

CAMBODIA AFTERMATH OF THE COUP

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I. SUMMARY AND RECOMMENDATIONS

A month after Second Prime Minister Hun Sen's coup, Cambodia bears little resemblance to the society envisioned in the Paris accords of 1991 that laid the framework for an end to conflict and a United Nations peacebuilding effort on an unprecedented scale.¹ The tension that permeated the country's political life over the past four years — since United Nations-supervised elections installed a fractious coalition government in Phnom Penh — has erupted into a protracted campaign of intimidation by Hun Sen's forces. Between thirty and forty members of the United National Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia (Front Uni National pour un Cambodge Indépendent, Neutre, Pacifique, et Cooperatif, FUNCINPEC) were killed in custody by forces of the Cambodian People's Party (CPP) in the first days of the coup, and recent findings by human rights investigators indicate that the extrajudicial executions are continuing. In addition, dozens of FUNCINPEC army officers remain in detention or unaccounted for, while over thirty parliamentarians and journalists have fled the country. In the face of human rights criticism, Hun Sen has demanded an apology from the United Nations Centre for Human Rights (UNCHR) in Phnom Penh and the replacement of its staff, accusing the UNCHR of falsely reporting executions, when in fact, both political executions and torture on the part of Hun Sen's CPP forces have been painstakingly documented. And in a development that more than anything else symbolizes the resumption of civil war and the end to any semblance of peace, some 30,000 Cambodian refugees fled to Thailand to escape fighting between Hun Sen's army and FUNCINPEC-led troops.

The international community has responded to the coup and its aftermath with policies that have wavered between firmness and appeasement. Japan, Cambodia's largest donor, effectively suspended aid by recalling its aid workers after the coup. However, the aid workers recently returned, and Japanese aid has resumed based on the Cambodian government's expressed intent to comply with a four-point set of conditions.² One of those conditions, "assuring fundamental human rights and political freedom," most certainly has not been met. The United States continues to suspend non-humanitarian aid to Cambodia, but its embassy in Phnom Penh has refused sanctuary and provided minimal assistance to Cambodians facing political persecution. China has given full support to Hun Sen. And the Association of Southeast Asian Nations (ASEAN), while postponing Cambodia's membership in the body and playing a constructive mediating role, has effectively recognized Foreign Minister Ung Huot as first prime minister in place of the deposed Prince Norodom Ranariddh, thus giving legitimacy to Hun Sen's seizure of power.

The lack of international agreement, let alone coordination of policies, on foreign aid, human rights, refugees, and recognition of the post-coup government, has not only allowed Hun Sen to consolidate his authority, but it has greatly magnified the insecurity of political opposition members and their families. There appears to be a growing international consensus on the desirability of National Assembly elections, which by prior agreement between the two prime ministers, were to be held in May 1998. The destruction of opposition party infrastructures, however, as well as the exile or internal displacement of their leadership and many party workers, the looting of their offices, and a pervasive climate of fear and intimidation all militate against the prospect that such elections can be free and fair. Human Rights Watch has interviewed many of the parliamentarians now in exile in Bangkok and the United States, all of whom have insisted on accountability and security guarantees before they would consider returning to Cambodia. Unless those conditions are demonstrably met, elections would do little more than legitimate the de facto one-party rule that has emerged since the coup, since the opposition parties in Phnom Penh have already installed pro-Hun Sen factions in leadership positions. The lack of either an election law or an independent election commission in Cambodia further weakens the possibility that a May election can be fair.

It would be a grave mistake for the international community to see elections in and of themselves as the solution to human rights violations. Elections will have no meaning unless the Cambodian government ends its persecution of the opposition and holds its forces accountable for human rights violations during and since the coup. The international community should give unambiguous and forceful support to the beleaguered UNCHR field office, ensuring that its staff is protected, its budget augmented, and its tenure in Cambodia secured for the indefinite future. It should ensure the safety of opposition members, their families, and all others at risk by affording them sanctuary, visas, and asylum as needed. It should continue to withhold budgetary

¹ The information in this report is based on daily telephone conversations with human rights sources based in Cambodia and interviews conducted in Bangkok, supplemented by diplomatic communications made available to Human Rights Watch as well as press reports.

