

# AMNESTY INTERNATIONAL

COUNTRY: Cambodia

SUBJECT TITLE: Arrest and Detention of Government Officials

September 1990

SUMMARY

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Amnesty International has received reports that at least eight people, including senior government officials, were arrested between 16 and 25 May, reportedly because they were suspected of political opposition to the government of the State of Cambodia in Phnum Penh.

Those arrested are said to have included at least six government officials and two high school headteachers in Phnum Penh. They are suspected of trying to publish the manifesto of a new political party to be known as the Democratic Freedom Party (Kanapak Sangkum Pracheatipatey Serei). Amnesty International is concerned at reports that at least one of the detainees has been transferred to Phnum Penh's T3 prison, where he is reportedly held in incommunicado detention.

State of Cambodia Defence Minister Tea Banh reportedly said that "six people" had been detained and were under investigation for allegedly planning to set up a political party, that the country "cannot afford" to have opposition parties

and that "the state and people cannot tolerate" the weakening of the government's position. He was apparently implying that the detainees were being held to avoid such a "weakening".

The dismissal from prominent posts of other senior government and Kampuchean People's Revolutionary Party (KPRP) officials, announced on 16 and 18 June, was interpreted by some Cambodians as connected to the arrests, although no such connection was officially acknowledged.

Amnesty International is concerned that some or all of the eight people reportedly arrested in late May in Phnum Penh, and possibly other people arrested at the same time whose identities are unknown, may be detained solely for the peaceful exercise of their right to freedom of expression and association. It is therefore urging the government to make public the names and whereabouts of all those detained for political reasons, to release immediately and unconditionally any who may be held solely on account of their non-violent beliefs or activities, and to either bring to trial on recognizably criminal charges, or release others currently in detention.

This summarises a three-page document, Cambodia: Arrest and Detention of Government Officials (AI Index: ASA 23/02/90), issued by Amnesty International in September 1990. Anyone wanting further details or to take action on this issue should consult the full document.

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CAMBODIA:

ARREST AND DETENTION OF GOVERNMENT OFFICIALS

Amnesty International has received reports that several people, including senior government officials, were arrested between 16 and 25 May, reportedly because they are suspected of opposing certain policies of the government of the State of Cambodia in Phnum Penh.

Those arrested are said to have included at least six government officials and two high school (lycée) head teachers in Phnum Penh, all of whom are suspected of trying to publish the manifesto of a new political party which they intended to set up. A number of other people, perhaps dozens, mostly members of the army, the police and local government organs, are also said to have been arrested in various provinces across Cambodia, although it is unclear whether their reported arrests are linked to those in the capital, Phnum Penh. The eight people arrested are:

- Ung Phan, Minister of Transport and Telecommunications at the time of his arrest. He was replaced in early July by Ros Chhun, an alternate member of the Kampuchean People's Revolutionary Party (KPRP) Central Committee;
- Kan Man, deputy director of the Americas and Europe Department of the Foreign Ministry;
- Thun Saray, acting director of the Institute of Sociology. The previous director of this institute, Vandy Khaon, had left Cambodia for France in 1989;
- Nou Saing Khan, chief of the Planning Department at the Ministry of Transport;
- Colonel On Sum, an official at the Research Department of the Defence Ministry;
- Khay Mathury, a former army lieutenant-colonel and architect by profession. He was working at the time of his arrest as an architect for the

Foreign Ministry, and was also teaching at the recently opened Faculty of Architecture in Phnum Penh;

- Chaktomuk and Baktu, both believed to be high school headteachers.

Cheng Tang, a member of the KPRP Political Bureau, was reportedly detained for questioning, but he is said to have been released shortly afterwards. Khay Mathury is believed to have been arrested at his place of work on 16 May by officials who also searched his home. He was reportedly not regarded as a leader in the attempt to set up the new political group. His wife, a medical student, was reportedly arrested and released after questioning. The officials reportedly produced no arrest or search warrant. The date of arrest of the other people is unclear, but they appear to have all been taken into custody by 25 May. Official sources have apparently acknowledged that Khay Mathury was arrested for "political reasons".

All eight are believed to have been initially detained in premises belonging to the ruling Kampuchean People's Revolutionary Party (KPRP). An official source reported that they would be held there "until the end of the investigation of the case against them". Khay Mathury has reportedly been transferred to T3 prison in Phnum Penh, where he is believed to be held incommunicado.

