According to one official of an international organization, criminality was so high at one point in the Thmar Pouk and Banteay Chhmar region that civilians had said they were afraid to go to markets there.**

**Movement outside the zones requires special arrangements with the military administration and guidance in finding a way through the heavily mined borders. Since the Asia Watch visit, Route 69 has been completely demined between Thmar Pouk and Sisophon, creating the first major passageway between the KPRLF and SOC regions. Road construction is also underway between Sisophon and Svay Check, and to the north and south of Thmar Pouk. The United States Agency for International Development (US AID) is planning to rehabilitate Route 69 from Banteay Chhmar to Samrong, clearing the main route connecting the FUNCINPEC and KPRLF zone to the SOC. Route 68 from the ANKI base at O'Smak to the intersection of Route 6 in the SOC, as well as a number of smaller local roads are also to be cleared with US AID funds. Officials Asia Watch interviewed expressed hope that this opening of the borders was the first step in opening the zones to integration with the country as a whole. Fighting continues between the Khmer Rouge and the Phnom Penh forces for control of Route 12, which links the capital of Kompong Thom province with the northern province of Preah Vihear on the Thai border. Control over this road and others in the area would give the guerrillas control of portions of northeast Cambodia.<sup>65</sup>**

**Although civil justice institutions in SOC territory are rudimentary by all accounts, they do not exist in the areas controlled by the resistance armies. What police are deployed can be described as military police, or soldiers with standard equipment and an armband or uniform that designates their policing function. Neither the Code of Justice or any other police guidelines used in the camps have been applied in the zones, although some political leaders have stated an intention to do so. There are no civil courts; serious offenders are brought before military administrators for disposition. The non-communist factions claim there are few prisons in their territory, and those that international agencies have visited now contain few prisoners. In Bantaguan, a KPRLF base, there is a large prison whose few inmates have been sentenced by military commanders. O'Smak, a military base for ANKI, has had an area that was used for holding captured soldiers, but according to authorities there, the practice with prisoners of war is to "reeducate" them and allow them either to join the ANKI force or find their way home. Some former prisoners living in the zones have reportedly requested assistance in returning to their original homes.**

**One reason the number of prisoners is apparently not large is that evidence from the border camps suggests that the military often executes apprehended suspects. At Site 2, UNBRO has halted the practice of handing suspects over to the KPRLF military<sup>66</sup> because of its history of summarily killing them.**

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<sup>65</sup> Peter Eng, "Along Route 12, A Struggle Over Pol Pot's Birthplace," *Associated Press*, July 23, 1992.

<sup>66</sup> Under an agreement between the factional administrations, the Royal Thai Government and UNBRO, the border camps are not to be places of refuge for criminal suspects from outside. Until 1989, all suspects wanted by factional military authorities were handed over

Recent incidents include a case in which two KPNLF soldiers were sought by the military in December 1991 for crimes and were handed over by the camp police. They were taken to Svay Chek and shot "while trying to escape." In February 1992, KPNLAF officers sought two Khmer Rouge soldiers from a resistance zone who had supposedly committed a crime. Police turned the men over after the military produced affidavits promising to jail the suspects and give them a trial. It was later discovered that the two men were shot and killed some three to four days later. Since that time, four men from the KPNLF zone were sought by the military for stealing a chainsaw. This time an UNBRO protection officer intervened, and told the artillery commander from Ampil who came to claim the suspects that they would not be released because prior suspects had been killed. The artillery commander reportedly said, "Well, if someone has a bad habit, sometimes that's the only way to break it." As of early May, the UNBRO policy of handing suspects over to the factional military was still in place in other camps.

The Thai military aids the factional militaries in "law enforcement" efforts in the border area. Until early 1991, Task Force 838 of the Thai military would enter Site B to arrest and remove persons on behalf of ANKI. The UN now demands arrest warrants before they are removed, but according to relief workers, Task Force 838 had entered the camp to remove suspects as recently as April. Evidence of the general lawlessness of the border appears with regularity in the form of bodies of Khmer civilians found outside the camps. It is often difficult to determine who is to blame for the frequent attacks and murders in the region. Recent incidents include two men and two women found killed in the mountains behind Site 2 at the end of April, and the bullet-ridden body of a man found around the same time just outside the camp. A typical unresolved incident in April-May 1992 involved the disappearance of eight men from the Khmer Rouge camp, Site 8. They supposedly were part of a gang that robbed 50 Thai villagers and made a second attack on Site K. In the second robbery, they took 590,000 baht in currency (\$23,600) and 30,000 baht in gold (\$1,200) from the home of a middleman for Khmer Rouge traders and Site K sandalwood cutters in the resistance zones. The eight men were arrested by the Khmer camp police, held one night in jail, and then taken to the police station at Klong Hat. The Thai Suranee Task Force, a police unit which covers the Thai-Lao border to Prachinburi province, came to collect them, after which they disappeared. The most likely scenario, according to observers, is that they were handed over to Khmer Rouge authorities and executed, although their fate is unlikely to be determined.

Of great concern are recent reports that the Khmer Rouge are increasingly assuming military control of the area, as the KPNLF and FUNCINPEC militaries disintegrate into small armed gangs. According to recent observers, the Khmer Rouge military, whose presence was discreet in the past, now openly patrol the region in jeeps armed with machine guns. Local non-communist administrators and military officers frankly acknowledge and accept the Khmer Rouge presence, which has helped to control unrestrained "banditry" to some degree. Khmer Rouge forces have been distributing Chinese assault rifles to villagers for "hunting," along with uniforms. A Khmer Rouge division of 4,000 men is currently deployed in both the KPNLF and FUNCINPEC areas, and Khmer Rouge military leaders have set up their own logging concessions and border crossings with the acquiescence of FUNCINPEC administrators. According to foreigners who had visited the area within the last year, the "non-communist" zones are sprinkled with villages where Khmer Rouge live openly.

### ***Resettlement to the Zones***

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without question. After 1989, when military envoys came in search of someone in the border camps, camp police were required to inform UNBRO, and submit an affidavit as to the grounds on which the person's custody was sought.

**Each resistance faction has waged a campaign to persuade refugees to return to the zones. The campaigns tend to play on the fear of persecution or attack in SOC territory and the purported inability of the UN to protect or provide adequate land and assistance for those who repatriate under UN auspices. The aim is clearly to try and retain control over camp residents even as they leave the camps, since each faction, including the Khmer Rouge, sees the key to its political survival in the creation of a firm territorial base before the elections take place. That base will provide an electorate, a labor force with which to continue the lucrative border trade, and a supply of soldiers and porters should fighting resume.**

**Refugees are subjected to both subtle and overt pressure from different sources to move to the zones. In Site 2, there is rivalry between the various administrations, with different leaders trying to recruit followers and win UNHCR assistance in resettling their constituents in areas within the KPNLF zone. In May, the KPNLF presented UNHCR with a list of 490 persons who supposedly had houses and land waiting for them in the Thmar Pouk area and who wanted UN transportation to get there as well as rice rations after they arrived. When UN officials interviewed these people, only 129 were willing to go to the zones under those conditions. Meanwhile, the KPNLF administration in Thmar Pouk has been busy planning settlements for as many as 50,000 returnees from all camps, including thousands from those controlled by the Khmer Rouge.**

**In Site B, the administration's strategy to retain power after repatriation appears to be to selectively encourage settlement in the FUNCINPEC zone while ensuring the partisan loyalty of those refugees who disperse to SOC territory. The administration has been giving 50 baht "gifts" (\$2) to returnees in the camp staging area, which residents viewed as a crass last-minute attempt at vote-buying. Most Site B residents carry a FUNCINPEC card, which is necessary for certain jobs, such as teaching, and is considered an asset for smooth relations with the administration. Camp leaders have told residents that the FUNCINPEC card, which bears Prince Sihanouk's seal, will allow bearers to travel freely around Cambodia and protect them from discrimination. Some Khmer interviewed by Asia Watch believed they could hand in a FUNCINPEC card and receive an SOC identity card in return. Asia Watch found no basis for such claims, although they may have seemed plausible to refugees when the relationship between FUNCINPEC and the SOC was cooperative earlier in the year. According to an international relief worker, SOC officials stationed in factional military bases such as O'Smak facilitate travel passes between the zone and SOC territory.**

**In Site B, some disinformation, such as the claim that the UN will not really feed returnees, is spread orally, with instructions that no foreigners are to be told. The tight control of information was evident in the refugees' persistent and exaggerated fears of reprisal should they resettle in SOC territory. This anxiety was more acute in Site B than in any other camp which Asia Watch visited, with some residents convinced they would be arrested immediately if SOC authorities discovered where they came from. The administration is currently registering settlers for the area around O'Smak, to be transported by the faction's military. Over 200 such persons have registered with the UN information office to remain eligible for rice rations in the zone. The administration has also presented UNHCR with a list of 459 families who supposedly wish to resettle in the FUNCINPEC zone with UNHCR assistance other than land.**

**The campaigns are further bolstered by the deteriorating security situation in the camps. Although military shelling of the camps ended with the ceasefire, a series of natural disasters<sup>67</sup> and bandit**

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<sup>67</sup> The natural disasters include a violent storm that left 14,000 homeless in Site 2 and destroyed hospitals and other voluntary agency

attacks have since struck the border population. The attacks appear symptomatic of a general dissolution of the social order in the camps.<sup>68</sup> Many also suspect that at least some of the attacks are sanctioned by the factional administrations, in order to increase the likelihood that people, desperate to leave the camps, will repatriate to the zones.

"Bandit" attacks, often led by renegade soldiers, have plagued both Site 2 and Site B as well as other camps. In mid-April, 30 bandits dressed in Khmer Rouge-style uniforms attacked Site B at night with AK-47 rifles and rocket-propelled grenades, killing a father and son and wounding three others. A lieutenant general with ANKI was arrested by the local Thai border unit for masterminding the attack. Site B residents told Asia Watch in May that they often did not sleep at night to guard against attack. On May 1, 1992, a major fire left 6,000 people in Site 2 homeless. Many were not able to rescue their possessions from their bamboo huts as bullets, grenades and other live ammunition that was hidden in huts or administration buildings exploded without interruption for most of the four hours. Subsequently, a number of teenagers were caught trying to light people's homes on fire, and confessed that "masked men" had paid them to do this. On May 11, a day Asia Watch visited the camp, all foreigners were evacuated by 3:30 due to a group of about 40 bandits approaching the camp, a recurring threat.

The most serious incident was the three-day disruption at Site 2 that began on June 1, 1992. Several hundred demonstrators led by adolescents with signs and megaphones, protested the \$50 per adult offered in a new repatriation plan by the UNHCR (see Chapter 4, below), saying they wanted the \$700 they alleged that Vietnamese in Hong Kong receive to return home. With no identifiable leadership, they walked from an UNBRO office to the staging area in the camp, preventing returnees from departing and briefly taking an UNBRO protection officer hostage. Observers now believe the protest was instigated by the Khmer administration, who had prepared the way with a campaign denouncing the cash option. Over the next two days, the numbers of protesters swelled to thousands and then tens of thousands, and various groups engaged in violence and looting, especially of UN and voluntary agency offices, prompting the evacuation of foreign workers, and eventually the flight of the DPPU, the Khmer police, and many Khmer administrators. Rioters broke into the jail and freed all prisoners, and took some police weapons. After a water truck that attempted to enter the camp had its windshield broken by rock-throwers, shipments were halted for a period. Thai military units were called in to restore order, and the DPPU and Khmer police returned on June 4, but most foreigners were not allowed back in until June 15. As a result of the riots, UNHCR suspended repatriation from Site 2 from June 1 to June 17.

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buildings there.

<sup>68</sup> Most of the border camps have a flourishing black market that is intimately connected to the local Thai economy. Trade ranges from resales of rice and fish rations to extensive logging arrangements made between resistance group leaders and the Thai military, often with camp residents used as labor. In Site B, camp residents were also recruited by resident labor contractors to work in enterprises in Thailand, although they were sometimes subject to arrest as illegal immigrants. Rations and other commodities are sold on a daily basis, mostly to Thai villagers. Nonetheless, many camp residents are too poor to supplement their rations through trade when they fall short. According to a study by Josephine Reynells *Political Pawns* (Oxfam: 1989), as many as 34 percent of all camp households resort to borrowing food from neighbors and repaying from the next ration, "entering a cycle of debt and obligation." In addition to consumer goods, endless services can be bought for a price, from transportation at night to Khao I Dang, grenades as well as someone to throw them; extra food rations, or the deletion or addition of a name from family books or other records. This market, unrestrained by law enforcement to any significant degree, provides ample means of extortion for those with the means to pay. The latter are generally those with connections to the factional administrations.