² The four conditions are: "(a) duly observing the Paris Agreements on Cambodia, (b) respecting the results of the 1993 elections, (c) assuring fundamental human rights and political freedom, and (d) holding free and fair elections next May." Statement issued by the Japanese Foreign Ministry on July 28, following a meeting between Foreign Minister Yukihiko Ikeda and United States Secretary of State Madeleine Albright in Kuala Lumpur, in a translation provided to Human Rights Watch by the Japanese embassy in Washington, D.C.

support for the Cambodian government until human rights violations have ceased, those in exile feel safe to return, and, at a minimum, those responsible for political executions during the coup are brought to justice. If, those steps having been accomplished, the elections go forward, the international community should support the establishment of institutions, such as an independent election commission, that would provide for a meaningful electoral process.

Recommendations

In light of the above, Human Rights Watch calls on the Cambodian government and the international community to take the following measures:

To the Cambodian Government:

- Immediately halt the continuing extrajudicial executions, arrests, and harassment of opposition party members and military personnel. The government should authorize independent investigations, with broad-based and meaningful NGO participation, into all cases of extrajudicial execution and torture documented by the UNCHR and international human rights groups, and apprehend and prosecute those identified as responsible.
- End all harassment and threats against the UNCHR field office in Cambodia and provide explicit guarantees that the UNCHR can continue to operate without restriction.
- Eliminate private armies and ensure that only recognized government military and police forces have authorization to use lethal force.
- Rescind the arrest warrant for Prince Ranariddh and ensure that the prince and other members of the National Assembly now living in exile are able to return to Cambodia without fear and retain their seats in the Assembly. Returning parliamentarians and politicians should be subject to prosecution for violations of Cambodian law only if the law itself is not in violation of international human rights standards and if public and fully transparent inquiries conducted by impartial bodies uncover reasonable grounds to proceed with legal action. The government should also reinstate purged diplomats, civil servants and political appointees.
- Establish an independent election commission, which would include representatives of non-governmental organizations (NGOs) from ASEAN countries with extensive election-monitoring experience. The commission should be empowered to draft an election law, for submission to the National Assembly, assess the conditions for holding free and fair elections in May 1998, and serve a monitoring function if and when elections are held. The government should provide guarantees of safety and freedom of speech, movement and association, as well as equal access to state-owned media, for all political parties and candidates.
- Provide passports to Cambodian nationals who wish to leave Cambodia in accordance with the internationally-recognized right to freedom of movement and the right to leave one's own country.

To the International Community:

- **ASEAN** has played a positive and leading role in promoting a negotiated settlement in Cambodia. It would be in keeping with that constructive role for ASEAN to:
 - Continue to delay Cambodia's membership in ASEAN and withhold private investment in Cambodia, until the Cambodian government has complied with the recommendations outlined above.
 - Provide financial support for the establishment of an independent election commission, as outlined in the recommendation mentioned above to the Cambodian government, provided that the government has ceased its ongoing intimidation of the opposition and held its forces accountable for human rights abuses during and since the coup. Such a step would be in keeping with ASEAN's August 11 offer to aid Cambodia's election process. **ASEAN**, the **donor countries**, and the **United Nations** could further strengthen such a commission by basing assistance and diplomatic support for elections on the commission's determination that conditions are sufficiently open to allow for a free and fair polling process.
 - Ensure the provision of humanitarian parole to refugees fleeing political persecution in Cambodia and facilitate the safe passage of refugees to destinations outside the region.