The eight are said to have planned to set up a new political party, to be known as the Democratic Freedom Party (Kanapak Sangkum Pracheatipatey Serei). A Cambodian official was quoted on 7 June by the Agence France Presse news agency (AFP) as saying that "nothing outlaws the creation of a political party in Cambodia, but due to the military situation, we think that it is premature as it would have the effect of dividing us."

Official Cambodian sources, however, have suggested that the arrests were made to foil an attempt to overthrow the government: on 2 June, a London newspaper, The Independent, reported that 21 people had been arrested according to the authorities in order to avert a "coup attempt". On 20 June, an official Phnum Penh radio broadcast also said that a "coup plot by a traitorous force within our [government's] inner ranks" had been foiled. Cham Prasidh, a vice minister in the Phnum Penh government, told the British Broadcasting Corporation on 28 June that the alleged coup had been plotted "with the help of China and the USA". One official is reported to have put the number of people arrested as "about 60".

Despite this, the State of Cambodia Defence Minister Tea Banh told journalists at a press conference on 14 July that he could "confirm" that "there has not been any coup attempt". He reportedly added that "six people" had been detained and were under investigation for allegedly planning to set up a political party. He reportedly repeated the position that the country "cannot afford" to have a plurality of parties and that "the state and people cannot tolerate" the weakening of the government's position. He was apparently implying that the detainees were being held to avoid such a "weakening".

Unofficial sources have suggested that the authorities suspect those detained of having prepared the manifesto of the DFP and of having attempted to print and distribute it. Some of the detainees are said to have been subject to surveillance by internal security agencies for a long period. Some, but not all, were members or former members of the KPRP. Khay Mathury had reportedly expressed the wish to leave the KPRP, but it is unclear whether he did so. Ung Phan was expelled from the KPRP for "betraying" the party and the "nation's historic task", according to a communique

of the central committee of the KPRP broadcast on the official government radio on 30 July. The dismissal from prominent posts of other senior government and KPRP officials, successively announced on 16 and 18 June, was interpreted by some Cambodians as connected to the arrests, although no such connection was officially acknowledged.

Khieu Kanharith, a member of the National Assembly and founding editor of the weekly magazine, Kampuchea, was dismissed from his post as editor on 16 June, being replaced by Keo Prasath. However, he is not known to have been removed from his seat in the National Assembly. Health Minister Yit Kim Seng was replaced by fellow cabinet member Chay Li, and KPRP Political Bureau member Men Saman, a 37-year-old woman in charge of the party's Organization Commission, was replaced by Sar Kheng and became the chairperson of the Cambodia Federation of Trade Unions. Khieu Kanharith, reportedly described the arrests and his own dismissal as a political "tightening up", according to an 18 June news agency report.

The Constitution of the State of Cambodia, signed by National Assembly Chairman Chea Sim on 30 April 1989, states that "citizens have the right to set up associations" in a manner "defined by law" (Article 38). It also forbids unlawful "accusation, arrest, detention or imprisonment", contains provisions against torture and recognizes the principle of presumption of innocence (Article 35). It does not, however, provide guarantees against arbitrary arrest and detention. International human rights standards call on governments to ensure that such guarantees are available. Article 9 of the United Nations Universal Declaration of Human Rights states:

"No one shall be subjected to arbitrary arrest, detention or exile."

Official Cambodian sources have expressed the view that the detainees are not imprisoned as such but are held in preventive detention in KPRP premises. Some are allegedly allowed some freedom of movement while remaining under official surveillance. This has not been confirmed, however, and Amnesty International is concerned at reports that at least one of the detainees, Khay Mathury, has been transferred and held incommunicado in Phnum Penh's T3 prison.

Amnesty International is concerned that some or all of the eight people reportedly arrested in late May in Phnum Penh, and possibly other people arrested at the same time whose identities are unknown, may be detained solely for the peaceful exercise of their right to freedom of expression and association. It is therefore urging the government of the State of Cambodia to make public the names and whereabouts of all those detained for political reasons, to release immediately and unconditionally any who may be held solely on account of their non-violent beliefs or activities, and to either bring to trial on recognizably criminal charges, or release others currently in detention.