**By the beginning of 1992, it was clear that there would not be enough safe, accessible land in the northwest provinces to accommodate all refugees who wished to return there. The UNHCR began to consider alternate resettlement sites in every area of Cambodia, including the zones. At a January meeting that, among other topics, considered "whether and how to assist those persons willing to return to faction-controlled areas," it was agreed that the UN would assist return to those areas under a set of conditions. These conditions included: direct and unhindered UNHCR access to the refugees to ascertain the voluntary and free nature of their choice; ascertaining that the areas are safe from the point of view of mines, banditry and any other relevant security considerations; determining that the areas provide reasonable economic viability; that refugees returning to the zones would briefly pass through reception facilities inside Cambodia; and that there is freedom of movement in and out of the areas, "according to the wishes of the populations."<sup>69</sup>**

**On May 22, UNHCR transported 436 persons directly from Site 2 to the KPRLF area of Thmar Pouk district, Battambang province, without processing through a reception center in Cambodia. Most of those "returned" actually had been living in the district, employed in the local administration, education or health work. Over half had houses of their own waiting, and the remainder were provided shelter by the administration. For this reason, UNHCR did not provide the "returnees" either cash assistance or building materials, much to their disappointment. A second movement of 501 people took place on July 14. Further repatriations are planned for Thmar Pouk and the FUNCINPEC region of Ampil in Banteay Meanchey province. Prior to departure, UNHCR officials interviewed returnees to ascertain the voluntary nature of their choice.**

**At the time of the second movement, there were 12 UNTAC civilian police deployed in Thmar Pouk and 21 in Banteay Chhmar. Bangladeshi and Pakistani battalions of the UNTAC military were also posted to the region. One UNHCR field officer, stationed in the UNHCR office in Battambang, was assigned to these zones. Two from the UNTAC Human Rights Component were to be in place there by September, one in Ampil and one in Thmar Pouk. In both areas, there is a corps of civil administrators and teachers whose salaries are paid by USAID. It is unclear as to when or whether UNTAC has assumed supervision of their activities.**

**There are serious questions as to whether conditions in the zones meet all the criteria formulated by the UNHCR in January. It is also unclear whether the UN has gained sufficient control over the administration of the zones to monitor adequately the safety and free movement of the populations there. The increasing military role of the Khmer Rouge in these areas is especially troubling in this regard. The recent movements are portrayed as a special case, given that most of those who "returned" already lived in the zones, closely allied with the factional administrations.**

**The prevailing view at this writing is that UN-sponsored repatriation, with its conditions of accessibility and its promise of drawing related development projects, will be a powerful tool in opening and reintegrating the zones with the rest of Cambodia. It rests on the assumption of full cooperation on the part of those who control the zones. In the case of the Khmer Rouge, there has been no cooperation, and hence no repatriation to areas under their control.**

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<sup>69</sup> UNHCR, Minutes of In-House Meeting on Revision of Planning Assumptions and Strategy for Cambodian Repatriation, January 3 and 6, 1992.

## **POLITICAL CONTROL UNDER THE KHMER ROUGE**

**During their rule from 1975 to 1979, the Khmer Rouge presided over the systematic destruction of Cambodian society. Over a million perished through starvation, disease, torture and executions. Declaring the advent of their reign "year zero," they set out to purge Cambodia of all "corrupt" influences, killing hundreds of thousands of civil servants, professionals, teachers, monks, members of ethnic minorities, peasants, and ultimately their own adherents. They emptied the cities, destroyed temples and schools, and reorganized the country into labor camps, in which most Cambodians were forced to work the fields all day and into the night on starvation rations. Even the structure of the family was destroyed, as the party exerted control over marriages, forced its citizens to eat from communal kitchens, and encouraged children to monitor and denounce their parents for "counterrevolutionary" activities.**

**In view of their bloody record, some have likened the inclusion of the Khmer Rouge in a peace settlement to engaging the Nazi party in the reconstruction of post-war Germany. Advocates of Khmer Rouge participation, among them the US administration, argued that it was essential to give the largest resistance army a stake in the success of any peace plan.<sup>70</sup> Whether that was ever true, it is certainly now the case that without Khmer Rouge cooperation, the full plan outlined in the Paris Accords cannot be implemented. Fully aware of the reluctance of the international community to scrap its multi-billion dollar investment in Cambodia, the Khmer Rouge continue to hedge and stall, all the while gaining time to consolidate their political control. In 1988, Pol Pot reportedly set the goal at winning control of 2,000 to 3,000 of Cambodia's 7,000 to 8,000 villages.<sup>71</sup> More recently, Prince Sihanouk told a reporter that he had heard the objective of the delaying tactics was to enable the party to control two or three provinces, so as to enable it to win at least 30 of the 120 seats in the new legislature.<sup>72</sup>**

**Behind the walls of a compound on the Palace grounds, the Khmer Rouge have built their Phnom Penh headquarters, shut off by new solid steel gates. Its symbolic isolation from the city mirrors the party's strategy to condemn the corruption of Phnom Penh and its government's links to Vietnam, twin themes used to consolidate a political base among the country's rural poor. Even when a Khmer Rouge diplomat denied to Asia Watch that the party had any electoral ambitions, he repeated the demand that the SNC "assume its proper role," a cryptic slogan used to signify the dismantling of all Phnom Penh government structures.<sup>73</sup> To that end, the Khmer Rouge has tried to use the SNC as a front organization at the village and district levels to co-opt the authority of existing SOC administrations, as it infiltrates further into Cambodian territory with every passing day of the "cease-fire."**

**The Khmer Rouge has tried to shed its past reputation by alleging the retirement of its leader, Pol**

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<sup>70</sup> This is hardly the first time the US has accommodated the Khmer Rouge. In backing the Coalition Government of Democratic Kampuchea, the administration also rationalized Khmer Rouge participation as essential to achieving political ends.

<sup>71</sup> Christophe Peschoux, *Enquete sur les "nouveaux" Khmers Rouges (1979 - 1985): Essai de débroussaillage*, p.113 (1992 manuscript).

<sup>72</sup> Nayan Chanda, "Isolate Khmer Rouge" *Far Eastern Economic Review*, p. 18, July 30, 1992.

<sup>73</sup> Their demands, made explicit only following emergency talks on July 2 with UNTAC head Yasushi Akashi, include the abolishment of all executive offices, the National Assembly, the flag and anthem of the SOC, and the assumption of all administrative and security responsibilities by the UN. Reuters, "KR demand end of Phnom Penh govt," *Bangkok Post*(July 4, 1992).



Pot (who nevertheless is widely believed to dictate policy still and to hold clandestine meetings with diplomats), adopting a new name in 1982,<sup>74</sup> and disavowing socialism in favor of liberal democracy. There is little evidence, however, of any fundamental change in its attitude towards human rights. After its fall from power, the Khmer Rouge abandoned wholesale slaughter for more nuanced means of control such as threats, reeducation, detention, and selective execution. Yet it hardly lost interest in maintaining tight discipline over its subjects, still forbade contacts with the outside world, controlled whether and when its members could marry, and inducted children into its military. As noted above, it remains on a war footing, engaging SOC military units in the northeast and center of the country, laying mines, and attacking civilian targets such as trains and buses. The Khmer Rouge (in common with the other resistance groups) has never made any distinction between civilians and military. Past abuses include forcibly relocating refugees to interior bases, forcing or coercing civilians into service as soldiers and porters, and denying medical care to the sick and injured. In April, Asia Watch asked a Khmer Rouge diplomat in Phnom Penh how the fact the Khmer Rouge had signed the International Covenant on Civil and Political Rights would influence its administration of areas it controls inside Cambodia. While saying that the party already respected Buddhism and permitted family enterprise, the spokesman admitted that dissent was not allowed. He said freedom of expression would be granted only after UNTAC verified the the departure of the Vietnamese.

The Khmer Rouge controls populations in refugee camps, in territory they have captured, and in areas they have infiltrated. The party's refusal to permit free access to their zones has forestalled the UNHCR from any consideration of repatriation of refugees to areas under Khmer Rouge control. There is evidence, however, that Khmer Rouge military units are becoming an increasingly open presence in the zones nominally controlled by the non-communist resistance to which there have been repatriations. Khmer Rouge infiltration in the SOC has already reduced the amount of arable land available to returnees. The continuing infiltration of villages by the Khmer Rouge poses a serious challenge to UNTAC's ability to assert control over the countryside.

### ***The Camps***

The Khmer Rouge currently control three refugee camps in Thailand to which international agencies have access: Site 8 (population 43,897), Site K (population 9,879) and O'Trao (population 17,925),<sup>75</sup> each of which have a number of hidden satellite camps supporting civilians and soldiers, off-limits to outside observers. Over 10,000 persons have already returned from these three camps to non-Khmer Rouge territory in Cambodia. O'Trao and Site K are due to be closed by the end of September, with any residual population consolidated at Site 8 or another camp. As in the other factional camps, residents for the most part have no political allegiance and find themselves under Khmer Rouge control against their will. Refugees often literally stumbled into Khmer Rouge camps as they sought relief or escape over the Thai border, and aid workers can recount numerous anecdotes of refugees who were temporarily taken out of the camps for medical treatment begging not to be returned.

The party's fanatical mistrust of all foreign influence caused it to attempt to insulate its border camps and interior bases from scrutiny and control. Even in those camps that were opened to

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<sup>74</sup> Its official name is the Party of Democratic Kampuchea.

<sup>75</sup> Population figures as of August 11, 1992, T. Kratovil, UNHCR, Memorandum to Asia Watch, August 11, 1992.

international relief workers, the Khmer Rouge administrators attempted to limit contact with foreigners and control over distributions as much as possible.<sup>76</sup> In those camps where relief workers established steady access, contact with the outside world eroded the restrictions placed on everyday life. Sarongs and trousers replaced black guerrilla uniforms, markets developed, videos and radios appeared, and Buddhist practices resumed. Nevertheless, discipline remains tight in these camps, where there is little of the chaos and random violence that characterizes the non-communist enclaves.

Abuses in Khmer Rouge camps, such as execution, forced portering, conscription of children, and denial of food and medical care, have been well-documented.<sup>77</sup> Foremost among them have been the forced relocations of tens of thousands of civilians to war zones, which began almost as soon as the party regained strength to fight. In 1988, between 7,000 and 8,000 civilians were forced from Ta Luan camp to forward positions within Cambodia between June and September. The fewer than 2,000 persons remaining in the camp were described by an Associated Press report as "the crippled, the blind, the amputees, the worthless people, the waste of the operation." In October of that year, 5,000 to 9,000 refugees were moved from O'Trao by the local Thai military task force to satellite camps near the border. Again, amputees were left behind in a colony separated from the rest of the camp by a Khmer Rouge target practice range.<sup>78</sup> In January 1989, the Khmer Rouge moved the entire population of 4,400 refugees of Borai camp to Cambodia in the night after UNBRO had unsuccessfully attempted to act on an agreement to transfer the refugees to a better-supplied camp, Site K.<sup>79</sup> In January 1990, Bangkok newspapers reported the Khmer Rouge moved 7,000 civilians from hidden camps in Thailand back to Cambodia.<sup>80</sup> The above are just a sample of the better documented incidents; undocumented repatriations happened frequently in earlier years.

Two weeks before the Paris Accords were signed in October 1991, the Khmer Rouge made preparations to force the residents of Site 8 into Cambodia. On September 30, 1991, the party detained 16 elected administrators of Site 8 and appointed new officials to take their places, who informed the camp population to be prepared to relocate in the immediate future. The 16 included the nine members of the camp's steering committee and seven section heads, all of whom were called to report to a meeting in the Khmer Rouge military base at Phnom Dey in Cambodia. According to Bangkok news reports, the Thai Army received a report that the Khmer Rouge had ordered camp administrators in O'Trao to report at the same

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<sup>76</sup> See generally, Linda Mason and Roger Brown, *Rice, Rivalry and Politics*, pp.135-169 (London: University of Notre Dame Press, 1983). Although the Khmer Rouge administrators were known for their ability to run extremely disciplined distributions of aid, once UNBRO tried to impose direct distributions to the population, orchestrated chaos would break out until distribution resumed through the administration. Even after UNBRO established a permanent presence in some camps, the Khmer Rouge resisted the use of family books containing photographs of aid recipients as a basis for distributions until 1990.

<sup>77</sup> Asia Watch, *Khmer Rouge Abuses Along the Thai-Cambodian Border*(New York: Human Rights Watch, February 1989); Lawyers Committee for Human Rights, *Seeking Shelter: Cambodians in Thailand*, Ch.V (New York:1987) and *Refuge Denied: Problems in the Protection of Vietnamese and Cambodians in Thailand and the Admission of Indochinese Refugees into the United States*, pp.41-51 (New York:1989).

<sup>78</sup> Asia Watch, "Violations of the Laws of War by the Khmer Rouge,"(New York: Human Rights Watch, February 1990).

<sup>79</sup> Asia Watch, "Violations of the Laws of War by the Khmer Rouge," (New York: Human Rights Watch, April 1990).

<sup>80</sup> *Id.* at 14, citing reports in *The Nation*, January 3, 1990.

time to the Khmer Rouge zone near Anlong Veng.<sup>81</sup> The United Nations and Prince Sihanouk sent strong protests to the Khmer Rouge, who ultimately backed down. Even so, concentrations of Khmer Rouge soldiers remained near the camp at the time of the beginning of UNHCR pre-registration in October, visiting residents at night and attempting to intimidate them into returning to Khmer Rouge-held territory.<sup>82</sup>

Following the international outcry there were no further known attempts at mass relocation, although smaller, unpublicized movements out of the Khmer Rouge camps continued. In December 1991, a rapid roll call at O'Trao showed there was a reduction of that camp's previous population figure by some 1,500. UN officials interviewed by Asia Watch in May commented that Site K had also been losing as many as 1,000 persons a month, a striking contrast to the non-communist camps, whose numbers swelled as Cambodians rushed to register for UN-assisted repatriation.

Almost all of the deposed Site 8 administrators eventually returned to the camp, although they now maintain a very low profile; a few escaped to SOC territory. One result of the incident has been a near-complete alienation of Site 8's new Khmer Rouge administration from the camp population and section leaders who had been freely elected. Observers attribute the declining control of the Khmer Rouge leadership to their lack of influence over the intermediaries in the command structure. The detained administrators were reportedly suspected by the Khmer Rouge military leadership of being too tolerant of free expression and movement in the camp, and overly sympathetic to the wishes of residents to repatriate with the UN. The fact that refugees warned foreigners about the planned repatriation shows that these assessments may have been correct. Camp residents were reluctant to formally organize human rights groups, but they openly expressed their fears to Asia Watch that if they were among the last few left as the UN repatriation progressed, they would be vulnerable to being forced back to a Khmer Rouge zone.

