

**SUBMISSION TO THE UNITED NATIONS HUMAN RIGHTS COMMISSION FOR THEIR 16 MARCH 2015 SESSION REVIEWING COMPLAINTS BY THE GOVERNMENT OF CAMBODIA WITH THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

**TO THE STAFF AND MEMBERS OF THE UNITED NATIONS' HUMAN RIGHTS COMMITTEE:**

In connection with the Human Rights Committee's review of Cambodia that is scheduled to take place at the Committee's country compliance review sessions beginning on 16 March, it is important to bring to the attention of the Committee members and staff a number of very recent developments that are critical for consideration of the government of Cambodia's compliance under the Civil and Political Rights Covenant. These include a number of detailed and well documented reports and findings made by highly credible human rights monitoring organizations over the past few weeks that are summarized in Section I. This submission also includes a very brief review of several new factual developments related to key elements of Cambodia's human rights compliance situation, such as their handling of land eviction issues, and the harsh repression of victims of land evictions and worker rights violations who seek to exercise their rights to freedom of speech and freedom of association to criticize the government's policies. These important new informational items are briefly summarized in Section II for your use in the upcoming Cambodia review session.

We understand that this submission is being made at a very late stage in your review process, and that the timing does not conform with the schedule that your Committee normally applies to information submissions from victims and groups representing victims' rights. At the same time, we believe that the information we are providing can be of substantial usefulness to your staff and to the members of the Committee precisely because they describe the most current information available on key aspects of the issues and concerns that will likely be at the heart of the discussions and questions that take place at the Cambodia review session.

Our hope is that the Committee's staff and members will use the information we are providing in this submission as a starting point to look more thoroughly into the issues that have been raised, and to direct pointed questions to the Cambodian government's representatives appearing at your compliance review session that will help to make clear that recent findings and developments undercut any claim that the government of Cambodia may make that effective progress on human rights and democratic reform is taking place.

As the most recent and well-documented reports of Human Rights Watch, LICADHO, Global Witness and the United Nations' own Special Rapporteur on Human Rights in Cambodia (among others summarized in this submission) make clear, government claims that there has been a positive political settlement, and that progress is being made on the electoral reform process, and on compliance with core human rights standards, are not accurate or credible. If anything, the government is using optimistic promises of political reforms as a smokescreen to hide the reality that major human rights abuses, including increased rather than reduced land grabs and land evictions, and the harsh and violent repression of anyone who criticizes the government, remain an essential part of the Hun Sen regime's policies and practices. The government continues to see its opponents and critics as enemies to be targeted for intimidation and elimination, and to violate basic protections for free speech and free association in that process.

These violations are not the actions of isolated or random subordinates, private companies, or individuals and groups acting outside of the government's control and authorization. To the contrary, they are part of a culture of intolerance, intimidation, punishment and abuse of basic human rights standards that is promoted and tolerated at the highest levels, and that must be treated as the official policy of the government.

We look forward to working with you in the future, and very much appreciate the positive and very important impact that your Committee's human rights monitoring and review process has on securing more effective observance and compliance by the government of Cambodia with core civil and political rights standards under the Covenant.

## I. Summary of Newly Issued Reports and Findings

Among the most significant new reports and findings that have been issued in recent weeks and months that directly inform the Human Rights Committee's analysis of the government of Cambodia's human rights violations, and its failure to comply with the provisions of the Civil and Political Rights Covenant, are the following:

- A. Land Grabbing in Cambodia.** LICADHO, the largest human rights organization in Cambodia, has identified land grabbing and land evictions “as the single most contentious issue in Cambodia in the last ten years, with “over 2.2 million hectares of land” being granted to large companies in the form of concessions, affecting “more than 500,000 Cambodians [a very significant proportion of the population] since 2003, according to investigations conducted by LICADHO.” LICADHO also has documented the extensive use of force by the government to suppress and punish those critical of the government's policies, including the extra-judicial execution of 10 protesters by police and military security forces since April 2013, and the arrest and injury of many others.
- B. Human Rights Watch World Reports for 2014 and 2015 (Cambodia Section).** These well-documented reports describe a systematic and long-standing pattern of “attacks on civil society and imprisonment of human rights defenders” featuring the use of “excessive force [that] resulted in serious injuries to protesters,” and with “at least five human rights defenders ... serving prison terms and three others sentenced in absentia .... All were tried on politically motivated charges, mostly in connection with defending land tenure rights.”
- C. Human Rights Watch Report “Thirty Years of Hun Sen: Violence, Repression and Corruption in Cambodia,” January, 2015.** This newly issued report provides a detailed and extensively documented review of the HunSen government's systematic imposition of “a wide range of serious human rights violations [including] extrajudicial killings, torture, arbitrary arrests, summary trials, censorship, bans on assembly and association, and a national network of [surveillance] intended to frighten and intimidate the public into submission.” It describes how, as recently as November 2014,

