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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO
PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Report of the International Symposium on Human Rights in Cambodia

(30 November - 2 December 1992)

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Summary

1. The International Symposium on Human Rights in Cambodia took place from 30 November to 2 December 1992 in Phnom Penh under the auspices of the Human Rights Component of the United Nations Transitional Authority in Cambodia (UNTAC). Its goal was to bring together national, regional and international human rights bodies to build a foundation for the protection and promotion of human rights, particularly following elections and UNTAC's withdrawal from Cambodia.
2. The Symposium expressed deep concern about serious continuing human rights violations in Cambodia, and urged UNTAC to intensify efforts to take corrective action with respect to specific violations, the general climate of fear and the creation of a neutral political environment.
3. The Symposium expressed a strong sense of regional and international solidarity with Cambodian human rights groups.
4. The Symposium generated a highly successful dialogue and launched what participants expect will be a fruitful long-term relationship between the Cambodian groups and their regional and international partners. It discussed ways of helping the groups to participate in regional human rights activities, including the regional preparatory meeting of the World Conference on Human Rights.
5. For the first time, representatives of three of the four major Cambodian political factions presented their views about human rights and responded to questions during the public session about the future of human rights in Cambodia. All three expressed support for local human rights groups. Inter alia, they also proposed the establishment of a permanent human rights information centre and the drafting of human rights provisions for inclusion in the new Constitution. One supported a United Nations human rights presence after the elections.
6. The Symposium strongly supported the establishment of a continuing United Nations human rights presence in Cambodia after UNTAC leaves. This should have adequate resources and staff, be present throughout the country and have a mandate to monitor the human rights situation, investigate alleged violations, continue human rights training and education and ensure that indigenous human rights groups are able to operate freely and without reprisals.

Proposals

7. The Symposium led to several concrete offers of support in the fields of election monitoring, training, education and measures to improve the functioning of courts, including defenders, and law enforcement consistent with human rights. Many of these offers came from Asian human rights groups. While several have yet to be finalized and confirmed, these offers could result in:

- (a) International monitors assisting Cambodian human rights groups in the provinces, and serving as a form of protection by their presence;
- (b) Training Cambodian judges and defenders;
- (c) Training local human rights groups in the use of United Nations mechanisms and the role that NGOs can play in the work of the treaty monitoring bodies;
- (d) Assisting Cambodian human rights groups to attend the 1993 session of the United Nations Commission on Human Rights in Geneva;
- (e) Sending a regional expert to train local Cambodian human rights groups in reporting and documenting human rights violations;
- (f) Helping to train Cambodian human rights groups to monitor the upcoming elections;
- (g) Undertaking a study of ethnic minorities in Cambodia;
- (h) The United Nations Centre for Human Rights supporting a range of issues, including training courses for police and government officials under the Centre's programme of advisory services and technical assistance.

8. In discussing the need for a United Nations human rights presence post-UNTAC, some speakers felt this could be facilitated by the Centre for Human Rights establishing an operational presence in Cambodia.

9. The Special Representative of the Secretary-General, Mr. Yasushi Akashi, in his opening statement reiterated support for a Special Rapporteur on Cambodia - a possibility envisaged in the Paris Accords. The Special Rapporteur would need support and input from any continued United Nations presence.

10. In their joint final presentation, Cambodian human rights groups welcomed the expressions of support and requested a second human rights symposium, to take place prior to elections. During the Symposium, one group also proposed that a conference on human rights take place in Cambodia each year.

I. INTRODUCTION

11. The International Symposium on Human Rights in Cambodia was the first United Nations-sponsored international conference on human rights to be held in Cambodia. Given Cambodia's tragic past, it was bound to have special significance.

12. The Symposium began a dialogue between the international human rights movement and Cambodian human rights groups, all four of which have been established in the past year. This dialogue may set in motion the creation of mechanisms to promote and protect human rights in Cambodia when UNTAC leaves after elections in 1993, and also support the Cambodian groups as they develop their activities.

13. The need for some form of protection, even while UNTAC is still present, was one of the Symposium's dominant themes. Delegates heard vivid first-hand accounts of the risks and pressures that face their Cambodian colleagues. Ms. Srey Chan Phallarah, from the youngest group (Human Rights and Community Outreach Projects), said that four of her brothers and sisters had been killed between 1975 and 1979, and another brother jailed between 1980 and 1988, accused of being a member of an opposition party. Mr. Thun Saray and Mr. Khay Matoury, representing the Cambodian Human Rights Association (ADHOC), have been jailed for their beliefs. Mr. Kem Sokha (Human Rights Vigilance of Cambodia) said his organization was receiving complaints of harassment and abuse by local authorities. Mrs. Kek Galabru (Ligue cambodgienne pour la defense et la promotion des droits de l'homme - LICADHO) said her group was meeting resistance from the authorities in establishing provincial branches.

14. In one of the closing statements, a representative of the Khmer Students Association pointed out that the human rights movement is being squeezed by an increasingly polarized political environment.

15. Several participants pointed out that if the situation deteriorates still further, human rights work could become even more risky. In this context, the support and encouragement of the outside world, particularly human rights groups from the Asian region, is critical. As Mr. Sokha put it, "If we lose our lives, at least people know what we have done."

16. The Symposium responded with advice and encouragement. Professor Yash Gai (Hong Kong University), summed up the general mood when he described the Symposium as "most moving". There were many expressions of solidarity, and concrete suggestions.

17. Several speakers expressed concern at attacks against the ethnic Vietnamese minority, and pointed out that racial invective is incompatible with human rights standards. It was also noted that the Vietnamese problem is linked to Vietnamese immigration into Cambodia. UNTAC's human rights officials appealed to the Cambodian human rights groups to help ensure that this highly controversial issue is dealt with through the processes of law, not prejudice.

18. Regional participants from Hong Kong, Malaysia, the Philippines, Sri Lanka and Thailand attempted to place the work of the newly formed Cambodian Groups in a regional context. Recalling her long campaign against authoritarianism, Ms. Haydee Yorac (Electoral Commissioner, Philippines) had one word of advice: "persevere". Ms. Radhika Coomaraswamy (International Centre for Ethnic Studies, Sri Lanka), reminded the Cambodians that they did not have a monopoly on suffering, and that this too should give them a sense of solidarity.

19. The Symposium opened with a reading from the writings of Ms. Aung San Suu Kyi, the Nobel Peace Prize Winner who went on a hunger strike during the conference and is under house arrest in Myanmar. She has become an inspiration and a symbol of the courage of Asia's human rights movement. The Symposium called for her release, as did two Cambodian factions who addressed the opening session.

20. Important as it may be to encourage links between the Cambodian groups and the international human rights community, some participants also noted the broader context, and the fact that UNTAC's human rights formula breaks new ground in terms of structure and mandate.

21. UNTAC officials explained that UNTAC has unprecedented authority in Cambodia during the transitional period to elections. The Human Rights Component (one of several UNTAC components) can investigate abuses and call for "corrective action" including the dismissal of officials. It works with other partners in UNTAC - in particular Civilian Police (CIVPOL), whose task is to supervise Cambodian police, and Civil Administration, which has "direct control" over five key areas, one of them public security.

22. UNTAC officials expressed the hope that this innovative approach can stimulate and expand the United Nations work in human rights at a time when there is growing debate about precedents for human rights protection in the context of peace-making. At the same time, many speakers argued that the actual implementation of UNTAC's human rights mandate could be toughened and made more effective.

23. Several speakers, including Mr. Akashi, also called for the establishment of a Special Rapporteur, as suggested in the Paris Accords, and for the Centre for Human Rights to establish an operational presence in Cambodia after elections.

24. Mr. Akashi also used the occasion of the Symposium to reiterate the need for support for the US\$ 1,670 million appeal for funds for human rights training and education in Cambodia that he had launched to donor Governments in October.

II. GOALS AND OBJECTIVES

25. Mr. Akashi and the Director of UNTAC's Human Rights Component, Mr. Dennis McNamara, explained in opening statements that UNTAC's human rights mandate is to prevent a return to the gross human rights violations that had characterized Cambodia's recent past, and to help establish a neutral political environment in which free and fair elections could take place.