Tighter control is reported in the smaller, less accessible camps of O'Trao and Site K. On March 20, 1992, the Chief Administrator of Site K and his second deputy were detained on March in the Khmer Rouge zone where they regularly attended meetings. Four days later, over a dozen armed men came in a jeep from the zone into Site K and demanded that the chief's wife return with them. She refused to go, contacted UNBRO, and sought refuge with friends. Her husband and the deputy returned the next day unharmed. Site K residents believe that the chief's detention was in part due to his support for the UNHCR repatriation plan. He had been involved with a UNHCR advance trip to Cambodia for camp representatives. Since his return, he is still part of the administration, but is no longer willing to work openly with UNHCR on that issue.

As in the non-communist camps, the Khmer Rouge administration promotes a resettlement plan to return refugees to zones under its control. In Site 8, the Khmer Rouge claim the UNHCR will provide people with only one hectare of land, and that refugees will have to pay 2,000 baht (\$80) to get it ploughed. The administration offers two hectares of land, which they say will be plowed at no cost, with returnees charged only 400 to 600 baht (\$16 to \$24) for seed, payable after the harvest. Moreover, the administrators say they know where the mined areas are in the Khmer Rouge zones and will protect returnees. The Site 8 leaders also warn camp residents that the SOC will "treat the son as they do the father," referring to the near-lynching of Khieu Samphan upon arrival in Phnom Penh and its implications for refugees who hear

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<sup>81</sup> "Forced Return of Khmers Comes Under Attack," *The Bangkok Post*, October 14, 1991.

<sup>82</sup> Sonny Inbaraj, "Khmer Rouge Increases Forces Near Site 8," *The Nation*, October 24, 1991 (in FBIS-EAS-S91-206, October 24, 1991); Kokhet Chanthaloetlak, "Refugees to Move to Khmer Rouge Areas," *The Nation*, October 26, 1991 (in FBIS-EAS-91-208 October 28, 1991).

the taint of a Khmer Rouge camp. Although the administration is actively registering persons who are interested in going back to Khmer Rouge areas under their auspices, relatively few refugees in Site 8 have shown interest. Some who have visited the Khmer Rouge area near Pailin fear discrimination should they return to that area. They report that the Khmer Rouge call those from the border camps "pigs" or "dogs," because they have lived on handouts from foreigners.

Residents are unable to discuss of this alternative freely with UN officials because of the administration's injunction against close contacts with foreigners. They claim that camp officers are CIA agents, and consorting with them is tantamount to "selling your nation to the foreigners." Nevertheless, the leaders have no qualms about using the UN to promote their ends. UNHCR officials visited several Khmer Rouge areas southwest of Sisophon and Mongol Borei from April 6 to April 8, 1992. One, the abandoned village of Ta Kung Krau, was heavily mined. Ta Hen, another, was reached by the heavily damaged and mined Road 58. Takut, another abandoned village near the Mongol Borei River, was accessible only from Thailand, had a large military presence and an ammunition dump. UNHCR officials were cordially received and assured that any new arrivals would be free to move where they choose, and that the UN would have free access. Khmer Rouge officials asked whether UNHCR would provide transport for returning refugees from Site 8 directly to the Khmer Rouge area. Following this visit, leaders in Site 8 promised refugees that the UNHCR had approved the administration plan and would provide the trucks for transportation. Actually, the UNHCR had made clear to its Khmer Rouge hosts that a guarantee of unhindered access was necessary before it could consider the site for resettlement, a condition the party has yet to meet. Nonetheless, Khmer Rouge administrators have proposed movements from O'Trao to An Long Veng and from Site 8 to the area visited by the UNHCR south of Sisophon.

### ***The Zones***

Khmer Rouge areas are scattered throughout Cambodia in Kampot province, south and western Kompong Speu, western Pursat, western Kompong Chhnang, west Svay Rieng, and Kompong Thom. There are also important military bases and settlements near the Thai border in the general vicinity of each of the three Khmer Rouge camps.<sup>83</sup> Although there are fewer reports of coerced labor from the border camps, men are still being conscripted and women forced to porter in Khmer Rouge areas such as Pailin, under General Nikon's control, and An Long Veng, General Ta Mok's territory. Khmer Rouge settlements are also sprinkled in the non-communist zones, with twelve Khmer Rouge villages alone in the Thmar Pouk vicinity according to one source, such as Mea Bon near Banteay Chhmar. Phum Sre Loa is half Khmer Rouge, half KPNLF, and community development programs such as cattle vaccination benefit both sides. Chupeki is a Khmer Rouge pocket in the ANKI zone, where most of the population was moved to Banteay Chhmar, leaving behind only women, children and the handicapped.

Most areas are highly malarial, with few medical facilities that are available to civilians. Thousands of residents of the zones travel to Site 8 for medical care each year. In contrast to the relative openness of life in Site 8, daily activities are governed closely in the interior, especially near Khmer Rouge base camps, with the party suppressing information from the outside, contacts with outsiders, commerce and religion. Civilians in the interior camps largely subsist on rations handed out by the military, and infractions in discipline are sometimes punished by a cut in rations. Marriage is controlled by the

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<sup>83</sup> For a detailed description with maps, see Christophe Peschoux, *Enquete sur les "nouveaux" Khmers Rouges*.

administration, education is non-existent, and children are enlisted at the earliest age possible.<sup>84</sup> Movement even to a neighboring village in the Khmer Rouge territory requires permission from village and military authorities as to the places and duration of travel. Checkpoints are stationed between every settlement, and one must report to the local authorities to extend a stay. Access in and out of the zone is also tightly controlled.

### ***Infiltration***

Since the cease-fire, Khmer Rouge units have infiltrated farther into SOC territory. In Battambang province, they have moved well beyond the cease-fire lines, occupying abandoned land which was earmarked for refugee resettlement. In these areas, they apportion arable land for their own people, and tax the local population through forced donations of food, money and corvee labor. In one account, the Khmer Rouge forced five families off their land in Kompong Chhnang province, and in another incident attacked an outdoor meeting convened by provincial officials to resolve land disputes.<sup>85</sup> It is difficult to gauge the extent to which infiltration has reduced the land available for returnees, or to what extent it is cited by local officials who are unable or unwilling to make land available for other reasons. New Khmer Rouge presence has gone far beyond the traditional contested areas in the southwest and northwest of the country, with sources reporting Khmer Rouge control of villages in remote areas as far as Stung Treng province.

The method of infiltration described by Khmer Rouge cadres is to intensively propagandize to villagers that the party is the only vanguard against Vietnamese domination and exploitation, with the objective of convincing locals to cease co-operating with the Phnom Penh administration. The formula for non-cooperation that cadres teach villagers consists of three "don'ts": don't sell rice or anything else to the enemy, don't participate in "clean-up" or other defense operations; and don't cooperate with military conscription.<sup>86</sup> In villages where their control is marginal, one tactic is to literally kidnap the community leaders and "reeducate" them for months at a Khmer Rouge base camp. Another is to have Khmer Rouge soldiers stage conspicuous "visits." Even when they are not converted to the cause, they are usually afraid to directly oppose the party. Tainted by their contacts with the Khmer Rouge, the targeted community leaders are no longer trusted by the Phnom Penh government.<sup>87</sup> The party then tries to set up a shadow administration loyal to itself.

The continuing war is reducing what land is available for resettlement. Land surveying has been impossible in much of Kompong Thom due to shelling, and more mines have been laid by the two armies than have been removed since UNTAC's arrival. SOC officials in Battambang and Banteay Meanchey have reported that Khmer Rouge guerrillas are demanding money from farmers for permission to grow crops. According to the UNHCR, in one area 25 kilometers south of Sisophon, about 600 hectares designated for

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<sup>84</sup> Christophe Peschoux, *Enquete sur les "nouveaux" Khmers Rouges*, supra, p. 86-87.

<sup>85</sup> See Sheila Tefft, "Cambodians Return to Tough Land Disputes," *The Christian Science Monitor*, p.5 (November 21, 1991).

<sup>86</sup> Christophe Peschoux, *Enquete sur les nouveaux" Khmers Rouges*, supra, p. 119.

<sup>87</sup> See Christophe Peschoux, *Enquete sur les "nouveaux" Khmers Rouges*, pp. 114-124, and William Branigin, "Violence Continues in Cambodia," *Washington Post*, December 8, 1991.

refugees was taken over by Khmer Rouge guerrillas and local villagers once they realized it was earmarked for new settlers. The villagers claim they had intermittently farmed the land.<sup>88</sup> Nine of eleven rice growing areas that had been allocated for refugee resettlement were seized by the Khmer Rouge. Land appropriation will prove a fertile issue for the Khmer Rouge. It is clear that some of the land designated by provincial officials for resettlement has been taken from local residents. Each settlement site Asia Watch visited was situated in recently farmed paddy field. Asia Watch received at least one report of land being taken from a woman who could not keep it under continuous cultivation, and scores of land disputes have already been filed with the UNTAC administration. In theory, land tenure reform is an issue for the new Cambodian government, but the political struggle has already begun.

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<sup>88</sup> "KR advances affecting land quota for refugees," *The Nation*, July 4, 1992.

## **OTHER ISSUES AFFECTING HUMAN RIGHTS IN CAMBODIA**

### ***Repatriation***

Repatriation of the refugees on the Thai border is predicated on the principles of voluntary return and free choice of destination. It is part of the UN's overall mission of neutralizing the political control to which Cambodians have been subject so they may enjoy improved respect for human rights and be able to choose a new government fairly. The plans formulated in Geneva prior to the UNTAC deployment in Cambodia were grounded in a number of miscalculations: that the vast majority of Cambodian refugees would be willing and able to return to farming after a hiatus of a dozen years; that the UN could provide safe, arable land in the location of choice; and that the Cambodians in the camps could be returned and settled into fixed locations for election registration all within nine months. As each of these assumptions has been modified or scrapped, UNHCR has reformulated its plan in almost every respect except the commitment to return all refugees before the holding of elections. The result, according to its 1992 Report to Donors, is that "bound by the time frame to take the border population home before elections start next year, but committed to the imperative of safety and security, the office has entered into a race against time."

This race has forced compromises in the original plans and constant revisions in the information given refugees. When these changes are unaccompanied by safeguards and complete, candid and detailed information, they undermine faith in the UN at the border and bolster alternative repatriation plans promoted by the various factions -- with the concomitant risks for abuse those plans entail.

### **THE CHANGING PLAN**

Planning for a total repatriation of the border population to Cambodia in the context of a political settlement to the civil war was in process as early as 1989. A Ford Foundation study<sup>89</sup> of the origins, past occupations, and plans of the Khmer in the camps heavily influenced thinking on the subject. That study concluded that 47 percent of the border population surveyed came from Battambang Province, and 59 percent would prefer to return there. Between 60 to 70 percent of the respondents said they planned to be farmers upon return to Cambodia, the occupation that outweighed virtually every other occupational category by a factor of six or higher.<sup>90</sup> This profile, among other factors, led to the conclusion that for the vast majority of Khmer, the durable solution would be a return to farming in the northwest of Cambodia. What was not adequately appreciated at the time was that over half of the border population was under 20 at the time of this survey, and anywhere between a half and a third of the respondents (mainly heads of households) had either no experience of farming or had farmed only during the Pol Pot era of forced collectives.<sup>91</sup>

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<sup>89</sup> James F. Lynch, *Border Khmer: A Demographic Study of the Residents of Site 2, Site B, and Site 8 (Ford Foundation: 1989)*.

<sup>90</sup> The smallest proportion was in Site B, where 60.6 percent of respondents chose farming as their future occupation, as compared to 11.3 percent who chose vending, the next most popular choice.

<sup>91</sup> This estimate is extrapolated from figures that show between 50 and 61 percent of respondents listing their occupation during the Lon Nol years as farming. About 29 percent of the respondents were either unborn or less than 16 years old during the Lon Nol era, and thus unlikely to have acquired the skills necessary to run a farm.

The initial package UNHCR presented to Cambodians at the border was a promise of approximately two hectares of viable agricultural land per returning family in their choice of destination, transportation to distribution points near the final destination, materials with which to build a house, and kits containing basic agricultural and household implements. The promise of land was based on aerial surveys of the western provinces, which indicated large amounts of potentially available, unfarmed land. Once actual surveying of agricultural land in the western provinces began, however, it soon was clear that most unfarmed land was vacant because it was mined or surrounded by mines.<sup>92</sup>

Sergio Vieira de Mello, the UNHCR head in Phnom Penh, frankly described UNHCR's promise to provide land to refugees in their first choice of destination as a mistake. The agency began exploring a variety of alternatives, including encouraging alternate destinations where more safe land was available, giving people who did not want farmland alternative assistance, and moving refugees back to holding centers or settlements in the area of their preferred destination to wait for suitable land to be demined.<sup>93</sup> This last option was criticized by voluntary agencies as potentially just moving the border camps, complete with their administrations and abuses, to areas within Cambodia. At best, it requires refugees to live in uncertainty for a long period, given the extremely slow pace of demining.