- The government of **Thailand** should resume issuing visas to Cambodian nationals through its embassy in Phnom Penh and refrain from involuntary repatriation of refugees. Any repatriation of refugees must comply with the obligation of non-refoulement and the Conclusions of the Executive Committee of the United Nations High Commissioner for Refugees (UNHCR) Programme.
- The **United States** special envoy, Desaix Anderson, should press for implementation by the Cambodian government of the measures outlined above. He should consult with Cambodian human rights NGOs, the UNCHR field office in Cambodia, and with the Union of Cambodian Democrats, a coalition of parliamentarians exiled since the coup.
- Diplomatic representatives should meet with Ung Huot only in the latter's capacity as foreign minister.
- The **United States, Australia, Canada, Japan, and European Union** countries should instruct their embassies in Phnom Penh and Bangkok to provide — on a case by case basis — sanctuary, visas, and political asylum to Cambodian nationals at risk of political persecution. The **United States** should publicly reverse a July 28 statement by its embassy in Bangkok that it would not accept political asylum applications from Cambodian nationals.
- **Donor countries** should continue to provide humanitarian and development assistance to Cambodia through NGOs but should suspend all bilateral and multilateral aid pending compliance by the Cambodian government with the measures outline above. Members of the donor consultative group should also establish a special working group to coordinate aid policies and review the performance of the Cambodian government in meeting the aforementioned conditions. **Japan** should, at a minimum, insist on the Cambodian government's full and prior compliance with all four of its conditions for the resumption of aid.
- **Donor countries** should provide emergency funding for the UNCHR field office in Cambodia to enable it to expand its human rights monitoring and investigation activity. The **United Nations** should exempt the UNCHR field office in Cambodia from the current recruitment freeze, authorize the transfer of all funds presently available for the Centre, and allow the Centre to promptly replace and expand its staff.
- The **United States** should release the report of the Federal Bureau of Investigation (FBI) concerning the March 30, 1997 grenade attack on the Khmer Nation Party (KNP) in Phnom Penh.
- The **United Nations High Commissioner for Refugees (UNHCR)** and the government of **Thailand** should jointly ensure that humanitarian assistance, including adequate medical care and food supplies, is delivered to Cambodians who have fled to Thailand following the recent fighting between FUNCINPEC and CPP forces near the border. The UNHCR should also establish facilities at camps in Thailand for individual refugee status determination.
- The **United Nations General Assembly** should issue a resolution in accordance with the findings and recommendations of Thomas Hammarberg, the special representative of the secretary-general for human rights in Cambodia, following his mission to Cambodia.

II. BACKGROUND TO THE COUP

MOST ACCOUNTS OF THE COUP STATE THAT IT WAS PROMPTED BY NEGOTIATIONS BETWEEN FUNCINPEC AND KHMER ROUGE LEADERS IN JUNE AND EARLY JULY. RELATIONS BETWEEN HUN SEN AND PRINCE RANARIDDH HAD DETERIORATED SHARPLY THROUGHOUT THE PRECEDING YEAR, HOWEVER, AND THERE IS STRONG EVIDENCE THAT RANARIDDH'S OVERTHROW HAD BEEN CONTEMPLATED SINCE AT LEAST APRIL.

DURING THE 1992 ELECTIONS, FUNCINPEC ESTABLISHED A NARROW MAJORITY IN THE NATIONAL ASSEMBLY. FOLLOWING A CAMPAIGN THAT SAW DOZENS OF POLITICAL ASSASSINATIONS, IN WHICH UNITED NATIONS OFFICIALS PRIVATELY POINTED TO RESPONSIBILITY BY CPP-LINKED DEATH SQUADS, THIS WAS A REMARKABLE ACCOMPLISHMENT.³ HOWEVER, FUNCINPEC'S RIGHT TO FORM A GOVERNMENT ON ITS OWN WAS CHALLENGED BY TWO SENIOR CPP

³ THE UNITED NATIONS TRANSITIONAL AUTHORITY IN CAMBODIA (UNTAC) HAD RECEIVED NUMEROUS REPORTS THAT CPP SECRET POLICE UNITS REMAINED ACTIVE DURING THE TRANSITIONAL PERIOD, AND UNTAC OFFICIALS AND MILITARY LEADERS BELIEVED THAT THE ATTACKS WERE EITHER COORDINATED OR CONDONED BY THE PROVINCIAL

LEADERS, WHO ATTEMPTED TO MOUNT THE SECESSION OF CAMBODIA'S EASTERN PROVINCES.⁴ ALTHOUGH THEIR BID COLLAPSED DUE TO INTERNAL DISSENSION WITHIN THE CPP, THE THREAT ENABLED THE PARTY TO LEVERAGE A ROLE FOR ITSELF AS A COALITION PARTNER. THE INTERNATIONAL COMMUNITY'S ACQUIESCENCE AT THIS JUNCTURE PLANTED A TIME-BOMB IN CAMBODIA'S BODY POLITIC: AN UNWIELDY AND ACRIMONIOUS GOVERNMENT, IN WHICH POWER-SHARING BETWEEN THE TWO PARTIES WAS REFLECTED IN THE DUPLICATION OF MOST CABINET-LEVEL POSTS.