26. Several speakers agreed that in the short term, this means curbing abuses before elections, which are scheduled for May 1993. Mr. Akashi expressed concern at the spate of attacks against opposition parties - eight in November alone. The Cambodian human rights groups confirmed that abuses are increasing. In the opening session, Mr. McNamara said that there has to be a certain minimal level of respect for human rights before elections can be held. Given this context, a main goal of the Symposium was to support and assist Cambodian human rights groups.

27. UNTAC has launched an ambitious programme to train and assist the Cambodian human rights groups, disseminate human rights material and education and train prosecutors, defenders and judges during and through the elections. Mr. McNamara described education as the "cornerstone" of UNTAC's human rights mandate.

28. Looking to the long term, the Symposium began to plan for the time when UNTAC would leave Cambodia. The aim was to set in place the beginning of an international coalition that could tap into the expertise of regional human rights groups and draw in the United Nations human rights bodies.

29. The first part of this report looks at the challenges before elections take place. The second part looks at the longer-term perspective. The report will refer, where relevant, to background papers that were prepared for the Symposium as well as to the debate.

III. THE SHORT TERM: PRE-ELECTIONS

A. Human rights in the Cambodian context

30. Given Cambodia's tragic past, it is easy to assume that human rights are "alien" to Cambodia. The Symposium was unwilling to accept this, even though many speakers agreed that structures and attitudes had evolved that were inimical to human rights. Professor David Chandler (Monash University) said that Cambodian society was traditionally hierarchical - a society of commanders and commanded. Victims traditionally had no voice, let alone redress, and "horizontal" human rights groups were viewed as mischief-makers because they challenged the prerogatives of those who ruled. Democracy, and the emergence of a human rights movement, offered the best hope of changing this orientation.

31. Mr. Sokha observed that the personality of Khmer society is generally one of dependence. "The Khmer people are generally cautious about undertaking initiatives, expressing views, or interacting freely and openly. Our recent past, oppressive beyond human endurance, has consolidated the Khmer personality into obedience and fear."

B. The Cambodian political factions

32. Three of Cambodia's four political factions, which are all contesting elections (FUNCINPEC, KPNLF, SoC) participated in the opening session. After their statements, they agreed to take questions from the floor - an unusual gesture. They were questioned closely about the recent spate of attacks on opposition party offices, and their attitude towards human rights.

33. All expressed support for human rights and the local Cambodian groups, and welcomed the prospect of greater involvement by foreign NGOs. Mr. Khieu Kanharith, Vice Minister in the Council of Ministers (SoC), made several proposals for the creation of independent human rights structures. These included a human rights information centre and a Cambodian Committee for Human Rights, which he said could be under the aegis of the Government, parliament, or independent.

34. Mr. Ieng Mouly (Vice-President, Buddhist Liberal Democratic Party) called for human rights provisions to be built into Cambodia's new constitution and supported the idea of an ombudsman. He also urged foreign NGOs to set up a joint office in Phnom Penh, and urged a "big operational" United Nations human rights presence in Cambodia after elections.

C. Current violations

35. A background UNTAC paper noted that UNTAC's Human Rights Component has received some 300 complaints in Phnom Penh since March, and a similar number in the provinces. Some of these complaints were handed on by Cambodian human rights groups to UNTAC; 112 involved harassment and intimidation and 63 involved wrongful imprisonment while 118 resulted from land disputes. In addition, 27 Vietnamese had been abducted and killed in three separate attacks.

1. Structural causes

36. Many of the human rights violations stem from attitudes and institutional structures resulting from years of violence and abuse. Mr. Basil Fernando, Chief, Monitoring and Investigations Unit, UNTAC, explained that the first problem is fear. Cambodians, he said, are afraid to even admit their relatives might be dead, or in jail. Mr. Fernando also talked of the many (illegitimate) pressures that are brought to bear on individuals by the commune. What Cambodia lacked, he said, was a sense of "community".

37. Many participants agreed that one of the basic structural problems was Cambodia's judicial system, which has failed to instil confidence in Cambodians. Mr. Fernando explained that a critical problem in the current dysfunctional legal system is that the police have assumed de facto judicial powers, exercised through administrative detention. This was why one provincial court only met 14 times in 8 months. If a detainee came before a judge, the decision was probably already taken: "First the verdict, then the trial."

38. Few complaints were lodged against the system, because Cambodians had so little confidence in its remedies. In practice, police were under no obligation to report and prosecute cases, and judges under no obligation to hold court. Even if they ordered a detainee freed, the police would probably not heed the order - because there are no contempt provisions. This further underlined the helplessness of the judiciary vis-à-vis the police.

39. There was thus little point in calling for detainees to be tried, when a trial merely rubber-stamped illegal detention. What was needed, said Mr. Fernando, was a thorough overhaul of the system, and an effort to address the deep-rooted psychological and political problems.

40. Several speakers agreed with Professor Ghai that this would not be served solely by transplanting sophisticated "Western structures" on Cambodia, and that UNTAC should draw on alternative, village-based approaches (e.g. to conflict resolution).

41. At the same time, there was agreement that a start must be made in creating an independent judiciary. Mr. Jim Ross (Lawyers Committee for Human Rights) observed in a background paper that this had meant starting from scratch - there were only 10 law graduates left in the country in 1979. Both in his paper and in an oral presentation, Mr. Ross explained why an independent judiciary matters to human rights: it protects the rights of

individuals; it upholds the Constitution; it could lead to the prosecuting of corrupt officials. He then suggested eight lessons to be followed in reforming the judiciary. These ranged from prohibiting any kind of special court, to ensuring adequate funding for the salaries of judges and court staff. Mr. Ross urged UNTAC to move fast, and not wait until it came close to elections. He supported the idea of an UNTAC special prosecutor, and noted that outside human rights investigating teams could also keep the spotlight on the judiciary.

42. Mr. Fernando and Mr. Stephen Marks (Chief, Education, Training and Information Unit, UNTAC) both argued that UNTAC has made an important start by drafting an interim penal and judicial code "Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia During the Transitional Period" and in initiating a training course for police, magistrates (judges and prosecutors) and defenders. They said there was much that international NGOs with specialist skills could contribute, by way of training. But they also urged that training should be practical and supplement classroom teaching with hands-on experience of the courtroom. The provision which allows foreign lawyers to practise in Cambodia could be used to involve foreign lawyers in this training as well as in defending accused persons.

43. Mr. Param Kumaraswamy (International Commission of Jurists) and Mr. Reed Brody (International Human Rights Law Group) both expressed interest in training. Mr. Kumaraswamy said his colleagues might visit Cambodia and advise Cambodian defenders/lawyers on how to establish a Bar Association. Professor Ghai said that UNTAC should review laws and repeal any unjust laws, to ensure they are not absorbed by the new Government. Several speakers said that NGOs could help with advice on the drafting of the new Constitution.

2. Treatment of detainees

44. Mr. McNamara said that UNTAC's Human Rights Component had worked hard to improve prison conditions, with some success. A background paper notes that the authorities have established a Prison Control Commission, rationalized the prison system, ordered the removal of shackles and released some prisoners. But Mr. McNamara also observed that there had been some slippage recently, and that much still needs to be done.

45. Ms. Yorac drew comparisons with the Philippines. She said that although the Philippines enjoyed a long tradition of respect for law, the doctrine of National Security was still dominant. This opened the way to abuses such as the denial of bail and incommunicado detention. She suggested that there were lessons that Cambodia could learn from the Philippines: (i) the importance of training police; (ii) an activist Supreme Court, accessible to petitions; and (iii) the recruitment of human rights lawyers. She thought that a human rights court with powers of enforcement should be considered, and she observed that the root cause of violations was the hostility between the factions. It was crucial to keep them talking to each other.

46. Ms. Sunila Abeysekera (INFORM) said that experience in Sri Lanka had underlined the value of trying to draw up a list of detainees, and also places of detention. This brought relatives of detainees together and gave them a common purpose - even if it produced no concrete results. This helped to empower the relatives. The actual information was also essential when turning abroad for support.

47. Mr. Marco Altherr (International Committee of the Red Cross) said that the information from families was the most important source of information about the whereabouts and conditions of detainees. Whereas a prisoner's political motives could be questioned, a "family's link could never be denied". The ICRC was given responsibility for prisoner release under the Paris Accords, and he urged the Cambodian groups to put families of detainees in touch with the ICRC.