In May 1992, the UNHCR announced a list of alternatives to the "two hectares in location of choice" option. The alternatives include:

a) waiting in camp for the original package, which includes land and materials for a house, and two hectares of agricultural land. This time a proviso warned that although UNHCR would try to identify suitable land, "this will probably not be in the province of your choice."

b) land and materials only for a house, a cash allotment of 20,000 riels (\$20) to buy thatch;

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<sup>92</sup> In estimates drawn from the pre-registration survey, 34,000 families preferred Battambang province as their destination, 18,000 Banteay Meanchey, 7,000 Siem Reap, and 5,000 Pursat. However, a November-December assessment of the availability of unoccupied agricultural land that was probably not mined showed that land would be readily available to only a fraction of these families. That study found 240,000 hectares of potentially available land, based on satellite imagery and on site surveys of the four western provinces, Battambang, Pursat, Banteay Meanchey, and Siem Reap. However, a simultaneous mine survey covering 60,000 of the hectares identified as potentially available found only a fraction probably not mined. Out of 68,000 hectares required to settle families who chose Battambang, only 1,500 hectares were identified as probably free of mines; of 36,000 hectares required for Banteay Meanchey, only 24,000 were identified; of 14,000 hectares needed in Siem Reap, only 3,000 were identified; and of 10,000 hectares needed in Pursat, only 1,500. See Programme and Technical Support Section, UNHCR, *Cambodia: Land Identification for Settlement of Returnees in Cambodia, November 4 - December 17, 1991* (Geneva). The identification of land that was probably not mined was performed by the Halo Trust. The Geneva report concluded that assuming further mine verification and demining, Battambang had 22,575 hectares that were well suited for resettlement; Banteay Meanchey had 2,162 hectares; Pursat 296 hectares, and Siem Reap none. If the criteria were land only moderately suited for resettlement, Battambang has an additional 15,960 hectares; Pursat 13,218 hectares; Banteay Meanchey 73,084 hectares; and Siem Reap 23,376 hectares. Soil conditions and accessibility were the main limitations. In addition to the probability that land is not mined, the UNHCR has stated other criteria for suitable resettlement locations are: availability of water, accessibility to already established villages and roads, and viability of agricultural land.

<sup>93</sup> See UNHCR Aranyaprathet, "Information Update on Voluntary Repatriation," February 1, 1992, and UNHCR, "Cambodian Repatriation Update," (January 22, 1992).



**c) only cash assistance of \$50 per adult and \$25 per child below 12 years;**

**d) only a kit with tools for a rural, non-agricultural business such as carpentry, electrician, auto or bicycle repair, or an unexplained "kit for women;"**

Each of the above options includes a household kit with some tools and food for up to 12 months. Persons taking cash who go to Phnom Penh, however, would be eligible for food only for six months. The announcement stated that priority in repatriation for all options would be for people who pre-registered to return to their place of origin. But as between various options, the only other clues as to their priority were that persons wishing to get agricultural land would "wait in camp" and persons choosing a business tool kit would have to "wait in the camps [for] about two months" until the kits were ready.

Over 80 percent of those returning under the new plan have chosen alternative "c" or cash in lieu of housing materials and land. In some cases, persons who had preferred another option have changed their decision and opted for cash because neither land nor housing materials were available once they reached intermediate processing points in Cambodia.

This development has increased the difficulty in monitoring the well-being of returnees. There is no way to keep track of the ultimate destination of returnees who take only cash, and UN contact with them may occur only if they periodically report to collect UN rations. In contrast, UN police and other foreign relief workers can maintain contact with returned refugees who have built houses in pre-designated settlement sites. But even there, a significant number of returnees are abandoning settlements or selling their housing materials and moving. Among the reasons for secondary migration are attempts to locate relatives, tensions with local authorities or neighbors, or problems with the land they have been allocated to farm. It is too early to predict the consequences of widespread unmonitored migration. The compromise that led to the cash option, however, is typical of others that have characterized planning on the repatriation exercise from the start.

#### **COMPROMISES**

UN officials, sensitive to the problem of coercion by the factions which administer the border camps, had originally planned a variety of measures to ensure "neutrality" in the repatriation process. Several of these measures, such as a final registering of refugees' informed choice of destination, have been compromised or shelved. The dilemma UNHCR faces is whether to hold back repatriation until the optimal safeguards for free choice and safety are in place, or to acquiesce to the demands of donors, factions, and the refugees themselves that repatriation proceed as quickly as possible, with compromises in protection.

From October to December 1991, UNHCR conducted a pre-registration survey of the border population, in order to create a computer data-base that would list each refugee's place of origin and preliminary choice of final destination.<sup>94</sup> The results of that survey confirmed the majority preference for

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<sup>94</sup> The UN characterized the purpose of the pre-registration as "to assist UNHCR in its planing and preparatory work." Memorandum from Shakti R. Paul, Deputy Field Coordinator, UNBRO Aranyaprathet to All Khmer Administrations, All Agency Coordinators, and All UNBRO Head of Units/Sections, Oct. 3, 1991.

northwestern Cambodia as a destination.<sup>95</sup> The UN made explicit that people would be allowed to change their mind at a later date, that UNHCR and UNBRO would continue to provide information on repatriation so that people could make more informed choices, and that people were free to answer that they did not yet know to where they wanted to go.<sup>96</sup> Pre-registration was to be followed by a formal registration process, where refugees would make a final choice of destination once more information was available. Because they were to be only preliminary choices, less effort was made to ensure that pre-registration choices were not coerced or influenced by camp administrations. In Site K, a Khmer Rouge camp, 70 percent of the population chose the Moug Russei district in Battambang province. This district is just on the edge of a Khmer Rouge-controlled area, and observers thought it likely the administration had urged the choice in an effort to expand Khmer Rouge territory. The administration had told camp residents that the UNHCR would only assist refugees who wished to settle to the west of Route 5. But when UN officers interviewed a random 100 persons out of those who chose Moug Russei district, they discovered that most wished to return to other provinces.

The time and difficulty involved in pre-registration, however, convinced the UNHCR not to conduct a final registration. Instead, refugees were instructed to "come forward" to register changes in their destination preference. In theory, all changes were to be submitted to a computer bank which would input new information. In practice, the computer operations have not been set up in the camps, and Khmer present new preferences to UNBRO officers or to information booths in the camps without any assurance that this new information will be transmitted or processed in a timely fashion. Refugees can register a change in destination once their names are called up for repatriation, but by that time most are so anxious to leave the camp they are little inclined to do so and risk further delaying their departure.

Initially it was planned that once a refugee's name was selected at random for repatriation, he or she would be taken from the faction-controlled border camps to neutral staging areas, at which the choice of final destination would be reconfirmed in an atmosphere free of coercion.<sup>97</sup> The factions well understood this plan and opposed it. In the words of a KPNLF memorandum, "moving displaced persons and refugees from camps to transit neutral camps as Khao I Dang and Kap Choeng in Thailand, and to reception centers inside Cambodia, is considered as a disadvantage and neutralizing the Cambodian resistance parties".<sup>98</sup> UNBRO and border workers had long advocated the establishment of neutral camps not administered by the resistance factions. In March 1990, the civilian government of then-prime minister

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<sup>95</sup> The pre-registration confirmed the population was very young, with 92.6 percent under the age of 44 and 47 percent under the age of 15. UNHCR officials speculate that other factors behind the preference for Battambang are the refugees' lack of contact with their families and uncertainty about conditions in their home province; familiarity with the northwest acquired during their flight to the border; and a desire to stay close to the border in case of continued fighting. Battambang also has a reputation for the richest farmland in Cambodia, which may have led some to register for land there in the hopes of selling it. In early May 1992 word had spread in the border camps that refugees would only be granted a right to work their land, and that no transferable interest would vest unless they worked the land continuously for a period of years. Although a general land tenure law was passed by the SOC National Assembly in 1989, the amount of time it is necessary to work land before acquiring a leasehold interest varies by province between two and five years.

<sup>96</sup> Memorandum from Shakti R. Paul, Note 92.

<sup>97</sup> See Inter-Agency report, *supra* n. 92, p.4.

<sup>98</sup> KPNLF, Memorandum on the KPNLF's position on the question of repatriation, October 25, 1990.

Chatchai Choonhavan announced a plan to consolidate all 300,000 Cambodian refugees on the border into camps administered by Thailand and the UN, and solicited funding from the European Community and Japan.<sup>99</sup> Although these proposals were supported by international aid workers and the captive camp residents, they met with strong opposition from camp administrations and the US government. When the Thai military revealed it wanted "neutral" camps to be located inside Cambodia, so as not to "violate Thai sovereignty," international organizations voiced concerns that the plan could actually facilitate mass forced repatriations by the factions, particularly the Khmer Rouge.<sup>100</sup> The proposal lost support as the Paris negotiations progressed, and concerns shifted to maintaining a status quo in the relative positions of the Cambodian parties. Ultimately, the plan to maintain "neutral" staging areas was also abandoned. Staging areas were constructed at Site 2, Site B and Site 8 to service each of those camp's populations. Refugees from Site K, a Khmer Rouge camp, are processed in the staging area of Site 8, also a Khmer Rouge camp, even though Site 8 is actually closer to Khao I Dang, the only UNHCR-administered camp, which has its own staging area.

Another measure that was compromised was the principle that all refugees would pass briefly through resettlement centers located within Cambodia on their way to any final destination, including destinations in the resistance-held zones.<sup>101</sup> The rationale behind this measure was that the chance of coercion by camp administrators would be reduced if there were a chance for refugees to stop in a facility not controlled by one of the factions before reaching their final destination, rather than allowing direct transport from Thailand to a zone settlement. This measure was abandoned as costly and cumbersome, requiring circuitous routes for destinations quickly reached from Thailand. The first UN-supervised movement of refugees to the KPNLF zone passed directly from Site 2 through a new border crossing at Ta Praya, and two more new crossings opened in June near Surin at Kap Choeng and at Sangkla are expected to be used for repatriations to the FUNCINPEC zone.

Yet another shift in UNHCR's policy pertains to spontaneous repatriation. In 1990, as prospects for a peace settlement improved, the concern was that refugees would begin a mass spontaneous repatriation that could result in serious casualties if people went back unawares through heavily mined areas. In November 1990, the UN sent a message to all refugee camps recommending that Cambodians wait to return with UN assistance and protection, and promising that those who did would receive help in getting settled in Cambodia and starting a new life.<sup>102</sup> The threat of coerced repatriation reinforced UN efforts to urge Cambodians to wait to return with the UN. The next year, the UN warned camp residents that those who returned in advance of the UN-directed repatriation would not receive assistance, including the 12 to 18 months of food rations.

By the time of the 1991 pre-registration, over 90 percent of the border population had registered to

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<sup>99</sup> See "Plan to close camps worries US," *Bangkok Post*, March 13, 1990.

<sup>100</sup> See "Army wants neutral camps in Cambodia--Sunthorn," *Bangkok Post*, March 23, 1990 and "Neutral camps plan `can lead to mass forced repatriations,'" *Bangkok Post*, March 25, 1990).

<sup>101</sup> See "In-House Meeting on Revision of Planning Assumptions and Strategy for Cambodia Repatriation," minutes of UNHCR meetings held January 3 and January 6, 1992.

<sup>102</sup> "Message From the United Nations (U.N.) to All Khmers In Camps," November 1980.

return with the United Nations. But by 1992, when actual repatriation commenced, UNHCR had come to see the lack of spontaneous repatriation as an obstacle to returning the border population in time for the elections. In May 1992, UNHCR changed policy again. "Spontaneous returns will not be discouraged as long as they take place in areas where UNHCR maintains a presence and has regular and free access."<sup>103</sup> Although UNHCR had announced in February that "Khmer camp residents who go back to Cambodia outside UNHCR-organized returns...will have second priority in receiving follow-up assistance and food,"<sup>104</sup> it announced in May that those who went back on their own could receive 12 months of food by presenting a "family book" from the camp at a food distribution center. The May announcement continued, "For your own safety and security, you should take note of information provided to you in camps in Thailand concerning where UNHCR is present and operational in Cambodia."<sup>105</sup> Unfortunately, virtually no such information was available from the UN, while each camp administration was busy advertising (falsely) that the UN was well-established in its factional zones.

#### **FACTORS THAT AFFECT CHOICE**

In every camp Asia Watch visited, refugees expressed their unequivocal and urgent desire to repatriate with the UN at the earliest possible date. There are many reasons for this preference, among them the wish to rejoin family in Cambodia, the hope that a more normal and free life awaits them in a Cambodia at peace, and the worry that those who leave soonest will get the best land in the place of their choice, while latecomers will have to make do with what is left. But one reason predominated over all of the above, and that was fear for personal safety in the camps as the camps empty and incidents of violence increase. A factor contributing to the sense of insecurity is the cut-back in employment of camp residents by the UN and voluntary agencies. Since April 1992, "nonessential" services are being cut, including most programs in education, social services, and human development, although less than a tenth of the border population has returned.<sup>106</sup>

As order in the camps deteriorates, the pressure on refugees to accept the fastest way out presented increases. To return to SOC territory with the UNHCR involves a gamble. The first priority is given to those whose place of origin matches their choice of destination, provided that land has been identified and the UN is deployed in the area. Second will be those who left their choice of destination to the UN. In

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<sup>103</sup> UNHCR Phnom Penh, "Diversified Options for the Voluntary Repatriation of Cambodians," May 5, 1992.

<sup>104</sup> UNHCR Aranyaprathet, "Information Update on Voluntary Repatriation," February 1, 1992.

<sup>105</sup> UNHCR, "Information Update," May 13, 1992.