MOST INSTITUTIONS OF GOVERNANCE — LOCAL-LEVEL ADMINISTRATIONS, THE BUREAUCRACY, POLICE, AND ARMY — REMAINED CPP-DOMINATED. ALTHOUGH RANARIDDH AND HUN SEN APPEARED TO HAVE FORGED A WORKING ALLIANCE DURING THE EARLY YEARS OF THE COALITION GOVERNMENT, THAT RELATIONSHIP DISSOLVED AS GENUINE POWER-SHARING FAILED TO MATERIALIZE. AT A FUNCINPEC CONGRESS IN MARCH 1996, RANARIDDH DEMANDED A GREATER SHARE OF CIVIL SERVICE POSTS FOR HIS PARTY. BUT AS IT DISTANCED ITSELF FROM THE CPP, FUNCINPEC FOUND ITSELF THE TARGET OF POLITICAL VIOLENCE, WHICH THROUGH MOST OF THE PRECEDING YEAR HAD BEEN DIRECTED AGAINST SAM RAINSY'S KHMER NATION PARTY (KNP) AND A FACTION OF THE BUDDHIST LIBERAL DEMOCRATIC PARTY (BLDP), LED BY PARLIAMENTARIAN SON SOUBERT. AN EARLY INDICATION OF THE RESURGENT HOSTILITY BETWEEN THE TWO COALITION PARTNERS WAS THE FEBRUARY 9, 1996 ASSASSINATION ATTEMPT ON EK MONGOL, A FUNCINPEC RADIO ANNOUNCER WHO SHORTLY BEFORE HIS DEATH HAD CRITICIZED THE CPP FOR CORRUPTION AND HAD DENOUNCED WHAT HE TERMED VIETNAMESE AGGRESSION ALONG CAMBODIA'S EASTERN BORDER.

IN A "WHITE PAPER" ISSUED SHORTLY AFTER THE COUP, ON JULY 10, THE MINISTRY OF FOREIGN AFFAIRS ACCUSED RANARIDDH OF HAVING FORCED HUN SEN'S HAND THROUGH AN EIGHTEEN-MONTH "CAMPAIGN OF PROVOCATION" AGAINST THE CPP. THE KEY CHARGES CITED BY THE MINISTRY WERE ILLEGALLY IMPORTING ARMS, UNILATERALLY RECRUITING "HARDLINE" KHMER ROUGE GUERRILLAS INTO FUNCINPEC-LED ARMY UNITS, AND REFORMING THE OPPOSITION ALLIANCE OF THE 1990S UNDER THE UMBRELLA OF THE NATIONAL UNITED FRONT (NUF) — A BLOC FORMED EARLIER THIS YEAR THAT BROUGHT TOGETHER FUNCINPEC, THE KNP, AND SON SOUBERT'S WING OF THE BLDP.

GOVERNMENTS. ASIA WATCH (NOW HUMAN RIGHTS WATCH/ASIA), "CAMBODIA: HUMAN RIGHTS BEFORE AND AFTER THE ELECTIONS," *A HUMAN RIGHTS WATCH SHORT REPORT*, VOL. 5, NO. 10, MAY 1993, PP. 9-10.

⁴ THE OFFICIALS INVOLVED WERE DEPUTY PRIME MINISTER PRINCE CHAKRAPONG AND INTERIOR MINISTER SIN SONG.

RANARIDDH AND SAM RAINSY REPRESENTED AN UNLIKELY PAIRING. SAM RAINSY HAD FORMED THE KNP IN NOVEMBER 1995, AFTER FUNCINPEC, AT RANARIDDH'S BEHEST, STRIPPED HIM OF HIS PARTY MEMBERSHIP AND EXPELLED HIM FROM THE NATIONAL ASSEMBLY. BUT BY UNITING THE CPP'S OPPONENTS UNDER ONE BANNER, THE NUF MADE ELECTORAL SENSE, FOR IT RAISED THE PROSPECT OF THEIR OUTRIGHT VICTORY IN THE 1998 ELECTIONS. THE CPP'S PROSPECTS IN THOSE ELECTIONS APPEARED TO HAVE FACTORED HEAVILY IN THE DECISION TO STAGE A COUP. NOT ONLY DID THE WHITE PAPER ATTACH GREAT SIGNIFICANCE TO THE FORMATION OF THE NUF, DESCRIBING IT AS AN OPPORTUNISTIC BETRAYAL OF THE COALITION GOVERNMENT, BUT A SURVEY REPORTEDLY COMMISSIONED BY HUN SEN SHOWED THAT HIS PARTY, THE CPP, WOULD GET ONLY ABOUT 20 PERCENT OF THE VOTE IN THE NEXT ELECTIONS.⁵