3. Discrimination against minorities

48. The recent attacks against the Vietnamese in Cambodia were commented upon by Ms. Coomaraswamy. She observed that very few societies that were troubled by ethnic disputes were able to solve them from within, and that UNTAC had a unique opportunity. Specifically, she urged that UNTAC: (i) encourage a dialogue between Viet Nam and Cambodia; (ii) write the protection of minorities into the new Constitution; and (iii) consider using local village methods to build bridges between ethnic communities, perhaps using Buddhist monks. This had been tried in Sri Lanka with some success.

49. She also expanded the notion of ethnic conflict and suggested that UNTAC itself could be accused of being culturally insensitive. If UNTAC failed to bring peace to Cambodia through elections, and angered sensitivities in the process, it could be "demonized" - something that could damage the entire United Nations. She also suggested that her Centre might prepare a study on the problem of ethnic minorities in Cambodia.

50. Mr. McNamara said that UNTAC was proposing that the SoC set up a technical committee to look at the question of immigration to Cambodia, even though some felt this should be handled by the next Cambodian Government. But he also pointed out that there had been no complaints as such from Vietnamese, and that the current violence appeared to be politically motivated. An important response to this was to improve UNTAC's capacity to investigate and take corrective action.

51. The representatives of ADHOC and Vigilance pointed out that the attitude of Cambodians towards the Vietnamese stems from deep historical grievances, and that there was widespread concern at uncontrolled immigration from Viet Nam. Mr. McNamara appealed to all groups to support UNTAC's efforts, and said that whatever the concerns about the Vietnamese presence, they had to be expressed through legal channels, not inflammatory incitement to hatred.

D. UNTAC - the Human Rights Component and its mandate for corrective action

52. UNTAC's background document explained that the Human Rights Component has a small staff of 10 professionals in Phnom Penh and a provincial human rights officer in each of the 21 provinces. It has a mandate to investigate abuses and can suggest "corrective action". Working in close conjunction with other components of UNTAC gives it additional powers of control.

53. All four Cambodian human rights groups expressed concern that UNTAC has yet to create a neutral political environment, and that peace is still some distance away. But they also expressed gratitude for the work of UNTAC's Human Rights Component, and agreed that the Paris Accords had given Cambodia a chance to break the cycle of violence and start to make the transition to democracy.

54. One underlying theme was concern at UNTAC's weak enforcement of its mandate. This, said speakers, was hindering UNTAC's ability to create a neutral political environment in the run-up to elections, and hence possibly even threatening the holding of elections. It was also giving an impression of impunity to officials.

55. Mr. McNamara explained that under its mandate to pursue "corrective action" the Component could use a variety of methods. It makes recommendations to the Special Representative of the Secretary-General. In one example, in April, villagers were killed after a land dispute. Mr. Akashi protested, and the villagers received compensation. In one current case, Mr. Akashi has recommended the dismissal of a police official who was seen beating a detainee by six witnesses. This is seen as an important test-case: so far it has not been resolved.

56. Another option was to ask for an investigation by the existing authorities. The Component could make its own recommendations, for instance, that shackles be removed in prisons. (This order has been largely complied with.) Finally, the Component can work with other partners in UNTAC, particularly the Civil Administration, whose mandate is to exercise "direct control" over five areas.

E. Cambodian human rights groups

57. The main goal of the Symposium, as explained above, was to allow Cambodian human rights groups the opportunity to begin a dialogue with their international partners, and start building a network of regional and international support. The Cambodians seized the opportunity. There were many poignant stories about individual members, and examples of the growing pressures they face.

58. Although ADHOC and LICADHO have already acquired an international reputation, all of the groups were established within the last year, and one still runs out of a private home. The Cambodian representatives stressed

repeatedly their lack of resources and expertise, and the need for training and support. "People don't know their rights", said Mr. Sokha from Vigilance. "They don't know why they are arrested, nor why they are released."

59. Three of the four groups said they favoured holding elections as scheduled, even though they also agreed that UNTAC has yet to create a truly neutral environment.

60. The key question is probably how the groups see their role in the months ahead as UNTAC prepares to leave. Most said that they want to build up their network and concentrate on education and dissemination. For LICADHO, the priority is still expanding membership, particularly into the provinces. Mrs. Galabru said that the group has been prevented from opening offices in some provinces. She called for more training material and information, and trainers. She also said that LICADHO favoured establishing a human rights think-tank that could involve Cambodians as well as foreign supporters.

61. The representatives of ADHOC and Vigilance both said they received complaints and passed them on to UNTAC, abuses by local officials, acts of violence and, recently, the discovery of an undisclosed detention centre. Any follow-up, however, is left to UNTAC.

62. But time is not on their side, and many felt that they will have to move to investigating in the near future. With this, the risks will increase. The representative of the Khmer Students Association said that the authorities had been inconsistent in encouraging them to protest some issues, but harshly repressing demonstrations on others.

63. The groups accept that they will face dangers as they move from information to investigation. Mr. Sokha gave an example of a homeowner who was evicted by the district chief. He was afraid to protest to the police - or the court, which was in the pay of the district officials - and the victim's family was forced to leave. Investigating this kind of case involves clear risk.

64. Mr. Saray of ADHOC said that while his group was happy to alert UNTAC to violations (as it had done in the case of a secret detention centre), it relied on UNTAC to follow-up and investigate. The risks increased in remote rural areas. Protection thus becomes a priority. "I am drowning. I need someone to throw me a rope", said Mr. Sokha.

65. Speaker after speaker agreed that a protective network of international NGOs was needed, particularly if the climate continued to deteriorate. Mr. David Hawk (Cambodia Documentation Centre) and Professor Gotham Arya (Civil Liberties Union, Thailand) both noted that demobilization has not gone according to plan, and that the Khmer Rouge remained hostile. The immediate political future remained unclear.

66. The Cambodian groups appealed for foreign observers to be stationed in Cambodia, particularly in the provinces, to help their work and also afford some degree of safety. The Symposium did not produce any offers as such, but did begin to examine possibilities.

67. There was discussion about using the UNTAC network of provincial human rights officers in a different form once UNTAC leaves. Mr. Brody said that his group had placed observers in Romania. The Peace Brigades, which have monitors living with human rights activists in Sri Lanka and Guatemala, was also mentioned.

F. Election monitoring

68. There was a clear division of views about the relevance of election monitoring to human rights before and during the forthcoming elections, both among Cambodian groups and their international colleagues. Mr. Brody opened the discussion by explaining that election monitoring can do more than simply identify electoral fraud: it can empower communities and train human rights groups for other human rights tasks. This was echoed by several other speakers, including Ms. Yorac and Senator Raul Roco (Inter-Parliamentary Union) from the Philippines, and Professor Arya from Thailand (which has been through two elections in one year). All pointed out that monitoring elections was an important process of empowerment and that it gave the election results wider acceptability. Mr. Jose Gomez del Prado (United Nations Centre for Human Rights) stressed that election monitoring also allowed other rights - freedom of association rights, assembly, etc. - to be protected along the way.

69. Mr. Reginald Austin (Director, UNTAC Electoral Component) agreed with this. He pointed out that UNTAC had to operate in a complex restrictive political environment, and could not do everything. The more foreign monitors, the better. He also warned that the transition to pluralism would mean a loss of power for some, and that this might be resented. Among the Cambodian groups, LICADHO was eager to engage in election monitoring, and asked for outside help in training.

70. The second, very different, view was that it was unrealistic to expect Cambodians to mobilize thousands of poll-watchers and monitors, given the country's lack of human resources. There were also doubts that this kind of grass-roots civic action was appropriate for human rights groups, and that perhaps they would do better to concentrate their energies on monitoring, information and investigations. Representatives from ADHOC made the point that the priority was to establish peace rather than monitor elections.

71. A working group met outside the formal session, and drafted a project proposal to create a task force of election monitors involving the Cambodian groups. This will now be included in the Component's work plan.