<sup>106</sup> There has always been a problem in retaining medics in the camps, whose skills are sought for hospitals in the zones. In Site B, medics who are offered employment in the ANKI zone do not feel they can refuse, as much because of the political pressure as the higher wages and perks that go with the job. On the other hand, US AID officials complain that UNTAC is draining medics away from hospitals in both the camps and the zones. The UN has set out to recruit between 5,000 and 6,000 interpreters for all areas of the UNTAC operation, most of whom will come from the border camps due to the prevalent use of English there. Medics, who usually know a foreign language, can earn \$150 per week working with the UN as interpreters, as compared to 40 baht per week in extra rice rations (\$1.75) should they work in camp hospitals. Since repatriation began in March, the death rate at Site B has increased dramatically, and some believe the shortage of skilled medical workers is one of the reasons. The current plan to divide the salaries of those medics who leave with those who stay behind is unlikely to provide much incentive in these circumstances.

**theory, refugees who understand these priorities should be able to change their choice of destination at pre-registration to fit one of these categories. Yet as of May, there was no mechanism to register changes.**

**The lack of flexibility in changing destination has particular consequences for persons who have volunteered to go to zones controlled by the factional administration of their camp. Because the UNHCR has abandoned its plan to use "neutral" sites such as Khao I Dang as staging areas, refugees who had volunteered to go to a zone, and then changed their minds at the last moment might be at risk if they were obliged to return to their original camp.**

**The most potent influence on choice is the information available to refugees. Despite the promise of the Paris accords that each individual's choice of destination should be "taken in full possession of the facts," there is scant information available from the UN. In contrast, the factional administrations are daily producing propaganda for resettlement to their zones. Each camp has UNHCR information booths which display posters on repatriation, and have short "news flash" updates. They are generally manned by young people who are unable to answer any questions, and merely collect or transcribe queries and submit them to UN officers. In one officer's office, thick rolls of sheets on which these questions were written took up half the desk. No individual answers are supplied; indeed, answers of any sort are slow reach the camp population. UNHCR has issued bulletins that outline the changing features of the repatriation plan, procedures to follow once a refugee's family is listed for repatriation, and assurances that the UN will provide protection on the return journey and that UN police will monitor their condition once settled. Individual UN officers have met formally and informally with refugees to provide more details.**

**In making one of the most important decisions of their lives, refugees we interviewed had many unanswered questions that pertain to their basic security, health and survival in Cambodia. A sample included: Will the SOC consider me an enemy because I come from a faction-controlled camp? How does UNTAC control the SOC police, and can it protect me from the secret police? Are UNTAC police deployed where I wish to return, and how would I call on them for protection? Is banditry a problem? Who will settle land disputes? Can I work as a professional in Cambodia? Can I get medical care? Where are the mines?**

**Answers to all these questions exist, although some may be discouraging or change over time. Maps of the northwestern provinces that show areas probably not mined, probably mined, and probably heavily mined are posted in UN offices throughout Cambodia, but none can be found in the camps. Banditry is a grave problem throughout Cambodia and it is not under control. Health care in Cambodia is far worse than in the border camps, and morbidity far higher. Water and firewood are in very short supply in many parts of the country. SOC police are also corrupt, and have even less independence and professionalism than the UNBRO-supervised border camp police. These may be unpleasant facts, but refugees need to know them to prepare for return.<sup>107</sup> More than one UN officer told Asia Watch there was no lack of means to disseminate information, but rather a lack of information that they were authorized to disseminate.**

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<sup>107</sup>**UNHCR efforts to reassure have sometimes been misleading. Early information sheets left refugees with the impression that UNTAC troops would accompany them to their final destination, when in fact, the Cambodian Red Cross, an SOC governmental organization, is responsible for assisting refugees in the last stage of the journey. Similarly, the UN has informed refugees that negotiations over the recognition of professional credentials are ongoing, without making clear that professionals employed by the government make a tiny fraction of what refugees in the camps have earned for similar work. If refugees know this, more will chose alternate careers or find ways to market their services privately.**

**Understandably, the UNHCR does not wish to frighten refugees or discourage repatriation. It is not, however, operating in a neutral environment. The administrations in charge of the camps have no qualms in exaggerating the difficulties of life in the SOC, the better to recruit followers to their territory. When the UN fails to provide complete information, others will play on the fears engendered by uncertainty. The entire premise of free choice is that refugees are capable of assessing the risks of various options and deciding what will best promote their own welfare and safety. This is impossible without a knowledge of conditions in all areas of their country.**

**A similar dilemma faces the UNHCR in sponsoring repatriation to the factional zones. The prospect of new settlers is a powerful inducement for the factions to open access. Some areas have significant amounts of safe, arable land. But UNTAC control of the local administration is more problematic than in the SOC, given the lack of civil order and the complex interplay of local warlords and Khmer Rouge units. UNTAC deployment is also less advanced, and unhindered movement -- for Cambodians as well as foreigners -- is more difficult. By giving its blessing to the "resettlement" of administration personnel who are returning to their homes in the zones, UNHCR risks assisting the factional recruitment drive, and opening the door to further compromises in safeguarding the neutrality of the process.**

### ***Racial Violence***

**Three centuries of political subjugation and loss of territory by Vietnam lies behind the almost pathological fear and hatred that Cambodians bear their dominant neighbor. This historic enmity has been raised to a new pitch by continuous propaganda by the resistance factions that Vietnamese soldiers, disguised as civilians or as soldiers of the Phnom Penh army, are present and preparing to annex the country. At least two massacres of Vietnamese civilians have occurred since UNTAC's arrival, and the Khmer Rouge ominously warn of more should their demands for the expulsion of Vietnamese civilians not be met.**

**The Khmer Rouge claim that two million Vietnamese are now living inside Cambodia; Prince Ranariddh of FUNCINPEC claims over one million are present including 40,00 troops and "illegal people,"<sup>108</sup> and the KPNLF echoes the one million figure.<sup>109</sup> In contrast, Vietnam claims about 100,000 Vietnamese settlers in the country,<sup>110</sup> and most independent observers put the estimate between 200,000 to half a million.<sup>111</sup> Vietnamese have lived in Cambodia for generations, intermarrying with Cambodians and working as small traders or fishermen. During the colonial period, migration was encouraged as the French sought laborers and administrators for rubber plantations. Under the Lon Nol government, long-established Vietnamese communities were rounded up into concentration camps. Thousands were massacred wholesale, their bodies dumped in the Mekong River; thousands more fled. The KPNLF, whose**

<sup>108</sup> He based this estimate by assuming 300 Vietnamese entering the country each day over the last 13 years. "Ranariddh Interviewed on Non-Aligned Movement, Peace Process" *(Clandestine) Voice of the Khmer in Cambodian*, May 22, 1992 (*in* FBIS-EAS-92-101 May 26, 1992).

<sup>109</sup> "Son Sann Reports on Australia, ASEAN Tour" *(Clandestine) Voice of the Khmer in Cambodian*, May 21, 1992 (*in* FBIS-EAS-92-102).

<sup>110</sup> "Voting Rights for Vietnamese Settlers Demanded" *Phnom Penh Samleng Pracheachon Kampuchea in English*, May 19, 1992 (*in* FBIS-EAS-92-097, May 19, 1992).

<sup>111</sup> See Nayan Chanda, "Wounds of History," *Far Eastern Economic Review*, p. 15-16, July 30, 1992.

leadership is drawn largely from Lon Nol-era officials, is fond of claiming that all Vietnamese in the country are present "illegally," citing an agreement between the Lon Nol regime and the government of South Vietnam for the deportation of ethnic Vietnamese from Cambodia. The Khmer Rouge continued the slaughter of ethnic Vietnamese during their reign, during which most of the remaining community fled to Vietnam. Since the route of the Khmer Rouge, many of the Khmer-speaking Vietnamese community returned to their homes, and there is no doubt, that UNTAC's arrival and the current economic boom in Phnom Penh has drawn new migrants in search of work in construction and other industries.

The expulsion of all ethnic Vietnamese from Cambodia has been one of the conditions set by the Khmer Rouge for cooperation with the peace plan. To date, the party has presented no credible evidence of a Vietnamese military presence in the country, although UNTAC has bent over backwards to facilitate the identification of Vietnamese forces by creating mobile units to investigate possible claims. The theme of a massive Vietnamese troop presence in the country has been a staple of Khmer Rouge propaganda well after Vietnam's 1989 withdrawal of most of its forces. Recently, its focus has shifted to the alleged threat of Vietnamese troops disguising themselves as civilians, and it continues to play masterfully on Cambodian fears of racial extinction through the prospect that Vietnam will annex the rest of the country just as it did Kampuchea Kraom, a large part of South Vietnam that was Cambodian territory only a century ago.<sup>112</sup>

Khmer Rouge leaders have claimed the Phnom Penh government is "naturalizing" one million Vietnamese so that they may vote in the elections; and that "Vietnamese aggressors" have taken up residence in Phnom Penh "disguised...as pedicab operators, bicycle repairers, motorcycle and car mechanics, sellers of radios, televisions, and cars, and so on"<sup>113</sup> or that in Kompong Cham province "countless Yuon" are "hiding out along river banks and in boats, floating houses, shop houses and townships," soldiers in civilian guise.<sup>114</sup> Lest there be any doubt as to the proper reaction to such news, a typical report proclaims "Our people...are enraged at the Yuon aggressors' plundering of their property and their despotic authority over them. They are also furious with those who affirm that there are no Yuon in Cambodia."<sup>115</sup>

While the Khmer Rouge churns out the most vituperative and unrelenting invective against ethnic Vietnamese, leaders of the KPNLF and FUNCINPEC have been quick to join in, sensing a winning campaign theme. Ieng Mouli, Secretary General of the Executive Committee of the KPNLF and a member of the SNC,

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<sup>112</sup> In a letter to Prince Sihanouk, Khieu Samphan warned that if Vietnamese are allowed to remain in Cambodia, "more of them will be sent to Cambodia one or two million at a time until their numbers make up one-eighth, two-eighths, three-eighths, four-eighths, and five-eighths of the Cambodian population. In such a case, Cambodia and the Cambodian people will be Vietnamized through Vietnam's strategy of annexing Cambodia and the Cambodian people." "Khieu Samphan Explains Stances to Sihanouk" (*Clandestine Voice of the Great National Union Front of Cambodia (in Cambodian)*) June 5, 1992 [*in* FBIS-EAS-92-110, June 8, 1992].

<sup>113</sup> "Regime Naturalizing Vietnamese Before Elections," (*Clandestine Voice of the Great National Union Front of Cambodia (in Cambodian)*, May 20, 1992 [*in* FBIS-EAS-92-099]) and "Vietnamese 'Aggressors' Said Living in Phnom Penh" (*Clandestine Voice of the Great National Union Front of Cambodia (in Cambodian)*, May 20, 1992 [*in* FBIS-EAS-92-099, May 21, 1992].

<sup>114</sup> "Clandestine Vietnamese Presence Condemned" (*Clandestine Voice of the Great National Union Front of Cambodia (in Cambodian)*, June 18, 1992 [*in* FBIS-EAS-92-119 June 19, 1992].

<sup>115</sup> "Clandestine Vietnamese Presence Condemned," *supra*.

has proposed various degrading "tests" to ferret out Vietnamese disguised as Cambodians, from listening to their accent or asking them to chant a Buddhist prayer to having women run 100 meters in a sarong, on the theory that it will come undone on a Vietnamese woman.<sup>116</sup> Son Sann, president of the KPNLF, has called on the "Yvon" to go back to Vietnam, and claimed that Vietnamese should not be allowed to grab all the fertile land, hold all the good jobs, plunder Cambodian resources and seize "no one knows how many regions in Cambodia."<sup>117</sup> He also called for UNTAC "to supervise the withdrawal of foreign forces--Vietnamese forces including settlers" before the elections.<sup>118</sup> The KPNLF news bulletin of August 29 called for all ethnic Vietnamese to be placed in "controlled" settlements and for marriages between Vietnamese and Khmers to be prohibited.<sup>119</sup> Prince Ranariddh, of FUNCINPEC, also charged that Vietnamese are disguised as Phnom Penh government soldiers, that they are organized in networks in direct contact with Saigon, and that "there are weapons in all Vietnamese houses and boathouses."<sup>120</sup>

The escalating campaign of hatred has already claimed the lives of Vietnamese civilians. In April and May, Khmer Rouge units struck at the predominantly Vietnamese fishing village of Kok Kandal in Kompong Chhnang province, killing seven civilians. Nearly half of the 3,000 villagers have fled to the provincial capital and Phnom Penh.<sup>121</sup> On July 21, 1992, a premeditated massacre was carried out in the village of Tuk Meas in Kampot province by uniformed men wielding assault rifles and grenades. According to UN sources, the assailants coldly fired into a group of villagers at close range, killing seven, including a woman who fell on top of her seven-day-old baby, crushing the child's skull. Although some news reports blamed renegade soldiers of the Phnom Penh government, the UN investigation showed circumstantial evidence suggesting the assailants were Khmer Rouge.<sup>122</sup> The Khmer Rouge, in turn, deny responsibility, instead crediting "Cambodian soldiers" who "with outrage at the Vietnamese aggressors' systematic plundering of their parents and relatives, have become impatient" and ended by noting "the fury of the local people and Cambodian soldiers is extremely fierce at present."<sup>123</sup>

The Khmer Rouge's oblique threat became more explicit when Khieu Samphan appeared to endorse bloodshed as a means of removing Vietnamese from the country. In response to a comment by

<sup>116</sup> Nayan Chanda, "Wounds of History," *Far Eastern Economic Review*, p. 14, July 30 1992.