11 people engaged in “peaceful protests” against land evictions were given “one-year prison terms on trivial, politically motivated charges of obstructing traffic and obstructing government authorities’ performance of their official duties ...,” and that “the number of people affected by state-involved land conflicts since 2000 passed the half-million mark in March 2014,” with the number of new land evictions and disputes in 2014 amounting to a “three times higher [rate] than in 2013.” (pages 56-57) The 2015 report also found that these major human rights abuses were permitted to take place with impunity because “Hun Sen ... maintained ... control of Cambodia’s courts,” and used the judicial and law enforcement system to prevent investigation and punishment of these abuses, and to use them as weapons “when they want to attack or send a message to the opposition or critics” to intimidate them and prevent criticism. (page 58) Similar “obstructionist” tactics were used to control and limit the investigations and prosecutions of the international (hybrid) tribunal established to punish the crimes of genocide committed during the Khmer Rouge regime. Hun Sen used the Cambodian judges and prosecutors that he appointed to control who would be investigated and charged, and to limit the number of cases prosecuted. The report concludes that “Hun Sen and his government [refused] to allow an independent, impartial and fair tribunal “ to operate, and prevented the Khmer Rouge Tribunal from prosecuting those most responsible for the Khmer Rouge genocide on an effective and independent basis.

**D. Rubber Barons: How Vietnamese Companies and International Financiers Are Driving a Land Grabbing Crisis in Cambodia and Laos, Global Witness, May, 2013.** This report describes how “two of Vietnam’s largest companies, HAGL and the Vietnam Rubber Group (VRG),” with the direct assistance and complicity of the government of Cambodia, has taken over “vast tracts of land for [rubber] plantations ... with disastrous consequences for local communities and the environment.” The Hun Sen government has facilitated these deals through leasing and concession arrangements, and by supporting violent attacks against land owners and demonstrators to unlawfully remove them from the properties, and prevent and punish efforts to protest these actions. “Government

officials in Cambodia and Laos are a key part of this problem. They have licensed concessions in contravention of their own laws, and have failed to take action when HAGL and VRG openly ignore these same laws” and engage in violent means to evict lawful land owners and prevent peaceful protests. (Executive Summary)

- E. Concluding Observations by United Nations’ Special Rapporteur for Human Rights in Cambodia, 23 January 2015.** In his final set of observations, and in his final report to the Human Rights Council of the United Nations submitted in September, 2014, Special Rapporteur Surya Subedi noted continuing problems in democracy reform efforts, and the need to establish new government institutions, including a reformed National Election Committee, that can operate independently from the control of the Hun Sen government, noting special concerns about the problem of “the courts continu[ing] to be used as a means to intimidate those perceived to be critical of the government, such as human rights defenders, land activists, journalists and trade union leaders, as well as members of the [political] opposition.” He cited, in particular, the arrest of “several Members of Parliament-elect” on 15 July 2014 on trumped up charges of “incitement and insurrection,” and the failure of the government to properly investigate and prosecute those responsible for “beating demonstrators” and those protesting government policies. “Land activists,” he noted, “are taken to court all over the country,” their homes are taken away, and they are “tried and convicted in one day, ... systematic of how the courts are being used for political ends,” and to stifle critics of government policies and actions.
- F. Cambodia: Land in Conflict.** In December, 2013, the Cambodia Center for Human Rights issued a report focused on reviewing the results of the government of Cambodia’s “widespread and systematic violation of land rights,” and concluded that land eviction policies, together with the harsh use of force against evicted owners and those protesting their treatment, constitutes “one of the most prominent human rights problems faced by Cambodians throughout the country, ... whose roots can be traced to the abolition of private ownership when the Khmer Rouge took over power in 1975.” Unlawful and uncompensated land evictions, the report concludes, “are rife” and the “despair of the affected population has grown so deep that

protests and objections to land grabbing and forced evictions are rapidly intensifying,” resulting in increasingly “violent and widespread” efforts by the government and the companies benefiting from the land grabs to suppress the population through violent attacks. Women, children and indigenous peoples have been particularly adversely affected.