IV. THE LONG TERM POST-UNTAC: BUILDING THE COALITION

72. Mr. Marks referred to the Component's training programme. He said that the mandate given to the Component for training was broad, and that three of the Cambodian factions were cooperating - indeed, they had accepted whatever the Component proposed in this area. This gave the Component a unique opportunity before the elections, and also allowed it to lay the groundwork for long-term human rights education after UNTAC leaves. The Symposium led to several project ideas (see annex IV).

A. Regional support

73. One goal of the Symposium, as stated above, was to bring Cambodian human rights groups into the Asian network of groups, and also involve as many Asian groups as possible in support of the Cambodians during the transitional period and after UNTAC leaves.

74. Mr. Akashi, in his opening statement said that Asia's human rights record was uneven, and the detention of Aun San Suu Kyi was very much to the fore. None the less, the debate showed many possibilities for regional links, and revealed an extraordinary range of human rights activity in Asia. This suggested, perhaps, that human rights were not "alien" to the region.

75. Mr. Saray said that ADHOC had called for regional human rights organizations to cooperate and form a Regional Federation of Human Rights Organizations for South-East Asia. He reiterated this appeal, and proposed that a human rights conference be held each year in Cambodia.

76. Professor Vitit Muntarbhorn (Chulalongkorn University, Thailand) examined the possibilities within ASEAN. He agreed that ASEAN was "ambivalent" in its human rights attitude, partly as a result of the criticism levelled at some ASEAN Governments. None the less, he pointed out that all the ASEAN members were guarantors of the Paris Peace Accords, and that this gave them a direct interest in ensuring that UNTAC was able to fulfil its human rights mandate. He said there were several ways ASEAN Governments could be drawn into human rights in Cambodia. One could involve preventive action, e.g. pressing ASEAN businesses not to deplete Cambodia's resources.

77. Professor Arya gave a detailed list of the regional organizations and agencies that were working on human rights, and he urged the Cambodians to participate and join. He suggested that they also prepare profiles of their members, for safekeeping with groups abroad, in the event of an arrest. He also urged that attention be paid to the mass media. Mr. Wong Kai Shing (Asia Human Rights Commission) also stressed the advantages of regional networking: it opened the way to fact-finding missions.

78. In a written statement delivered to the Conference secretariat, Professor Ghai offered to mount a course on the treaties that have been ratified by the SoC, either in Hong Kong or Cambodia. He also offered the help of Hong Kong University in establishing a human rights database, and in helping the Cambodian NGOs to develop constitutional proposals geared to the protection of human rights, to be published in advance of the elections. He suggested that they seek the endorsement of all political parties for these proposals before elections. Professor Ghai supported the idea of a conference on the practice of human rights in Cambodia a year after the new Government takes over.

B. International NGOs

79. The next layer of support came from international human rights NGOs. Senator Roco, in a keynote address, explained the IPU's well-established procedures for protecting detained parliamentarians. Ms. Sidney Jones (Asia Watch) predicted that the Cambodians would increasingly find themselves

exposed to risks. "Human rights is confrontational", she said. She then offered practical advice on safety: create links with the local diplomatic community and foreign journalists; identify a safe refuge in the event of having to flee; get the information out immediately to friends abroad.

80. Ms. Jones suggested that it might be well to experiment with such a system before UNTAC departed from Cambodia. She also stressed that it was important for Asia Watch to receive fast and accurate information about an abuse. Armed with such information, she said, Asia Watch could generate publicity. She said she would raise the possibility of sending volunteers to help the Cambodians translate information for transmission to Asia Watch. But she warned that no NGO could take the place of UNTAC. There was a danger in raising expectations too high.

81. Ms. Abeysekera offered to spend a month in Cambodia helping the groups sharpen their reporting and documentation procedures.

82. Many of the Cambodians expressed concern at their lack of resources, but Ms. Brigitta Berggren (Swedish NGO Fund for Human Rights), urged them to be practical in making funding proposals, and to be aware of their limited absorptive capacity. "Don't expand too fast, or accept too large a grant", she said. In making a grant application, they should review the entire package offered by a donor. Goals should be stated clearly, and the groups should remember that funding carried onerous responsibilities - not least evaluating and reporting. Raising funds, in short, took time and energy.

83. Expatriate NGOs working in Cambodia have formed a coordinating committee to work with UNTAC's Human Rights Component. Speaking for the group, Mr. Tony Nooyens (OXFAM) urged realism. NGOs, he said could not assume the burden of protection offered by UNTAC. Most were working on development and reconstruction, and lacked the mandate for human rights work. Sister Denise Coghlin, speaking for the Jesuit Refugee Service, another NGO in the consortium, spoke in support of the consortium but warned against being "paternalistic" about the human rights groups, which were in fact formed independently of UNTAC.

84. Mr. Hawk said that he had already proposed several projects to the UNTAC Human Rights Component, which could go some way towards helping the Cambodians participate at the international level: (i) grass-roots education and training on human rights, using the Diokno (Philippines) method; (ii) training in United Nations human rights procedures, including taking a delegation of Cambodians to Geneva to attend the Commission on Human Rights (the International Human Rights Federation, Paris, has agreed to provide accreditation to a Cambodian speaker at the Commission); (iii) training in human rights monitoring. He also suggested the purchase of fax machines and computers, thus addressing some of the communications needs identified by other speakers.

85. There were other proposals for technical assistance and training, in response to the appeal of the Cambodian groups. These will be reviewed by the Component's staff.

C. The United Nations: The Special Rapporteur and the United Nations Centre for Human Rights, post-UNTAC

86. Ms. Helena Cook (Amnesty International), who moderated the third discussion (see programme in annex V), recalled that United Nations procedures offered several possibilities to NGOs. Among these were Working Groups or Special Rapporteurs covering disappearances, summary executions, religious intolerance, torture, arbitrary and summary killing, and arbitrary detention. She also noted that Cambodia had now acceded to several international instruments and that this would offer local Cambodian groups and their international supporters a chance to hold the new Government to account and expose violations. (UNTAC's background paper detailed the instruments. See annex VII).

87. Mr. Shinichi Ago (International Labour Organisation) and Ms. Margie de Monchy (UNICEF) both pointed out that their agencies will remain in Cambodia after UNTAC departs, and that both the ILO and UNICEF have a human rights mandate. Mr. Ago pointed out that Cambodia is a party to ILO Convention No. 29, which forbids forced labour. UNICEF promotes the Convention on the Rights of the Child, which aims at protecting children.

88. UNTAC officials also argued that the United Nations could form the final layer of the international coalition of support for Cambodian groups. All agreed there will have to be some kind of United Nations human rights presence in Cambodia after UNTAC leaves, particularly if the situation continues to deteriorate.

89. The starting point for possible models was article 17 of the Paris Peace Accords, which called for the appointment of a Special Rapporteur, if necessary, and by Mr. Akashi's suggestion that the Centre for Human Rights establish an operational presence in Cambodia after UNTAC leaves. The idea of a Special Rapporteur for Cambodia received strong support from Mr. Saray who called on UNTAC to "rigorously" apply article 17 of the Accords.

90. Mr. Gomez del Prado introduced a paper outlining a possible role for the United Nations after UNTAC leaves Cambodia (see annex VII). Picking up Mr. Akashi's suggestion, he mentioned two possible ways in which the Centre could establish an office in Cambodia:

(a) It could take over the running of UNTAC's human rights structure and serve any Special Rapporteur appointed by the Commission, as well as any human rights bodies needing information on Cambodia. The same office could also assist any independent human rights ombudsman set up under the Cambodian Constitution. In addition, it could also act as a documentation centre for NGOs, government officials and the public;

(b) A reduced structure, also run by the Centre, could serve as the "antenna" of the Special Rapporteur and provide some services to local NGOs, government officials and the public.

91. Mr. Gomez del Prado said that any office would require sufficient staff and funds to carry out human rights promotion and protection. He said that it might operate for a transitional period, until the necessary national human rights institutions were in place.

The Special Rapporteur

92. Mr. Hawk cautioned that a United Nations Special Rapporteur had produced two excellent reports on Cambodia in 1979 and 1980, but that bloc voting in the Commission on Human Rights had meant that the Commission never protested violations. In short, merely appointing a Special Rapporteur would not necessarily mean action by the United Nations.