A GRENADE ATTACK ON A MARCH 30, 1997 KNP RALLY, IN WHICH AT LEAST SIXTEEN PEOPLE DIED AND OVER ONE HUNDRED WERE INJURED, WAS A HARBINGER OF A VIOLENT ELECTION CAMPAIGN. AN FBI INVESTIGATION INTO THE ATTACK, CONDUCTED BECAUSE AN AMERICAN WAS INJURED, REPORTEDLY IMPLICATED ASSOCIATES OF HUN SEN, ALTHOUGH THE REPORT ITSELF HAS NOT BEEN MADE PUBLIC.⁶

ACCORDING TO EXILED FUNCINPEC PARLIAMENTARIANS INTERVIEWED BY HUMAN RIGHTS WATCH IN BANGKOK, HUN SEN ATTEMPTED TO ENGINEER A SPLIT IN FUNCINPEC'S RANKS IN APRIL 1997 BY ENLISTING THE SUPPORT OF DISSIDENT PARTY MEMBERS, NOTABLY FORMER DEPUTY PRIME MINISTER UNG PHAN AND TOAN CHHAY, THE GOVERNOR OF SIEM REAP PROVINCE.⁷ UNG PHAN REPORTEDLY DRAFTED A STATEMENT ON APRIL 15 THAT ACCUSED RANARIDDH OF DRUG-TRAFFICKING, ACTING AUTOCRATICALLY, AND NEGOTIATING WITH THE KHMER ROUGE, AND CALLED FOR HIS REMOVAL AS HEAD OF FUNCINPEC AND CO-PRIME MINISTER. SEVERAL OF THE PARLIAMENTARIANS SAID THEY HAD BEEN COERCIVELY ASKED TO SIGN THE STATEMENT, TWO IN THE PRESENCE OF HUN SEN. IN ANY EVENT, UNG PHAN WAS UNABLE TO GATHER THE REQUISITE NUMBER OF SIGNATURES TO SECURE RANARIDDH'S OUSTER, AND THE EFFORT WAS QUIETLY DROPPED.

THE OTHER CHARGE LEVELED IN THE CPP'S WHITE PAPER — THAT RANARIDDH WAS SHORING UP FUNCINPEC'S MILITARY STRENGTH — HAS NEVER BEEN DENIED BY FUNCINPEC, ALTHOUGH THE PARTY HAS DEFENDED THE LEGALITY OF ITS ACTIONS. WHEN MILITARY AUTHORITIES IN LATE MAY SEIZED A SHIPMENT OF WEAPONS AND AMMUNITION, ADDRESSED TO RANARIDDH AND MARKED "SPARE PARTS," THE FIRST PRIME MINISTER SAID HE "DID NOT HAVE ANY CHOICE" BUT TO PROCURE WEAPONS IN ORDER TO PROTECT HIMSELF FROM CPP FORCES.⁸ IN THE MONTHS LEADING UP TO THE COUP, BOTH PRIME MINISTERS HAD ASSIDUOUSLY EXPANDED THEIR PERSONAL SECURITY DETAILS INTO PRIVATE ARMIES THAT BELIED THEIR POPULAR APPELLATION OF "BODYGUARDS." ON AT LEAST TWO OCCASIONS SHORTLY BEFORE THE COUP, HOWEVER, RANARIDDH EXPRESSED A WILLINGNESS TO REDUCE THE SIZE OF HIS BODYGUARD UNIT: A JUNE 24 OFFER WAS CONDITIONED ON THE APPROVAL OF HIS SECURITY STAFF, BUT ON JULY 1, THE PRINCE ANNOUNCED THAT HE WOULD UNILATERALLY AND UNCONDITIONALLY MAKE THE CUTS.⁹

⁵ Keith B. Richburg and R. Jeffrey Smith, "Cambodia: U.N. Success Story Fouled: World Ignored Signals as Premiers' Rift Grew," *Washington Post*, July 13, 1997, citing "a diplomat with close ties to Hun Sen."

⁶ Ibid.

⁷ Human Rights Watch interviews with Cambodian parliamentarians who fled the coup, Bangkok, July 13, 1997.

⁸ Catherine Philp, "Weeks of Tension Preceded Phnom Penh Battle," *Cambodia Daily*, July 7, 1997.

⁹ Ibid.