<sup>117</sup> See "Son Sann Reports on Australia, ASEAN Tour" (*Clandestine Voice of the Khmer in Cambodian*, May 21, 1992 (in FBIS-EAS-92-102, May 27, 1992) and "28 May Interview with Son Sann Reported," (*Clandestine Voice of the Khmer in Cambodian* June 3, 1992 (in FBIS-EAS-92-108, June 4, 1992)

<sup>118</sup> "Son Sann on 'Very Successful' Tokyo Meeting" (*Clandestine Voice of the Khmer (in Cambodian)* July 3, 1992 (in FBIS-EAS-92-130, July 7, 1992).

<sup>119</sup> "Faction Urges Roudup, Expulsion of Vietnamese," *Agence France Presse* August 29, 1992 (in FBIS-EAS-92-169 August 31, 1992).

<sup>120</sup> "Ranariddh Discusses Tokyo Conference Outcome" *Voice of the Khmer (in Cambodian)* in FBIS-EAS-92-127, July 1, 1992).

<sup>121</sup> "Dark Days at Kok Kandal," *Far Eastern Economic Review*, p. 14, July 30, 1992.

<sup>122</sup> Sue Downie, "Khmer Rouge Suspected in Massacre of Vietnamese," *United Press International*/August 20, 1992.

<sup>123</sup> "Khmer Rouge Deny Massacre of Vietnamese," (*Clandestine Voice of the Great National Union Front of Cambodia*, July 29, 1992 in FBIS-EAS-92-147 July 30, 1992).



the U.S. representative in Phnom Penh, Charles Twining, that his worst nightmare would be to see racial violence escalate to the point of seeing corpses floating down the Mekong River as at the time of the Lon Nol massacres, Khieu Samphan said:

If the Cambodian people cannot see a peaceful resolution to the problem they will seek other means. So Ambassador Twining's nightmare might become a reality.<sup>124</sup>

The call for the expulsion of ethnic Vietnamese has such clear potential to undermine UNTAC's authority and the fragile cooperation of the other Cambodian parties that it was not surprising to see both Hun Sen and Akashi schedule talks with the government of Vietnam.<sup>125</sup> One fear is that by unleashing a pogrom against Vietnamese, the Khmer Rouge hope to draw Vietnam back into Cambodia in some fashion and use its presence to garner further support as the most ultra-nationalist of the factions. So potent is the anti-Vietnamese incitement that the Phnom Penh government has kept an extremely low profile. According to the *Far Eastern Economic Review*, Prime Minister Hun Sen, in passing along reports of demonstrations the resistance parties were planning against Vietnamese residents of Phnom Penh, warned that UNTAC would have to rely on its own police, as SOC police would not intervene.<sup>126</sup>

In dealing with this problem, UNTAC is in a quandary. Hatred of Vietnamese runs so deep within Cambodian society that racist invective is received in almost every circle with approval; even civil servants of the current Phnom Penh government who suffered terribly at the hands of the Khmer Rouge admire the party's uncompromising attacks. According to one journalist, Phnom Penh residents have begun to call UNTAC "YuoNTAC," in reference to its close workings with the SOC government and the common sight of UNTAC soldiers with Vietnamese prostitutes.<sup>127</sup> Control of racist speech that is an incitement to violence is part of UNTAC's mandate, yet such control will be extremely difficult to exercise without creating either a censorship agency or sympathy for those who are sanctioned.

The draft penal code, which has yet to be approved by the SNC, prescribes imprisonment and fines for defamations or insults directed at individuals and groups, as well as for speech that provokes violence, discrimination or hate against persons or groups on account of ethnicity, nationality, race and religion. The Khmer Rouge has condemned these provisions as "a threat to the Party of Democratic Kampuchea" and "a coercion of the Cambodian national resistance forces and the SNC into endorsing the Vietnamese aggression in Cambodia."<sup>128</sup> Khieu Samphan rejected Akashi's objections to racist Khmer Rouge propaganda, claiming that Cambodians everywhere use the derogatory word "Yuo" to refer to

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<sup>124</sup> "Khmer Rouge Threaten Violence Against Vietnamese," *Reuters*, August 13, 1992.

<sup>125</sup> "Cambodian Premier on Private Visit to Vietnam," *Reuters*, August 12, 1992; Som Sattana, "Phnom Penh Says Khmer Rouge Seeking to Weaken UN in Cambodia," *United Press International*, August 11, 1992.

<sup>126</sup> Nayan Chanda, "Wounds of History," *Far Eastern Economic Review*, p. 16 (July 30, 1992).

<sup>127</sup> Jacques Bekaert, "Asia Pacific Focus," *Bangkok Post* August 22, 1992 (*in* FBIS=EAS-92-165 August 25, 1992).

<sup>128</sup> "Khmer Rouge Reject Legislation," (*Clandestine*) *Voice of the Great National Union Front of Cambodia (in Cambodian)* August 27, 1992 (*in* FBIS=EAS-92-169 August 31, 1992).

Vietnamese.<sup>129</sup> According to the Khmer Rouge radio, KPNLF president Son Sann also objected to the proposed criminal provisions on racial incitement and defamation, saying he would continue to demand the expulsion of "Vietnamese forces."<sup>130</sup>

What is clear is that further violence against Vietnamese is extremely likely. It is imperative, therefore, for UNTAC to include Vietnamese communities among those it gives priority for police protection. Local contacts must be established in the community, and an effective complaint mechanism established. Investigations into anti-Vietnamese violence should be vigorously pursued, publicized, and sanctions imposed on perpetrators and organizers. The entire international community must call on each Cambodian party to uphold the security and basic rights of ethnic minorities in Cambodia as a condition for continued support of the UN mission, which is aimed at securing the safety and rights of all residents of Cambodia.

### ***Demining***

Cambodia has the dubious distinction of having the highest proportion of amputees in its population than any other country in the world.<sup>131</sup> Mines of every variety have been planted in Cambodian soil for 25 years, radically reducing the amount of arable land, restricting passage throughout the country, and claiming limbs from one out of every 236 Cambodians. In the lead-up to the political settlement, numerous studies had pointed to the pressing need to begin surveying Cambodia for minefields, finding unmined land for returnees to settle upon, and demining and rehabilitating roads.<sup>132</sup>

Nevertheless, some nine months after the signing of the Paris accords, accomplishments in these areas have been minimal. According to one UNTAC officer, "there is a feeling that a lot should have been started in November last year. We had many infrastructure reports done in 1990 and 1991, we knew the problems, and we wasted a dry season." The slow start is due to the delay in raising funds for the demining operation, which in turn exacerbated the delay in moving demining equipment to Cambodia.

The first step towards dealing with the program was a Land Mines Awareness Program conducted by the UN in the border camps. Although some refugees likened the effort to "teaching the crocodile how to swim," education was particularly important to prepare people to move once they returned to unfamiliar communities in their own country. But even where Cambodians are familiar with the local terrain, hundreds continue to be injured each month, because they must venture into mined areas for their basic survival -- to collect water, firewood, thatch and to work. According to one international agency, four fifths of persons injured say they knew at the time they were in a minefield. Many injuries occur when people

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<sup>129</sup> "Khieu Samphan Replies to Akashi Accusations," *(Clandestine) Voice of the Great National Union Front of Cambodia (in Cambodian)* August 22, 1992 (//FBIS-EAS-19-165 August 25, 1992).

<sup>130</sup> "Son Sann Comments on Legislation," *(Clandestine) Voice of the Great National Union Front of Cambodia (in Cambodian)* August 27, 1992 (//FBIS-EAS-92-169, August 31, 1992).

<sup>131</sup> See Asia Watch, *Land Mines in Cambodia: The Coward's War*, p. 2 (Asia Watch, Physicians for Human Rights, September 1991).

<sup>132</sup> See Asia Watch: *The Coward's War*, and Report of Inter-Agency Mission to Thailand and Cambodia on Repatriation of Cambodian Refugees and Displaced Persons, Executive Summary (16 May - 10 June 1990).

leave forested areas, which are typically mined at the perimeter, making it crucial to leave at the point of entry. Mine injuries in the northwest have fallen slightly since the signing of the Paris accords, but the number of civilian casualties is on the rise as people begin to travel in the country once again. In areas where internally displaced are starting to return, such as Svay Chek, injuries were rising.

Recognizing the gravity of the problem, the UN Secretary-General requested that actual demining begin before the deployment of UNTAC. In December 1991, the mandate of the UN Advanced Mission In Cambodia (UNAMIC) was broadened from running the mine awareness program to also encompass training of Cambodians in demining and actual mine detection and clearance. UNTAC has inherited that broader mandate, although in theory it was not to supervise Cambodian mine-clearing teams until after the demobilization and cantonment of all armies. In the December 30, 1991 report, the Secretary-General stated:

It is generally recognized that a major de-mining effort is needed in Cambodia. While the total eradication of mines will necessarily be a long-term endeavor, the initial programme recommended in this report should be undertaken on an urgent basis...This would enable UNAMIC to reduce the threat posed by mines to the civilian population and to begin to prepare the ground for a safe and orderly repatriation of the refugees and displaced persons under United Nations auspices.<sup>133</sup>

The sense of urgency, however, is not as pronounced in the comments of UN officers in Cambodia, who stress that Cambodia will never be entirely demined, much as areas of Europe still harbor minefields planted during the world wars. Few donor countries have authorized the soldiers they committed to the UNTAC force to even supervise Cambodian demining teams. De-mining, Asia Watch was repeatedly told, was a "Cambodian problem" which Cambodians created and Cambodians would have to solve. This line, of course, obscures the international community's role in supporting and supplying the armies that laid the mines, and its responsibility to fund and supply technical assistance to demining efforts.

The SNC and UNTAC have agreed to established an independent body, the Cambodia Mine Action Center, (CMAC) that will raise funds and ultimately direct the deployment of Cambodian demining teams throughout the country. The agency, however, will not even begin to solicit funds until August 1992 at the earliest. UNTAC is planning to allocate soon at least \$10 million to the CMAC, which should enable it to send a dozen demining teams to the field. While the establishment of CMAC is an important step in long-term planning for Cambodia, it should not obscure the fact that as many mines have been laid since the cease-fire as have been removed.<sup>134</sup>

In the meantime, UNAMIC and UNTAC have established ten training programs in demining, which at first educated soldiers still on active duty from all factional armies. Training teams had been established in Siem Reap and Battambang, as well as in the Khmer Rouge area of Pailin, the KPMLAF area of Banteay Meanchey, and the ANKI area of Pnom Khou. So far, 15 teams of 32 deminers each have been trained in locating and exploding mines in place, but there is no coordinated plan for their employment, as donor countries are extremely reluctant to have their military engineers risk the hazards of actual demining.

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<sup>133</sup> UN Security Council, "Report of the Secretary-General on Cambodia" S/23331 (December 30, 1991).

<sup>134</sup> Angus MacSwan, "New Cambodian Mine-Laying Outstrips Clearing Bid," *Reuters*, April 17, 1992.

UNTAC's modest demining efforts were also set back briefly by a demand by an SOC general in April that his men be paid \$1500 per month, the money to be channeled through the military hierarchy. As soldiers had not yet been demobilized, and they obeyed their commander's stop work orders. Although the general eventually lowered his demand to \$1050 per man per month, UNTAC refused to negotiate, and is employing other graduates of the training courses.<sup>135</sup> In May, UNTAC employed 20 Cambodians in Pursat clearing access to an area where are located a future cantonment site, a distribution point for returning refugees, and one of the few high-grade laterite pits near Highway 5. Colonel Alan Beaver of UNAMIC said in April that the goal is to ultimately train approximately 5,000 deminers over the period of UN occupation. Some deminers, after a period of field experience, were to be given a further two-week course in supervising demining teams.

The most significant accomplishments in demining so far have involved the repair and clearance of major roads. Highway 5, which connects Phnom Penh to the Poipet border crossing in Thailand was demined and resurfaced from Poipet to Battambang by a battalion of Thai engineers provided to UNTAC. Highway 69, which connects the KPFLAF area of Thmar Pouk with the town of Sisophon, was opened July 1, 1992 under a \$1 million grant from the US Office of Federal Disaster Assistance which sponsored a Thai company to direct the removal of over 1,500 mines. UNTAC supervised demining had also begun on the road to Talo, south of Highway 5 near the town of Pursat. This road is the only access to a high-grade laterite quarry, which is also near a proposed cantonment and resettlement site. A Chinese engineering unit with UNTAC is working on Highway 6, between a ferry crossing and its junction with Highway 5.

UNTAC and UNHCR have enlisted private non-governmental groups to employ and supervise some of the Cambodian deminers as well. The Halo Trust, a private non-profit organization, employed 40 men in demining two access routes to settlement areas in the Mongol Borei area. They had almost exhausted their funds in April, and are awaiting funding to continue their operations. In July, the non-governmental organization Handicap International signed an agreement with UNHCR to administer the demining of specific resettlement areas in Siem Reap and Banteay Meanchey provinces. This project will employ teams of 32 Cambodian deminers trained by UNAMIC through a \$200,000 grant provided by the United States Agency for International Development. Work has begun on 16 hectares at Sarakahom on Route 5 near Sisophon, and is said to be progressing at approximately one hectare per week.