93. This took place, however, at a time when United Nations human rights procedures were limited, and when Cambodia was the object of East-West tension, not the subject of a comprehensive United Nations peace agreement. Several speakers spoke in support of the proposal to appoint a Special Rapporteur.

A post-UNTAC presence for the Centre for Human Rights

94. Mr. Gomez del Prado recalled the experience of Haiti. Here the United Nations and the Organization of American States supervised free and fair elections. They then withdrew, and a military coup d'état overthrew the democratically elected president. This, he said, showed the importance of a permanent United Nations presence. Independent experts had proposed such a presence in Equatorial Guinea, Guatemala and Haiti but no action was taken by the Commission. There is one precedent: an agreement between the Government of Guatemala and Guatemalan refugees, calling for such an operational presence. Mr. Gomez del Prado said that the Centre for Human Rights is seeking funds to post an officer to Guatemala under this agreement.

95. He underlined that any proposal would require considerable work at the Commission by UNTAC, the Cambodian factions and Cambodian NGOs. It would also need a special resolution to appoint a Special Rapporteur. The mandate of the Centre in Cambodia would have to be spelled out, together with its financial implications. One of its most important functions would be to support the work of any Special Rapporteur.

96. Mr. Gomez del Prado suggested that the Centre for Human Rights could offer expertise in election monitoring and in the drafting of Cambodia's Constitution, and provide fellowships and training courses for police and government officials under its advisory services programme. This, too, would require funding.

97. Summing up, Ms. Cook agreed that the proposals for a new United Nations role that had been heard at the Symposium would require considerable political backing from UNTAC and probably the Cambodian political factions too. She proposed more work to determine how to proceed.

Annex I

OPENING STATEMENT BY THE SPECIAL REPRESENTATIVE OF THE
SECRETARY-GENERAL FOR CAMBODIA, Mr. YASUSHI AKASHI

Excellencies, Ladies and Gentlemen:

I am very pleased and honoured to welcome you all to the opening session of the first International Symposium on Human Rights in Cambodia.

The 40 participants in this Symposium include representatives of human rights organizations from Europe, North America and Asia. The participation of 25 participants from the Asian region is particularly encouraging - as of course is the presence at this opening session of representatives of three of the Cambodian factions; and of the four established Cambodian human rights groups.

The entrusting of an operational and intrusive human rights mandate to the United Nations, as an integral part of a peace agreement in order to facilitate national reconciliation and self-determination, is a new development with broad ramifications. It has been attempted before but never on the comprehensive scale approved by the Paris Accords on Cambodia. This is a new dimension for both United Nations peacekeeping operations and its human rights activities and is a challenge to the international community's ability to undertake multi-faceted operations on this scale. Its implementation is also a test of the political will of the signatories of the Paris Accords, particularly the Cambodian parties.

UNTAC's human rights mandate has two principal objectives: to prevent a return to the "policies and practices of the past" (a euphemism for the gross human rights violations which Cambodia has experienced in recent decades); and to establish a neutral political environment which will enable free and fair elections to be carried out by the United Nations.

This basically requires the establishment of a civil society governed by the rule of law in a country which has undergone, in the past two decades, one of the most traumatic upheavals in recent history; which consequently lacks all the normal structures, institutions and human resources to facilitate this transition; and which historically has experienced authoritarianism and conflict far more than consensus and reconciliation.

For any society this mandate would be daunting: for Cambodia it can at times seem overwhelming.

Yet my colleagues and I in UNTAC remain firmly optimistic that this unique challenge can be met, with your help.

[I should perhaps add here that I have been very concerned recently with a number of serious incidents which have undermined the neutral political environment we are charged to maintain. These have included the killing of Vietnamese civilians; the attacks on opposition party offices and residences; and a number of apparently politically motivated killings and attacks on

members of two factions in particular. There has not been a satisfactory response by the responsible authorities to any of these incidents. I have recently called on all parties to prevent such acts, and to seriously investigate and prosecute them.]

We are naturally all aware that the Paris Accords represent the results of a prolonged political process, and inevitably their implementation is politically circumscribed. Similarly, our responsibility to foster an environment in Cambodia in which respect for human rights shall be ensured - in the words of the Accords - cannot be isolated from this reality. The United Nations does not enjoy the freedom of non-governmental organizations in this respect. In view of the broad objectives of UNTAC it is essential that we maintain a careful political balance without, of course, compromising on our fundamental responsibilities, including in the domain of human rights.

In this difficult process we must also never lose sight of another basic reality viz, that we are operating in Cambodia, in South-East Asia. This is a country which has not enjoyed a long history of positive development in this area, in a region where residual opposition to many "foreign" or "Western" human rights impositions remains strong.

While I firmly believe that basic human rights and freedoms are universal - as embodied in the very Charter of the United Nations - and that they are equally desired by all people in all regions, we should not ignore this historical, cultural and regional context of our activities. UNTAC's first challenge is to establish the minimum respect for basic rights necessary to enable a free and fair election to take place. By definition, this is an individualistic process which demands the protection of essential individual rights.

This alone is a major challenge in present-day Cambodia. At the same time we must attempt to lay the groundwork for the future development of the institutions, infrastructure and expertise necessary for Cambodia to maintain a civil society governed by just laws. Regrettably, UNTAC lacks the time, the mandate or the resources to attempt to achieve more than this.

Inevitably, there is a host of equally important economic, social and cultural rights which will not be touched upon in this process and which cannot be overlooked in Cambodia's future development. UNTAC has a rehabilitation mandate which does cover some of these aspects, but without the minimum rehabilitation assistance requested by the Secretary-General being made available by donors during this period, there is little that can be done effectively to meet many basic and legitimate demands of the population in this respect. This reflects another harsh political reality within which we must carry out our task.

This brings me to the main objective of this Symposium which is to identify ways and means by which we - the international community - can provide support and assistance to the future human rights process in Cambodia, and specifically to national human rights structures. Our collective responsibility in this area cannot end with UNTAC. Cambodia's future

peace - and its respect for human rights - is ultimately and inevitably in the hands of Cambodians. The international community, including the United Nations, can only assist Cambodians to meet this challenge, they cannot assume responsibility for it.

Within the obvious limits of its resources, UNTAC has made a start in this area. Human rights education, training and information programmes have begun throughout Cambodia. The SNC has, at our request, acceded to the six principal human rights instruments in the past months. Hundreds of complaints have been received from all parts of the country and, where appropriate, have been investigated. Prison conditions have been improved, some detainees have been released and other corrective action has been taken by UNTAC. Much, of course, remains to be done in all areas.

Perhaps most importantly, however, four new Cambodian human rights groups have been established and begun functioning in the past six months. They now have a joint membership of several thousand throughout the country. We are supporting them in all possible ways, especially with education materials, publications and training.

These groups are dedicated and courageous. I wish to pay the highest tribute to them and to assure them that UNTAC will continue to support them strongly while it is here. There is an urgent need, however, for more international and regional support for these new groups in all areas.

They would all benefit from links with the international and regional human rights networks; from material assistance; education programme materials and expert training. I have recently issued an appeal to selected donor Governments for funds to support human rights education and training activities in Cambodia and I am confident that a number of Governments will respond positively.

It is our hope that this Symposium will also provide concrete non-governmental support for Cambodian human rights groups and programmes. We need the United Nations Centre for Human Rights to establish an operational presence in Cambodia in order to work with NGOs and Cambodian groups in this area, especially in the post-UNTAC era. We need agencies to work as partners with us in implementing our education and training programmes. Most of all, Cambodians need to know that there is a tangible regional and international commitment to support their courageous efforts, both during and after this transitional period.

I believe we could envisage a consortium of the United Nations, international and non-governmental organizations, and regional and national groups working together for this common purpose.

The report of this Symposium will go to the United Nations Secretary-General; to the next session of the United Nations Human Rights Commission; and, in more popular form, to all interested Cambodians. A report on UNTAC's human rights activities will also go to the World Conference on Human Rights to be held in Vienna next year.

I urge you all to pool your vast experience and expertise in order to come up with realistic and practical proposals for helping in this unique exercise. I can assure you that UNTAC will give every possible assistance in the coming months. Equally clear, however, is the need for a determined collective effort to take this process further and to safeguard it for the future generations of Cambodians.

I know you will all agree with me that they deserve no less.