THE MORE ACUTE THEATER OF COMPETITION BETWEEN THE TWO PARTIES LAY IN THE RECRUITMENT OF THE REMAINING KHMER ROUGE FACTIONS. ALTHOUGH THE CPP WHITE PAPER CHARACTERIZED THE DEFECTION LAST YEAR OF KHMER ROUGE COMMANDER LENG SARY AND 2,000 OF HIS FOLLOWERS AS A MATTER OF BIPARTISAN POLICY, BOTH FUNCINPEC AND THE CPP HAD SEPARATELY COURTED LENG SARY'S TROOPS. FORCES LED BY TWO OTHER KHMER ROUGE DEFECTORS — KEO PONG AND PON PHEAP (THE LATTER ORIGINALLY A FUNCINPEC RECRUIT) — PLAYED SIGNIFICANT ROLES IN THE COUP ON THE SIDE OF HUN SEN. RANARIDDH, MEANWHILE, CONCENTRATED HIS RECRUITMENT EFFORTS ON KHMER ROUGE HARDLINERS IN THE NORTHERN ENCLAVE OF ANLONG VENG. THE TWO CAMPS REPORTEDLY REACHED AN AGREEMENT ON JULY 4, A DAY BEFORE HUN SEN LAUNCHED HIS COUP.¹⁰

BUT IF RANARIDDH'S ALLIANCE WITH THE ANLONG VENG KHMER ROUGE PROMPTED HUN SEN TO PUT HIS PLANS INTO ACTION, PREPARATIONS FOR A COUP HAD NEVERTHELESS BEEN MADE WELL IN ADVANCE. IN THE WEEKS PRIOR TO THE COUP, HUN SEN HAD BOOSTED THE SIZE OF HIS BODYGUARD FROM ABOUT 1,200 TO 1,500 MEN, AND HAD SIMULTANEOUSLY EQUIPPED THEM WITH HEAVIER WEAPONS.¹¹ ON JUNE 17, CPP AND FUNCINPEC FORCES EXCHANGED FIRE NEAR THE HOMES OF RANARIDDH AND CHIEF OF POLICE HOK LON DY, A CLOSE ALLY OF HUN SEN. A WEEK LATER, ON JUNE 24, KHMER ROUGE DEFECTOR PON PHEAP HELD A BRIEFING FOR REPORTERS AT HUN SEN'S HOUSE CLAIMING THAT RANARIDDH WAS NEGOTIATING WITH THE KHMER ROUGE "TO BRING MORE SOLDIERS INTO PHNOM PENH TO FIGHT HUN SEN."¹² THAT CHARGE WAS TO BE REPEATED WITH INCREASING ALACRITY OVER THE NEXT FEW DAYS BY SENIOR CPP OFFICIALS. WHILE FUNCINPEC WAS INDEED ON THE VERGE OF SIGNING AN ACCORD WITH THE ANLONG VENG KHMER ROUGE, THERE IS NO EVIDENCE THAT THE PARTY HAD IMMEDIATE PLANS TO DEPLOY THEIR NEWFOUND ALLIES AGAINST THE CPP. AND IRONICALLY, SUPPORT FROM ANLONG VENG FOR FUNCINPEC NEVER MATERIALIZED DURING THE COUP, AND MOST OF THE KHMER ROUGE SOLDIERS WHO FOUGHT IN THE COUP DID SO ON THE SIDE OF HUN SEN.

III. THE JULY 5-6 COUP

Three tactical decisions on Hun Sen's part were clearly evident from the outset: to employ armed units that were directly accountable to himself or the CPP; to disarm and demobilize soldiers in army units commanded by Ranariddh loyalists; and to isolate, arrest, and in several cases, execute senior FUNCINPEC officials. The strategy proved remarkably effective. Within one week of the coup, FUNCINPEC troops had been shorn of their top military command and were retreating from key strongholds in the north around Siem Reap. In Phnom Penh, meanwhile, the searches, arrests, and executions by CPP forces prompted known critics and opponents of Hun Sen to go into hiding or plan their flight from the country.

The first salvos in the coup stemmed from attempts to disarm FUNCINPEC units. On July 2, CPP military units blocked a twenty-truck FUNCINPEC convoy near Prek Taten naval base, twenty-five kilometers north of Phnom Penh; several soldiers were wounded in an exchange of fire between the two camps. The following day, 200 CPP military police disarmed members of Prince Ranariddh's motorcade. Then, on the morning of July 5, CPP forces attempted to disarm soldiers at Tang Kasaing, the main FUNCINPEC military base near Pochentong International Airport. Gen. Nhiek Bun Chhay, the FUNCINPEC deputy chief of staff, ordered his troops to resist, and the fighting between the two camps soon engulfed the city itself.