For the most part, demining to open agricultural land in Cambodia must be done by hand, due to the nature of the terrain. Flat minefields are the exception; more commonly, mines are littered around forest edges, bridges, access routes to villages, military checkpoints and water sources, where mine-clearing machinery cannot be used. According to Halo Trust supervisors who have been working on land with large amounts of shrapnel and metal, a 20- man team can clear one hectare of mines in about a month, due to the large numbers of false detections. Dogs can sometimes be used to indicate the perimeters of mined areas. They are of limited use, however, when mines have been laid long before, and cannot be safely used where tripwires are in place. In contrast, the demining of roads can be accomplished at least partially with heavy

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<sup>135</sup> Standard compensation for deminers includes food, board, and \$70 per month, plus a sliding scale of insurance compensation, from 60 times monthly salary for accidental death to 30 times for loss of a limb. In comparison, normal wages for active-duty soldiers are about seven dollars per month. In the UNTAC payscale, the monthly salary paid deminers is half what drivers or interpreters earn. Nonetheless, most soldiers were reportedly content with this compensation, especially since they had not been paid by the military for months. Since the beginning of cantonment on June 13, 1992, UNTAC has recruited new demining students from demobilized soldiers of the three participating armies.

**machinery, although earth-movers occasionally leave unexploded mines in the dirt piles shoved to the side of the road. In all cases, it is extremely dangerous to leave the roadbed, as there are generally mines laid by the side of roads as well.**

**Given these obstacles, the strategy for making more land available for resettlement of refugees and internally displaced persons has been to open access routes, rather than demine tracts. Even so, progress is slow and there are very few teams currently employed. This throws into question the assumption that the UN will be able to open enough land for new settlement in a timely fashion to resettle any significant portion of the approximately 300,000 border refugees and 200,000 internally displaced villagers. As it is, some sites for new settlements are in close proximity to minefields. A quick glance at the Halo mine survey map of Battambang shows the distance between mined areas and the planned settlement of Char to be about 500 meters, the distance from Krors or Slar Slak about one kilometer, and from Ta Moeun and Ta Poug roughly two kilometers. While it is not unusual for Cambodian villagers to live in close proximity to minefields, new settlers are particularly vulnerable when they must traverse areas they do not know. In some settlements, returnees were walking as many as five kilometers to find a clean water supply and to fish, and excursions for firewood and thatch likewise were taking people far afield from their settlements. This makes it all the more important that UN and government efforts focus on the smooth integration of returnees with their experienced neighbors in the locality.**

**Mine surveying began in late 1991, when the Halo Trust was commissioned by UNHCR to create maps of the four western provinces of Pursat, Battambang, Banteay Meanchey and Siem Reap based on-the-ground investigations. The maps classify the topography in 1:50,000 scale into areas that are "probably clear of mines," "probably mined," and "heavily mined" based on inspection and interviews with local residents. Refugee settlement sites are only to be in areas that are "probably not mined." Further surveying of eastern and central provinces is being carried out by French teams from the UNTAC mine clearing and training unit. The step after surveying is mine verification, where teams perform a laborious meter-by-meter examination of the land. Verification may show that some areas labelled "probably mined" are in fact free of mines, or that areas thought to be free are in fact mined. In September, a mine verification and marking program will be conducted by the non-governmental organizations Handicap International and the Mines Advisory Group in Battambang province.**

**Mine marking is stipulated in the Paris accords, and UNTAC has prepared over 120,000 signs with which the factions are to demarcate minefields. However, the few maps the factions have presented to UNTAC are very imprecise, and hence of little use. The KPNLAF and ANKI units have been most cooperative in marking minefields and have lost men in the process. There has been only fitful cooperation in clearing Route 12 from the combatants in Kompong Thom, however. In one incident, an SOC unit began to demine an area and left it for half a day. During that time, the Khmer Rouge mined the stretch, and a soldier who returned to continue demining was blown up. Some demining experts have expressed concerns that marking certain heavily mined areas could produce a false sense of security about unmarked areas, stressing that constant vigilance is needed virtually everywhere.**

### ***Foreign Interests***

**Foreign countries largely propelled the peace settlement, just as they largely sustained the conflict it purports to resolve. Although some of the nations with proxies in the Cambodian conflict have dropped from the scene (the former Soviet Union) or assumed a lower profile (Vietnam and China), others still take an active interest in influencing the outcome of the "free and fair elections" and Cambodia's**

future political development. The most prominent among those are Thailand and the United States.

## THE UNITED STATES

The United States, which heavily supported the resistance to the Phnom Penh government both through support for the Coalition Government of Democratic Kampuchea (CGDK) and through direct aid to FUNCINPEC and the KPNLF, continues support for the latter two groups. Covert aid for Sihanouk's and Son Sann's guerrillas began in 1979, and overt, non-lethal military aid since 1982. In the last three years, Congressional allocations for the resistance ran around \$20 million each year. Agency for International Development (AID) officials told Asia Watch it was impossible to calculate how much of the assistance allocated actually been provided to the resistance over the years.<sup>136</sup> According to the agency, this assistance was "non-lethal," that is, spent not on weapons but to programs such as military training, medical services, and civic action programs directed through the military administration. Although AID officials declined to speculate on the actual US investment in the "non-communist resistance" areas, they conceded that the level of services in those areas was much higher than that in Cambodia as a whole. One present objective, according to various representatives, was to see that existing facilities and services in the resistance territory were not degraded, but rather to upgrade aid provided to SOC areas.

Following persistent reports that the non-communist resistance armies coordinated their actions with the Khmer Rouge military, and concern that there was no adequate accounting for the funds that had been handed over, US policy shifted in 1990. That year, Congress earmarked funds to aid women and children throughout Cambodia, and amended its assistance legislation to permit provision of aid to civilians throughout the country, still excluding, however, the Khmer Rouge. In 1990, allocations for Cambodia stood at a lopsided \$20 million for the resistance, with \$5 million for non-governmental programs to benefit women and children in the rest of Cambodia. The administration's 1991 budget for aid to Cambodia included \$5 million for UNICEF and World Vision to aid women and children, \$10 million for general humanitarian support to be funneled through non-governmental agencies operating within the SOC, and \$10 million in administrative and program support given directly to FUNCINPEC and the KPNLF. For fiscal year 1992, USAID is proposing a total allocation of \$25 million again, with \$5 million to be directed to the KPNLF and FUNCINPEC administrations, \$5 million continuing support for women and children, \$1 million for a program to recruit young Cambodian-American volunteers to work in technical fields throughout Cambodia, \$11 million towards rehabilitation of rural roads, and \$3 million to support "democratic groups and projects." In addition, it has proposed a \$50 million "Southeast Asia Contingency Fund," a majority portion of which would be spent in Cambodia, most likely on rural reconstruction projects.

A March 1991 USAID "strategy document" clearly sets forth as one of the agency's long-term goals to "prepare the non-communists to govern Cambodia" and to "help ensure non-communists have the capacity to clearly articulate and demonstrate their views, goals and policies." The report and proposes

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<sup>136</sup> However, the agency's reports, *Congressional Presentation for Security Assistance Programs*, estimate approximately \$21,478,000 was provided through fiscal year 1990. The General Accounting Office estimated that from October 1986 to June 1991, \$20.3 million in nonlethal military assistance was provided to the non-communist resistance under the International Security and Development Cooperation Act of 1985, and since 1987, the resistance also received about 200 tons of commodities from the Department of Defense's Humanitarian Assistance Program, along with 1.6 million to ship, store, repair, or otherwise process these commodities. United States General Accounting Office, *Cambodia: AID's Management of Humanitarian Assistance Programs* p. 2 (GAO/NSIAD-91-260: August 1991).

various means to these ends, including channeling assistance to and through Cambodian private voluntary organizations that are viewed as supportive of the non-communists, and encouraging Cambodian-Americans to work with such groups. The 1992 proposed programs appear tailored to this purpose. According to USAID, the allotment for "democratic groups and projects" would go to support whatever political parties or voluntary associations the US determined would support democratic development, as well as projects such as the drafting of commercial codes. In the past, the US administration has considered the non-communist parties more inclined towards democratic development than the others, their complete lack of democratic institutions notwithstanding. Cambodian-American volunteers could work wherever their skills could be put to use, including jobs traditionally under the Phnom Penh government's civil service, such as university teaching. According to an USAID official, these volunteers would not be permitted to engage in political campaigning or private enterprise. The value of the program, in his view, is not simply the provision of skills, but of people with a practical experience of democracy who can be "living examples."

The targets for rural road reconstruction would be developed in consultation with the UNHCR, UNTAC and the SNC, with an anticipated "90 percent" in territory held by the SOC, according to a USAID official. According to other sources, the primary area for road reconstruction would be northwestern Cambodia, where the bulk of refugee resettlement is planned, to assist the UN with repatriation and to stimulate commercial activity in settled areas. Northwest Cambodia is also the part of the country where the Khmer Rouge and other resistance groups have most of their bases, and where Khmer Rouge infiltration is most severe. According to sources in Cambodia, the Khmer Rouge have built an extensive network of strategic roads within territory under their control, and are now able to move munitions and supplies without extensive reliance on human porters. USAID's emphasis on road reconstruction may be designed to provide a strategic counter to Khmer Rouge influence or a positive boost to that of the non-communist resistance; as one observer remarked, "there are always mixed motives for building roads when there's an incipient civil war." Another location for road development would be central Cambodia, to improve commercial links to Phnom Penh.

The issue of direct budgetary support for the various Cambodian parties other than the Khmer Rouge has been controversial. USAID historically has had limited ability to independently account for the assistance handed to the resistance administrations, and even with improved warehouse accounting procedures still relies heavily on reports from the resistance administrators to account for the end use of materials it supplies.<sup>137</sup> Given that Khmer Rouge villages and forces are sprinkled throughout areas under the nominal control of the non-communist groups (as well as within SOC territory), verification that no aid reaches the Khmer Rouge may be impossible. As one international relief official who was familiar with the non-communist zones remarked, one cannot tell the cow of a Khmer Rouge from any other cow, and both can benefit from a local vaccination program. USAID also directly supports the administrative expense of FUNCINPEC and the KPNLF in administering programs within their territories and in maintaining offices in Phnom Penh and activities relating to their participation in the SNC.

The SOC, meanwhile, has been unable to pay most civil servants for months, and a collapse in basic social services has been looming. Doctors, teachers, and other civil servants have left their jobs or charge fees for services that are supposed to be free in order to support themselves. In many government bureaucracies in Phnom Penh, offices are empty as employees spend their day at other jobs. To address

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<sup>137</sup> United States General Accounting Office, *Cambodia*, at p. 4.

**this situation, UN Secretary General Boutros Boutros-Ghali appealed to donor countries in April for \$111.8 million for direct support of civil administration as part of the overall request of nearly \$600 million for rehabilitation and reconstruction. This appeal was strongly protested by the Khmer Rouge, who charged the funds would largely go to stabilizing and legitimizing the Phnom Penh government. Nonetheless, at the Tokyo Conference, donors exceeded the total requested by over \$220 million, and diplomats warned that only those administrations that cooperated fully with UNTAC and would be able to benefit from the grants, the position adopted unanimously by the Security Council on July 21, 1992.**

**The current United States Foreign Aid bill, passed by the House of Representatives on June 18, 1992, earmarks \$10 million out of \$20 million overall assistance to Cambodian civilians to "be used to support administrative programs in Cambodia." USAID opposes this earmark on two grounds: the earmark limits flexibility in Cambodia policy, particularly in view of the uncertain future of the peace plan, and that budgetary support would best be channelled through another agency, such as the World Bank.**

**It is beyond the mandate of Asia Watch to make judgments on particular proposals to fund Cambodian political parties. If, however, funding of any party would undermine the UN's effort to create a politically neutral atmosphere, or would encourage or sustain any party's pattern or practice of human rights abuses, such support would be counter to the US obligation to uphold the spirit and letter of the Paris accords.**

#### **THAILAND**

**Thailand in particular has invested heavily in Cambodia. Since 1975, the military has sheltered and supplied all the resistance factions, in return for oversight of lucrative logging and gem mining contracts throughout the northwest border region, to which it controls access. According to one recent report, at least 20 Thai companies are involved in ruby mining around the Khmer Rouge stronghold of Pailin, some paying \$40,000 a day, and some using sluice-mining techniques which are causing heavy siltation of the Tonle Sap lake.<sup>138</sup> The Thais have signed contracts for timber with all the Cambodian parties that are "five times more than Cambodia can sustain," Behrooz Sadry, second-in-command of UNTAC, told journalist Elizabeth Becker.<sup>139</sup> A United Nations Development Program report put the rate of logging at 12 times Cambodia's sustainable rate, with timber exports likely to reach nearly 1.2 million cubic meters this year. Forest cover in Cambodia has fallen from about 73 percent to as low as 43 percent of the country in 1992. The SOC Forestry Department estimated that up to two million hectares has been lost or degraded since 1979, with 500,000 hectares permanently deforested. Although the SOC has signed contracts with French and Indonesian companies as well, Thai companies account for the lion's share of the timber trade, particularly in areas controlled by the resistance factions. The UNDP report concludes:**

**Following the signing of the Paris Peace Accords in October 1991, an unprecedented period of "asset stripping" has begun in the forestry sector that is having a potentially catastrophic effect on Cambodia's remaining forest stocks and will further aggravate on-going degradation to the resource bases of both lowland agriculture and fisheries. Unless the foreign donor community acts quickly to provide the signatories to the Peace Accord**

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<sup>138</sup> Murray Hiebert, "Baht imperialism," *Far Eastern Economic Review*, June 25, 1992, p. 47.

<sup>139</sup> Elizabeth Becker, "Can Cambodia Be Saved From Thailand?" *The Washington Post National Weekly Edition*, May 25-31, 1992.



with alternative sources of budgetary support, irrevocable damage to the forestry sector will continue to escalate in the period prior to the 1993 elections. (...) The four parties apparently see timber, and in some cases the letting of mineral and oil concessions, as primary means of funding their administrations and election-related activities.