I wish you every success in your deliberations in the next two days and look forward to receiving your report and recommendations.

Thank you.

Annex II

OPENING STATEMENT BY MR. DENNIS McNAMARA, DIRECTOR,
UNTAC HUMAN RIGHTS COMPONENT

Excellencies, Ladies and Gentlemen,

May I first reiterate the very sincere welcome extended to all participants in this Symposium by Mr. Akashi. It is a great encouragement for our efforts to see such a qualified and experienced group meeting, for the first time, here in Phnom Penh. I would also extend a special welcome to our friends and collaborators from the Cambodian human rights organizations and to the distinguished representatives of three Cambodian factions who have just addressed you.

You have earlier heard the Special Representative of the Secretary-General outline the broad parameters within which the UNTAC Human Rights Component operates. He has emphasized the political and regional constraints within which we must function, as well as the crucial importance of the human rights mandate to the success of the overall Cambodian peace plan.

You have also heard one of the region's foremost jurists on human rights sharing some of his considerable experience and wisdom, and you have heard representatives of three main Cambodian factions give you their perspectives on the importance of human rights to a future Cambodia.

We have distributed to you a background paper, prepared by our Rapporteur, giving you the details of UNTAC's human rights activities. I would like to outline in this presentation, some of our preoccupations which have led to the calling of this Symposium, and some of our expectations and hopes for it.

Despite a complex and increasingly difficult political backdrop, which includes UNTAC's complete inability to work in one of the zones of Cambodia, I believe it is true to say that UNTAC has managed to establish the first foundations for promoting respect for human rights and fundamental freedoms for Cambodians in the future. This is so in regard to accession to the international instruments; legal reforms; human rights education, training and information programmes; prison reform and the beginnings of a penal and judicial system based on accountability and respect for the rule of law. It cannot be overemphasized, however, that this process remains fragile in the extreme, particularly in regard to the separation of the executive and the judiciary.

In many respects we had to start from scratch. There were few basic structures to draw on and even fewer human resources. Our achievements are in danger of quickly disappearing if they are not nurtured and supported by a collective international effort. It is therefore imperative to us that this Symposium starts the process of formalizing an international and regional support network for Cambodian human rights activities.

The UNTAC human rights mandate offers a new direction and a new dimension for international human rights activities. It is unparalleled in its comprehensiveness and its ambition. Whether it will be a model for future programmes, it is too soon to judge. What is, however, already very clear is that we are daily learning lessons which must be useful for future such enterprises.

This mandate, as you are aware, proclaims that we must take all steps to avoid a return to the gross violations of the past by dealing with the present, and establishing a safe environment in which free and fair elections can be held. Human rights education is specified to be the cornerstone of this mandate, which in the broadest sense it certainly is. However, it is crucially supplemented by our daily monitoring and investigation activities supported by proposals for redress, where appropriate.

The Human Rights Component of UNTAC has some 30 professional officers for this task and of necessity works in close cooperation with the various other UNTAC Components. The immediate challenges for UNTAC are to promote the rule of law through internal reform; to change official practices by training and monitoring; to promote a psychological and attitudinal change in officials and the population at large through investigations, training and education; and to lay the foundation for future development of just laws and institutionalized respect for the rights of all Cambodians.

These are, collectively and separately, fundamental and dramatic steps for any country and especially for Cambodian society, which has been subject to decades of conflict, upheaval and confrontation. Indeed, some younger Cambodians have known nothing else. We have been charged to establish the framework for a civil society and for national reconciliation, in just over one year.

This is obviously a massive undertaking with few resources in an exceptionally short time period. As has been pointed out, the basic structures and institutions for this process are lacking in Cambodia as is the availability of qualified Cambodians able or willing to assist.

There is, therefore, in our view, an urgent need for the international community - and the international regional human rights organizations in particular - to realize that unless there is a pooling of international, regional and national resources, expertise and ideas, we will be unlikely to be able to meet or sustain this challenge. The fragile plant of democracy and rule of law in Cambodia will require extremely careful nurturing in the next years, if it is to survive the inevitable political storms it is bound to face.

On the broader plain, if human rights are to play their proper role in similar peace-keeping operations, designed to move societies from conflict to reconciliation and democratic processes, there is an urgent need for coordinated and collective international action. In my view the United Nations Centre for Human Rights should have a key role to play in such exercises. In Cambodia, we have received support from the Centre, and as the Special Representative has stated, we believe that it must, for the first

time, become operationally involved here in order to follow up on UNTAC's activities. Not only would this provide invaluable expertise and resources but it would also give a crucial link to the United Nations Human Rights Commission and its Sub-Commission, and to the possible future Special Rapporteur procedure envisaged in the Paris Accords.

Coupled with this, UNTAC must work in consort with international and regional human rights groups, to provide an advisory support mechanism for Cambodian organizations.

Whether this could be assisted by a formal regional human rights body (or instrument); a new non-governmental structure or other regional or national mechanism is something we might discuss. We need NGOs as operational partners to provide future expertise networks, national advocacy and advice, as well as to implement education and training programmes. All of this is designed to provide a substantive and protective backup to the fragile indigenous groups until they are able to function more independently and securely. I believe that all of them will confirm to you that such support is vital, particularly in the unpredictable post-elections and post-UNTAC period.

For bureaucracies and some organizations, these may be radical and excessive proposals. We are convinced, however, that we must look for innovative and even daring new initiatives, if the new direction for human rights activities, as envisaged in the Cambodian Accords, is to be sustained.

I believe it would be highly irresponsible of us - the international community - if we were not to actively and concretely follow up the initiatives we have begun in Cambodia, in the difficult years which undoubtedly lie ahead of this country. I regret that there has been, in my view, a lack of focus by Governments and by non-governmental organizations on this crucial rehabilitation aspect. To date we have had many observers and critics of our human rights efforts in Cambodia, but few operational partners. A number of Governments are, I believe, willing to fund and support realistic and innovative initiatives in this area. There are great dangers, in view of the overloaded international political agenda, of a short-term/quick-fix approach to these complex and vital issues in situations such as Cambodia.

Cambodia is making the transition to democracy. But experience elsewhere has shown that it will take more than elections to create a just society and heal past wounds.

The United Nations structures, as you know are limited and overstretched, both here and worldwide. But I am convinced that we can rise to the challenge - with your help.

This was the reason we invited you here today. You will hear more eloquently and with greater conviction first-hand from our Cambodian friends, just how much your support means to them. We can only hope that you will all respond to this urgent appeal. Thank you.

Annex III

STATEMENTS BY THE CAMBODIAN, ASIAN AND
INTERNATIONAL NGO GROUPS

Joint statement by the Cambodian Groups (ADHOC-LICADHO-VIGILANCE-OUTREACH)

On behalf of the four Cambodian Human Rights Groups, we would like to express our most sincere thanks to all our distinguished guests and to Mr. McNamara and his colleagues for organizing this first Symposium in Cambodia.

This gathering gave us the opportunity to discuss human rights issues with specialists. Those of us working in human rights in Cambodia have been greatly encouraged in many ways:

- we have and will always have the support from the international community;
- our exchange of experiences is particularly important to us after 20 years of isolation and allows us to develop our own strength. It reinforces the links between Cambodian NGOs and the regional and international networks which will help us in our future work.

During the Symposium all the participants have concentrated on finding a mechanism to protect local NGOs in the post-UNTAC period even though we have not yet found the correct mechanism.

The pre-electoral period is a crucial time, hence all Cambodians have to work together with UNTAC and international NGOs in order to achieve peace and democracy in Cambodia.

The post-UNTAC period will also be very critical. We are prepared to face all dangers. We need your complete support to cross this turbulent wave.

We have the following five requests to submit to you to help us achieve our goals:

- (a) To meet at a second symposium just before the elections;
- (b) To obtain from you all documents, materials and trainers to achieve our aim;
- (c) We need your moral and political support now and after the elections;
- (d) To establish a Human Rights Centre based in Cambodia;
- (e) To support the Human Rights Task Force project to observe and monitor the future elections.

We will work hard to make sure Cambodians have to respect each other and to face their destiny without discrimination as to race, colour, religion, sex and political opinions.

We are grateful for your presence and concern in our matters and we wish you have a safe trip back home!