## **II. Recent Factual Developments**

Among the recent developments that provide significant new information that will help the staff and members of the Committee as you conduct your review session on Cambodia are the following:

### **A. Two New Cases Before the International Criminal Court.**

On 17 March 2014 and on 7 October 2014, two major complaints and information submissions were made to the International Criminal Court alleging major crimes against humanity committed by the government of Cambodia. These cases both touch on similar violations, with a special focus on the systematic pattern of major human rights abuses amounting to crimes against humanity carried out to prevent public criticism and protest against government policies aimed at land evictions and the suppression of worker rights. Also included in the allegations in the 17 March complaint (Case Number: OTP-CR-115/14) is information related to a series of systematic efforts by the Hun Sen government to interfere with the operations of the Khmer Rouge Tribunal (the Extraordinary Chambers in the Courts of Cambodia – ECCC) so as to prevent the proper and effective investigation and prosecution of cases against high level officials who were implicated in the Khmer Rouge genocide atrocities, some of whom are high level officials in the Hun Sen regime. These actions included threats personally delivered to the Secretary General of the United Nations warning him that no further case investigations and prosecutions would be allowed to take place, improper influences on prosecutors and judges, and tampering with witnesses.

Specific questions need to be posed to the government of Cambodia at the Human Rights Committee’s review session about the issues raised in the two complaints and cases now pending before the ICC, most especially

the Hun Sen's apparent complicity in the Khmer Rouge atrocities by seeking to suppress investigation and prosecution of cases by the Khmer Rouge Tribunal, the carrying out of a massive and systematic series of violent attacks against the civilian population to suppress public criticism and protest of government action and policies, and the ever increasing frequency of unlawful land evictions to benefit high level officials and favored companies (see Global Witness report on land grabbing described in section I above, in particular).

### **B. World Bank Hearings on New Loans to Cambodia.**

On 4 March 2015, the World Bank issued a public announcement acknowledging "serious shortcomings in the implementation of its [land] resettlement policies," and "released a plan that will improve the [Bank's] oversight and management of resettlement practices to ensure better protection of people and businesses affected by Bank-funded projects." Cambodia's land eviction practices provide key elements and a prime example of the problem that needs to be more effectively addressed. In 2011 the World Bank placed an embargo on new loans to Cambodia because of findings in a Bank Inspection Panel report indicating that unlawful land evictions linked to development projects in Cambodia had become endemic, and required extensive remedial action. Nevertheless, despite its own Inspection Panel findings, and little or no progress on Cambodia's land eviction problem, the Bank considered lifting its ban on loans to Cambodia for several new projects that were being scheduled for approval in December 2014. Faced with severe criticism for this decision, the Bank reconsidered, and ordered what they described as a series of eleven "consultation meetings" to be held with a wide range of stakeholders, to be held at various sites in Cambodia in late 2014 or early 2015. Despite this plan, these consultation meetings still have not taken place, reportedly because the government of Cambodia has withheld approval for the meetings, fearing public criticism of its land eviction policies.

These issues related to the World Bank's handling of Cambodia's land eviction practices, together with the attention being paid to these issues in the context of the two cases that have been filed with the International Criminal Court on these matters, provide powerful arguments for making

the land eviction problems, and most especially the increasing use of force to suppress public protests over these policies, a major element of the Human Rights Committee's Cambodia review session. It is important to note, in this regard, that the World Bank's Inspection Panel Report in 2011 that served as the basis for the imposition of the ban on new loans in that year, found that the land eviction problem was of epidemic proportions on a nationwide basis, and that it was closely linked to the issuance by the government of land concessions to companies that received substantial benefits from both the concessions and the World Bank loans. It also is important to recognize that a major element in the violent attacks against civilians that have been taking place on a systematic and increasing basis in recent years and months, is the suppression of protests against unlawful land evictions, and the promotion and support of unlawful take-over of property and the displacement of its occupants, by favored companies.

Respectfully submitted on behalf of an informal working group of Cambodian and Cambodian American human rights and democracy support organizations headed by Cambodian Americans for Human Rights and Democracy (WEBSITE:[WWW.CAHRAD.ORG](http://WWW.CAHRAD.ORG))

Contact: Borasmy Ung, Email address: [borasmyung1@gmail.com](mailto:borasmyung1@gmail.com)  
or Morton Sklar, Founding Executive Director Emeritus, World Organization for Human Rights USA\*, Email Address: [mshumanrights@verizon.net](mailto:mshumanrights@verizon.net)  
Telephone (USA Land Line): (1) 301-946-4649

[\* Note: Mr. Sklar's organizational affiliation is provided for information purposes only. ]