The uncertainty and weak administrative control in Phnom Penh during the transition period are provided fertile conditions for Thai investors, as government officials prove eager to conclude deals and accept bribes while they still hold power. Thailand dominates approved foreign investment of all types in the SOC, with 79 projects licensed according to Phnom Penh's National Investment Committee, among them investments in hotels, airlines, real estate, and banking, as well as natural resource extraction.<sup>140</sup> Asia Watch sources also report Thai businessmen have used their country's leverage to gain diplomatic passports and amass lucrative properties from Phnom Penh, sometimes acting as front men to acquire properties for Cambodian political figures. Although foreigners are not allowed to own land in Cambodia outright, Thais have circumvented this restriction by using Sino-Khmer middlemen to obtain land titles, or even by purchasing Cambodian identity cards. Some Cambodian officials have privately expressed fear that their country's largely unregulated financial system will soon be controlled by the Thais. The National Bank of Cambodia has already given eight of the 12 licenses issued for foreign bank branches to Thai banks, and is planning to tie the riel to the baht.<sup>141</sup>

In addition to Thailand's willingness to shelter and trade with the Khmer Rouge and the other resistance factions, there are reports that most Cambodian parties will rely on Thai funding for their election campaigns.<sup>142</sup> General Suchinda Kraprayoon, deposed as prime minister in the recent civil uprising in Thailand, reportedly formerly controlled the military area comprising much of the border with Cambodia, and maintained close relations with the Cambodian leaders, even installing a personal representative in Phnom Penh.

It is widely believed that the only effective pressure that can be exerted upon the Khmer Rouge to comply with the Paris accords is the sealing off of the Thai border so as to cut off export routes for the lumber and gems that finance the faction. Thailand, however, has been unwilling to take this step. Thai officers continue to support their business partners in the resistance and have no intention of ceding any measure of control over the border to the UN or any other party.

As in the past, friction with the UN over policies affecting the Cambodian resistance factions tends to be expressed in terms of border disputes and sovereignty. Thai military authorities blocked a 16-truck convoy of food supplies from the World Food Program that was headed from the Thai border to UNTAC in Cambodia at the border checkpoint of Chong Jom in Prachin Buri province on June 30. According to National Security Council secretary-general General Charan Kullavanija, the convoy, which had failed to seek an exit permit, was in "violation of Thai sovereignty."<sup>143</sup> The general also criticized the "disciplinary

<sup>140</sup> Murray Hiebert, "Baht Imperialism," *Far Eastern Economic Review*, June 25, 1992, p.46.

<sup>141</sup> "Central Bank Wants Riel Rate Tied to Thai Baht," *Bangkok Post*, p.13,22, June 29, 1992 (in FBIS-EAS-92-126 June 30, 1992).

<sup>142</sup> Elizabeth Becker, "Can Cambodia Be Saved From Thailand?" *The Washington Post National Weekly Edition*, May 25-31, 1992; Murray Hiebert, "Baht imperialism," *The Far Eastern Economic Review*, June 25, 1992, p.46.

<sup>143</sup> Piyanart Srivalo and Korkhet Chantalertlak, "Relief to Cambodia under fire," *The Nation*, July 4, 1992.

control" over Dutch UNTAC units that had arrived in Thailand for deployment in the Khmer Rouge zones on May 26. According to the general, the units were responsible for two serious road accidents during their stay in Thailand. Charan said that Thailand would pursue legal action against the Dutch, and demanded that the troops be quickly moved into Cambodia, as their visas for Thailand had already expired.<sup>144</sup> Since the Khmer Rouge would not let them in, they were forced to remain at the border.

In a recent interview, General Charan expanded on his views of Thailand's relations with Cambodia.<sup>145</sup> When asked whether Thailand was not exploiting Cambodia's political chaos during the transitional period to expand its influence and buy up as much property as possible, General Charan compared said it was no different that the Japanese buying land or property in New York or Hawaii. He then pointed to incidents where UNTAC planes had flown over Thai airspace without prior notification as disrespect for Thailand's sovereignty. As for Thailand's historical support for the Khmer Rouge, Charan insisted Thailand had not sent arms to the Khmer Rouge during the period of the peace negotiations, saying that any allegations that the Khmer Rouge continue to receive arms from Thailand is "a matter of psychological hang-up." He said, however, that Thailand would not "boycott" the Khmer Rouge, saying that the approach to the Khmer Rouge should be "not to force them, but to let them have enough to eat, to enjoy the same standard of living as other people" lest they "rob others, including the Thais."

Thailand's interest in the repatriation is first, to clear the refugee camps as soon as possible, and second, to support its business and security interests in the border areas. Thailand has criticized the UNHCR plans as inadequate to repatriate the entire border population in the timetable provided by the Paris Accords. According to Asia Watch sources, the Thais favor an expeditious movement of people into either resistance zones or holding centers within Cambodia, assuming that resettlement within the SOC continues slowly under the UNHCR. The Center for the Coordination of the Repatriation of the Cambodians, a Thai governmental organization that is to assist with security on the Thai side of the border, met with factional administrators in several different camps in early 1992 to urge them to encourage people to repatriate without waiting for the UNHCR.

Lieutenant General Sanan Sajornkrum of the Thai military said the slow pace of repatriation was due to "a lack of roads to resettlement sites."<sup>146</sup> The Royal Thai Government proposed to UNHCR an additional seven crossing points to be used along the Thai Cambodian border to facilitate repatriation, at points that were pre-1975 trade routes. Road repair and construction has proceeded at these seven points, a majority of which are ready for use. Major General Suraporn Kamol-at presented a map of these routes at a lecture at Chulalongkorn University in March 1992 that also showed planned or existing reception centers in the factional zone areas. This map, which was widely distributed to the diplomatic community, was drawn up well in advance of UNHCR or UNTAC access to these areas (see appendix I). The map also shows a total of 25 hospitals, 13 depots, 1 airfield and 3 helicopter landing points, all existing or planned, in resistance areas. UNHCR has used a new border crossing at Ta Phraya to return refugees to the KPNLAF area of Thmar Pouk. Among the new crossings that are now operational are the road from Site B near Kap Choeng to a reception center in the FUNCINPEC area, one from O'Trao to the Khmer Rouge enclave of An Long

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<sup>144</sup> Id.

<sup>145</sup> Supapohn Kanwerayota "A Thai perspective on Cambodia," *Bangkok Post* (June 25, 1992).

<sup>146</sup> *The Nation*, (Bangkok) March 29, 1992.

**Veng, one from Ta Phraya near Site 2 to the KPNLF zone, and one from Chanthaburi province to the Khmer Rouge-held gem center of Pailin. Thailand's most recent offer is to provide C-130 transport planes to airlift refugees to Siem Reap and Phnom Penh during the rainy season. According to Thai officials, the UNHCR received the proposal favorably and is discussing details.<sup>147</sup>**

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<sup>147</sup> "Thai transport jets to repatriate Cambodians," *The Nation*, (July 3, 1992).

## **CONCLUSIONS AND RECOMMENDATIONS**

**UNTAC has only begun to address the problem of reducing the political control over the lives of Cambodians that has deprived them of fundamental rights for as long as most of them can remember. It has made the most progress within the territory controlled by the Phnom Penh government. Political killings in the capital have abated, even as political activity has increased exponentially and attacks continue in the provinces. The SOC has released hundreds of political prisoners and continues to do so under UNTAC's supervision. UNTAC has succeeded in dismantling some structures and policies which facilitate political control, such as the SOC press law and the Phnom Penh municipal order to conduct house-to-house searches. With respect to the tightly-controlled camps along the Thai border, UNHCR has moved almost 100,000 refugees back into Cambodia with relatively few logistical problems.**

**This progress is overshadowed by formidable obstacles. First among them is the unwillingness of the Khmer Rouge to cooperate with the peace process by disarming and by granting the UN access to and oversight over areas under its control.**

**Second is the weakness or absence of fundamental civil institutions on which an open society depends. In some case, UNTAC must actually fashion and support these institutions -- a justice system, a professional civilian police, a bureaucracy trained to act according to regulations and laws rather than political decrees.**

**Third is the multiplicity of roles that UNTAC must play. In the interests of keeping the peace agreement on track, UNTAC may mute its human rights concerns in situations that compromise its commitment to protection. The roles of peace-keeper and guardian of basic rights need not be contradictory, however. UNTAC's exercise of its full powers in exposing human rights abuses, providing adequate safeguards against political control or coercion, and laying the foundations for neutral administration and rule of law may be controversial in the short term, but if UNTAC holds back now, the likelihood of an open society emerging in the future is that much slimmer.**

**Reporting on human rights investigations, for example, cannot wait until perfect cooperation from all parties is achieved. Abuses such as political killings, assaults and arrests are intended to intimidate many more than the immediate victims, and it is all the more important that whenever possible, UNTAC publicly report the fact that it has investigated such incidents and its findings. Disclosure of abuses is the most potent form of human rights education, and a decision not to disclose abuses when the offender cooperates can quickly slide into the decision never to disclose abuses lest cooperation be withdrawn.**

**A final obstacle to the easing of political control is the timetable for elections. This schedule already may be leading to compromises in the safeguards originally planned for the repatriation program, and may constrain UNTAC in its efforts to reform public security and civil justice mechanisms.**

**A number of conclusions flow from these observations if human rights in Cambodia are to be respected:**

**1. The Cambodian parties must live up to their obligations under the Paris accords and the International Covenant on Civil and Political Rights. They must cooperate with UNTAC and allow freedom of movement**

**into and out of the territories they control and respect the rights of all persons in Cambodia as they engage in their political campaigns.**

**2. The international community must fashion and enforce a set of sanctions that will effectively move the Khmer Rouge to cooperate with the peace process. Failure to do so may well place out of reach the goal of securing human rights during the period of UN supervision.**

**3. The international community and particularly the United States, Thailand and China must press the KPNLF, FUNCINPEC and the Khmer Rouge to allow full UN deployment and full international access in their respective zones.**

**4. UNTAC should continue and expand upon its commitment to full disclosure of the results of its investigations into human rights abuses and ceasefire violations. The international community should unstintingly support UNTAC in this function, and when necessary exert pressure on the Cambodian parties to rectify abuses and violations.**

**5. The international community should give full support to the establishment of the Voice of UNTAC radio facility, in the interests of freedom of information and the dissemination of information on human rights enforcement and all other aspects of UNTAC's operations.**

**6. The international community must recognize that the task of preparing Cambodia to be a pluralistic civil society in which human rights and the rule of law are respected cannot necessarily be accomplished within the schedule drawn up for elections. The international community's long-term support of human rights monitoring, reconstruction of the legal system, retraining of civil servants and human rights education is vital to ensure that the goals of the Paris accords can be achieved.**

**7. With regard to the long-term protection of human rights, the Cambodian parties to the SNC should accede to the Optional Protocol of the International Covenant on Civil and Political Rights.**

**8. UNTAC must give a high priority to securing the right of all Cambodians to move safely around their country. Internal restrictions on free movement must be abolished and effective measures taken to combat attacks and extortion on the roads by officials, soldiers and others still bearing arms.**

**9. In furtherance of its effort to dismantle structures of political control, UNTAC should abolish all systems of tracking the political history of residents, such as the SOC dossier system. Mandatory identity documents that can be used to expose political records, control movement or employment, identify the holder's race or religion, or infer allegiance to a particular party, should be abolished. If SNC members believe that an identity card is necessary for ordinary purposes other than election registration, such a card should allow for free movement, residence, and employment anywhere in the country. Returning refugees must be given identity documents that are equivalent to those used by others in their community, that do not distinguish them as returnees, or require them to use other documents, such as family books, that reveal from which faction-controlled camp they have come. Refugees should have the same freedom of movement, and the same employment opportunities, as all other persons in Cambodia.**

**10. UNTAC must ensure that returning refugees are able to make an informed choice about destination, free from the overt or subtle pressure, and must be able to change their choice freely at any time, including after their return. Since full information is integral to free choice, refugees must should have as complete a**

**picture as possible about conditions in Cambodia generally, and locality by locality, including security, mines, roads, natural resources, medical and educational facilities, and living conditions of the local population. Refugees must also be given explicit and detailed information of what the UN will and will not provide in the way of assistance and protection.**

**11. Repatriation under UN sponsorship to areas controlled by the resistance factions should take place only when UNTAC has established adequate control over the administration of those territories, and is capable of closely monitoring the safety and freedom of those who return. In view of the presence of Khmer Rouge military units in these areas, further repatriations should await public assessment of the degree of Khmer Rouge control. Certainly the UNHCR should make every effort to identify returnees and organize movements to the zones in exactly the same manner and under exactly the same conditions as to the SOC, disassociating itself from the recruitment drives of factional administrations.**

**12. All parties to the Paris accords must ensure the safety of ethnic minorities in Cambodia, including ethnic Vietnamese. UNTAC police units must give priority to establishing effective liaisons in ethnic Vietnamese communities. The international community must insist that the rights of all persons in Cambodia be respected, regardless of ethnicity, nationality, race, religion or sex, as a condition for continued support of the peace plan.**

**13. The international community must actively support demining efforts under UNTAC coordination, including by providing the necessary funding for the Cambodian Mines Action Center. Heavy sanctions should be imposed on parties that continue to lay mines in flagrant violation of the cease-fire.**

**14. The international community, and particularly the United States and Thailand, should do everything in their power to assist the UN in its efforts to create a politically neutral atmosphere prior to the elections. Support to any political party under conditions that enable or encourage continued human rights abuses that violate the letter or spirit of the Paris accords should cease.**