Joint statement by the participants from the Asian Regional Human Rights Organizations

The Asian Regional Human Rights Organizations extend their solidarity with the Cambodian people and full support for the Cambodian NGOs in their struggle for peace, human rights and social justice in their society.

Recognizing that many human rights organizations are struggling for similar rights in their societies, the Asian Human Rights Organizations welcome their Cambodian counterparts into the Asian human rights community. Their presence adds strength to our fragile but growing network and we hope that our support will give them encouragement in their difficult task ahead.

All the Asian organizations present here today subscribe to the Universal Declaration of Human Rights and all international instruments on human rights laws. We believe in the universal values of freedom, equality and democracy contained in these documents with their anchor in the sanctity accorded to human life and human dignity.

However, the spirit of these instruments is not experienced in the actual lives of the vast majority of Asian people. The values and laws anticipated by the documents on international human rights have yet to be mediated and implemented in the context of contemporary Asian reality. In that sense, all of us in the Asian human rights movement are part of a grand experiment to make human rights real and relevant in the lives of our people. We have many ideas, experiences and strategies to share and evaluate together. In that sense, this is just a beginning. We call for a continuing dialogue among human rights organizations in the Asian region in the context of our collective experience.

With regard to the Cambodian context, we want to extend our support to UNTAC and particularly to the Human Rights Component. We would, however, urge UNTAC to take firmer and urgent actions to counter the violations of human rights and to take necessary steps to assure the respect of human rights after UNTAC leaves.

The Asian regional groups have offered their services to assist Cambodian human rights groups and UNTAC in the following ways:

- Law Asia to assist in strengthening the judicial process in Cambodia, in training lawyers and judges and assisting them in their efforts to establish professional organizations;

- International Centre for Ethnic Studies to conduct a research study aimed at policy recommendations with regard to the management of ethnic conflict in Cambodia;
- Asian NGOs such as the Asian Human Rights Commission and INFORM, Sri Lanka to assist Cambodian NGOs in documentation and dissemination strategies with regard to human rights violations;
- Asian NGOs and regional networks offer to assist Cambodian NGOs in the dissemination of information and the monitoring with regard to coming elections;
- Asian NGOs and regional networks would facilitate and support the integration of Cambodian NGOs into the regional network;
- Asian NGOs and regional networks present at the sessions of the Commission on Human Rights in Geneva in February will work with their Cambodian counterparts and the UNTAC Human Rights Component to ensure the fullest protection of human rights in Cambodia and the security of human rights defenders in the post-election period.

Joint statement of international organizations

We as international organizations will leave this conference with deep respect for our Cambodian colleagues and a better understanding of their vulnerability, particularly after UNTAC leaves.

The fact that thousands of people across the country are joining human rights organizations is an enormous sign of hope, but the overwhelming impression we come away with is of a climate of fear. If this mammoth United Nations operation cannot prevent political violence and intimidation, what happens when it goes?

The United Nations investigations have not generally led to punishment of the perpetrators; Cambodians cannot rely on the legal system for justice and our colleagues have every right to be concerned about the possibility of reprisals if they attempt to undertake investigations.

There is no reason to believe that human rights abuses will automatically vanish after the elections next May. Documenting and publicizing human rights violations through the international network to which we all belong may be the only way to generate pressure on those responsible.

We have to give our Cambodian colleagues some sense of security that collecting information on abuses is not going to lead to their own arrest or punishment.

To that end, we strongly support the creation of a permanent on-site United Nations human rights presence, adequately staffed and funded, after the departure of UNTAC, with the capacity to monitor human rights violations.

We will do everything we can to support and assist the Cambodian groups in research, documentation, training, provision of materials and involvement in our activities internationally.

But the international community has a responsibility as well to ensure that the need to maintain a working relationship with various factions does not lead to a toleration of human rights abuses.

Annex IVTHE TRAINING AND EDUCATIONAL WORK OF UNTAC'S HUMAN RIGHTS
COMPONENT AND THE OUTLINES OF A POSSIBLE WORK PROGRAMME

The Symposium was intended to result in action, and to support the Human Rights Component's work in the run-up to elections. Whatever United Nations body fills the vacuum left by UNTAC, it will thus have a solid base from which to work. This applies particularly to education, training and information.

The Symposium produced a range of ideas that could result in training and information projects. Organizations are encouraged to contact the Training Unit if they identify any of special interest. Among the possible projects:

Formal education

Project 1: A new curriculum on human rights for the civic education course needs to be written and tested for the 1993/94 school year. Work would draw on the experience with the UNTAC civil education curriculum used in 1992-1993.

Project 2: The course in the university law school should continue. Study materials should be written in Khmer for distribution to students and instructors identified.

Project 3: Courses or lecture series should be created in other institutions of higher learning.

Informal education

Project 4: General human rights/criminal justice courses should be organized, especially in the provinces for existing SoC police and newly created police forces of the factions.

Project 5: In order to remove excessive powers of the police, contrary to the Transition Provisions, qualified specialists would develop technical briefings on preparation of charge-sheets, prison registers, etc. and show police in police stations how to use them.

Project 6: Training in investigations of suspicious death, using appropriate techniques of forensic pathology. Such training must also involve NGOs so that they can raise issues where political killings are suspected.

Project 7: Follow-up training based on Transition Provisions, with more hands-on training (practical as opposed to classroom training), including providing consultants to prosecutors, court consultants and court monitors, as well as specialists in forensic pathology and other areas. Particular attention must be devoted to improving prosecutions relating to grave violations of human rights.

Project 8: Special project with Supreme Court to familiarize the judges with new functions of the Court, preferably with a team of distinguished Asian judges.

Project 9: Special project with Appellate courts, which are coming into existence but lack training.

Project 10: Follow-up to briefings with faction officials and high-level SoC officials.

Project 11: New training project for leaders of other political parties.

Project 12: Training in election monitoring should be provided to those organizations that want to monitor the United Nations-run election in 1993 and other elections.

Project 13: Training in United Nations procedures should prepare local human rights groups to contribute to the next session of the Commission on Human Rights and understand the role of the treaty-monitoring bodies. The project could include attendance at the Commission.

Project 14: While security conditions do not allow much investigative work and documentation of violations now, the groups need training in the technical aspects of monitoring for future application.

Project 15: The provincial sections of Cambodian human rights groups offer the best vehicle for bringing human rights education to remote districts. In order to do this training of trainers must take place in at least eight provinces.

Project 16: Creation of the Bar Association mentioned in article 7 of Transition Provisions with assistance of regional lawyers and associations of lawyers.

Project 17: Setting up a programme of field monitors, placed either in provincial offices of human rights associations or otherwise present in remote areas to monitor human rights.

Project 18: Programme of foreign lawyers, authorized to practise in Cambodia, to help train local defenders by demonstrating how to conduct a defence in court and otherwise developing the application of law with Cambodian defenders.

Project 19: Expansion of general human rights training with womens' organizations.

Project 20: Specialized training on the Convention on the Elimination of All Forms of Discrimination Against Women, with possible cooperation with international NGOs like International Women's Rights Action Watch.

Project 21: Training of trainers in general human rights and in conflict resolution methods in areas where there is potential for group conflict.

Project 22: Study groups of intellectuals on cultural and religious issues to gain better cross-cultural understanding and disseminate information.

Project 23: Adaptation of training methods and materials to meet needs of student organizations wishing to learn about human rights.

Non-formal education/information

Project 24: Support for independent media and publishing to overcome economic obstacles to free expression.

Project 25: Carry out feasibility study on establishing such a centre, finding funding for it, and recommending an institutional base to sustain it.

Project 26: Scripts for expanded UNTAC radio programme on human rights.

Project 27: Dubbing or subtitling of outstanding films with human rights themes (especially those that have received awards in human rights films festivals) to show in Cambodian TV or in cinemas or video houses.

Project 28: Continuation of Ayai programme with additional performances.

Project 29: Develop project for nang talung (traditional shadow puppet theatre) performances and video for TV.

Project 30: Organization of Human Rights Day events.

Project 31: Organization of a human rights film festival.

Annex V

PROGRAMME OF THE SYMPOSIUM

Monday, 30 November 1992

- 8.30 Registration of participants.
- 9.00 Welcome by Mr. Dennis McNamara, Director, UNTAC Human Rights Component.
- 9.05 Opening of the Symposium by the Special Representative of the Secretary-General for Cambodia, Mr. Yasushi Akashi.
- 9.30-12.00 The Importance of Human Rights to the Peace Process in Cambodia.
[Moderator: Mr. Michael Williams, Deputy Director, Human Rights Component]
- 9.30 Address on behalf of Ms. Aung San Suu Kyi on "Human Rights in a Process of National Reconciliation".
- 9.45 Address by Senator Raul Roco, Inter-Parliamentary Union, on "The Significance of Cambodia's Transition to Democracy for the Region".
- 10.15 Presentations by representatives of the Cambodian parties represented on the Supreme National Council on their perspective on the role of human rights in the future of Cambodia as envisaged by the Paris Accords.
- 11.30 Presentation by Mr. Dennis McNamara, Director, UNTAC Human Rights Component, on UNTAC's human rights mandate and programmes.
- 12.00-2.00 Lunch for participants hosted by UNTAC
- 2.00-5.30 First Workshop: Human Rights, Peacekeeping and the Transition to Democracy in Cambodia
[Moderator: Mr. Nayan Chanda]
Background paper on UNTAC Human Rights Component's activities and concerns during the transitional period.

An Historical Overview of the Human Rights Situation in Cambodia. Presentation by Dr. David Chandler.
Discussant: Mr. David Hawk.

Cambodian Perspectives on the Human Rights Situation Today. Presentations by Mr. Thun Saray, Cambodian Human Rights Association, Mrs. Kek Galabru, League for the Defence and Promotion of Human Rights, Mr. Kem Sokha, Human Rights Vigilance of Cambodia, and Mrs. Srey Chan Phallara, Human Rights and Community Outreach Projects.

Election Monitoring and the Role of NGOs. Presentation by Mr. Reed Brody, International Human Rights Law Group. Discussant: Prof. Reginald Austin, Director, UNTAC Electoral Component.

Contending with Political Repression and Violence. Brief presentations by the Cambodian human rights associations. Discussant: Mr. Basil Fernando.

5.30-6.00 Special performance of Cambodian Ayai singers.

Tuesday, 1 December 1992

8.30-12.30 Second Workshop: Regional Perspectives on Post-UNTAC Human Rights Issues and Concerns.

[Moderator: Prof. Yash Ghai]

Human Rights and the Cambodian Judicial System. Presentation by Mr. Jim Ross. Discussant: Mr. Param Cumaraswamy.

Detention in New Democracies. Presentation by Ms. Haydee Yorac. Discussant: Ms. Sunila Abeyesekera.

Minorities and Human Rights. Presentation by Ms. Radhika Coomaraswamy.

2.00-5.30 Third Workshop: Domestic and International Support for Human Rights in Cambodia in the Coming Years.

[Moderator: Ms. Helena Cook]

Recent ASEAN Human Rights Initiatives. Presentation by Mr. Vitit Muntarbhorn.

Ways and Means of Providing Support to Indigenous NGOs from Abroad. Presentation by Ms. Sidney Jones.

Regional Human Rights Networking and Support. Presentation by Dr. Gothom Arya. Discussant: Mr. Wong Kai Shing, Asian Human Rights Commission.

The Advantages and Dangers of Foreign Funding for
Indigenous NGOs. Presentation by Ms. Brigitta Berggren.

International Support for Human Rights Education and
Information in Cambodia. Presentation
by Mr. Stephen Marks.

Possible post-UNTAC United Nations Roles in Support of
Human Rights in Cambodia. Presentation by
Mr. J.L. Gomez del Prado. Discussant: Mr. Reed Brody.

General discussion.

8.00 Dinner for participants hosted by the UNTAC Human Rights
Component.

Wednesday, 2 December 1992

9.30 Presentation of summary report and conclusions and
recommendations: Mr. Iain Guest, Rapporteur.

10.00 Discussion of conclusions and recommendations.

12.00 Closing remarks by Mr. Dennis McNamara.

12.30 Briefing for the press.

Annex VI

LIST OF PARTICIPANTS

International groups

Mr. Marco Altherr, International Committee of the Red Cross (Cambodia)
Ms. Brigitta Berggren, Swedish NGO Fund for Human Rights
Mr. Reed Brody, International Human Rights Law Group
Prof. David Chandler, Monash University
Sr. Denise Coghlan, Jesuit Refugee Service
Ms. Helena Cook, Amnesty International
Mr. Param Kumaraswamy, International Commission of Jurists/Lawasia
Mr. David Hawk, Cambodia Documentation Centre
Ms. Sidney Jones, Asia Watch
Mr. Olivier Monange, Fédération internationale des droits de l'homme
Mr. Tony Nooyens, OXFAM
Ms. Clodagh O'Brien, International Cooperation for Development and Solidarity (CIDSE)
Sen. Raul Roco, Inter-Parliamentary Union
Mr. Jim Ross, Lawyers Committee for Human Rights
Ms. Betty Scheper, NOVIB (Netherlands)

Asian groups

Ms. Sunila Abeysekera, INFORM (Sri Lanka)
Prof. Gothom Arya, Civil Liberties Union (Thailand)
Mr. Nayan Chanda, Far Eastern Economic Review
Mr. Gan Teik Chee, ALIRAN (Malaysia)
Ms. Radhika Coomaraswamy, International Centre for Ethnic Studies (Sri Lanka)
Prof. Yash Ghai, Hong Kong University
Mr. Yoichi Kitamura, Japan Civil Liberties Union
Prof. Vitit Muntarbhorn, Chulalongkorn University (Thailand)
Mr. Wong Kai Shing, Asian Human Rights Commission
Ms. Haydee Yorac, Electoral Commissioner, Philippines

Cambodian groups

Mr. Thun Saray, Cambodian Human Rights Association (ADHOC)
Mr. Khay Matoury, ADHOC
Mrs. Kek Galabru, (LICADHO) Ligue cambodgienne pour la défense et la promotion des droits de l'homme
Mr. Sa Ly, LICADHO
Ms. Srey Chan Phallarah, Human Rights and Community Outreach Projects
Ms. Neang Kim Hor, Human Rights and Community Outreach Projects
Mr. Mao Sambath, Human Rights Vigilance of Cambodia
Mr. Kem Sokha, Human Rights Vigilance of Cambodia

United Nations

Mr. J.L. Gomez del Prado, United Nations Centre for Human Rights

Ms. Margie de Monchy, UNICEF

Ms. Nici Dahrendorf, UNHCR (Cambodia)

Mr. Lek Hor Tan, UNESCO (Cambodia)

Mr. Shinichi Ago, International Labour Organisation

UNTAC

Mr. Dennis McNamara, Director, Human Rights Component

Mr. Michael Williams, Deputy Director, Human Rights Component

Mr. Reginald Austin, Director, UNTAC Electoral Component

Mr. Basil Fernando, Chief, Investigation and Monitoring Unit

Mr. Stephen Marks, Chief, Education, Training and Information Unit

Mr. Thant Myint-U, Secretary of the Symposium

Mr. Iain Guest, Rapporteur

Ms. Suman Dhar, Administrative Officer

Annex VII

LIST OF DOCUMENTS PREPARED FOR THE SYMPOSIUM

Background note on UNTAC's human rights activities in Cambodia (official UNTAC document).

Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period (official UNTAC document).

Election monitoring and the role of non-governmental organizations, by Reed Brody (International Human Rights Law Group).

Contending with political repression and violence, by Basil Fernando.

Possible post-UNTAC United Nations roles in support of human rights in Cambodia, by J.L. Gomez del Prado (United Nations Centre for Human Rights).

Supporting local NGOs: the role of international human rights organizations, by Sidney Jones (Asia Watch).

Human rights education, training and information in Cambodia: activities to date and post-election prospects, by Stephen Marks.

Parliament and the protection of human rights, by Raul S. Roco (Chairman, Committee on Justice and Human Rights, Senate of the Philippines. Member, Inter-Parliamentary Union Committee on Human Rights of Parliamentarians).

Independence of the judiciary in Cambodia, by James Ross (Lawyers Committee for Human Rights).

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