¹⁰ Nate Thayer, "Brother Number Zero," *Far Eastern Economic Review*, August 7, 1997.

¹¹ Richburg and Smith, "Cambodia: U.N. Success...", *Washington Post*.

¹² Philp, "Weeks of Tension...", *Cambodia Daily*.

Over the next few hours, the CPP deployed several units, equipped with tanks and armored personnel carriers, in strategic locations throughout the city. The key units belonged not to the regular army, but to armed forces commanded by Hun Sen confidantes: the interior police, led by Police Chief Hok Lon Dy; the military police, under Keam Savuth; Hun Sen's personal bodyguard, led by Nat Saveun; and former Khmer Rouge fighters commanded by Khmer Rouge defectors Keo Pong and Pon Pheap.¹³

The troops were often indiscriminate in their firing, and heavy rocket-propelled grenade (RPG) and mortar fire prompted many local residents to flee. After an overnight suspension of fire, the fighting resumed on the morning of July 6. Tanks took positions around the homes of Prince Ranariddh and senior FUNCINPEC officials: among them, Nhiek Bun Chhay, State Secretary for the Interior Ho Sok, and Gen. Chao Sambath, director of the defense ministry's intelligence and espionage department. The prince's residence itself sustained a barrage of RPGs.¹⁴ By the evening, the CPP controlled Tang Kasaing, the airport, the defense ministry, and the television station, effectively bringing the coup to a conclusion.

During a national television and radio appearance later that evening, Hun Sen declared martial law and stated the positions that he has adhered to since: he accused Ranariddh of illegally importing weapons into the country and attempting to boost the ranks of his bodyguard with Khmer Rouge defectors, said Ranariddh would have to stand trial for his alleged crimes if he returned to Cambodia, and called on renegade and surrendered FUNCINPEC leaders to nominate a new first prime minister.¹⁵

Although Hun Sen had reportedly tipped Toan Chhay to be the new first prime minister, Toan Chhay's lack of an Assembly seat presented a constitutional obstacle to his approval. Foreign Minister Ung Huot was then nominated for the post, following a meeting of pro-Hun Sen FUNCINPEC leaders on July 16, and approved by the National Assembly on August 6, in a session that was attended by ninety-nine of the Assembly's 120 members. Belying this surface unanimity, however, were several procedural abnormalities surrounding Ung Huot's selection. Only eleven of FUNCINPEC's thirty steering committee members were in the country at the time of his nomination, which meant that his candidacy was in breach of FUNCINPEC bylaws. In addition, Huot's nomination required the consent of both vice-presidents of the Assembly, but one of them — BLDP leader Son Soubert — had expressed his opposition to Ung Huot's candidacy from his exile in Bangkok. And most critically, Ranariddh himself had never been impeached or removed from office in accordance with the constitution.

IV. CUSTODIAL DEATHS OF FUNCINPEC OFFICIALS

What remained after the coup was a ruthless — and ongoing — pattern of extrajudicial executions, aimed at rooting out Ranariddh loyalists, and deterring criticism by the opposition press and local human rights activists. Since the coup, Human Rights Watch has gathered information about at least forty custodial killings by CPP forces.

Immediately after the coup, State Secretary for Information Khieu Kanharith announced that a military tribunal would issue arrest warrants by the following week for three FUNCINPEC officials who had already gone into hiding: Nhiek Bun Chhay, his senior security advisor, Gen. Serey Kosal, and Chao Sambath. Over the ensuing three days, however, CPP forces cast a much wider net, in which procedural concerns such as arrest warrants were entirely dispensed with.

¹³ Human Rights Watch interviews with Cambodian parliamentarians and journalists who fled the coup, Bangkok, July 13 and 17, 1997.

¹⁴ Human Rights Watch interviews with Cambodian parliamentarians who fled the coup, Bangkok, July 13, 1997.

¹⁵ Among the FUNCINPEC officials Hun Sen named were Loy Sim Chheang, Co-Defense Minister Tea Chamrath, and Toan Chhay. "Surrender of FUNCINPEC Troops Declared by CPP," *Cambodia Daily*, July 7, 1997.

Ho Sok was among the first targets. CPP soldiers arrested and then fatally shot Ho Sok on the night of July 7. Interior Ministry spokesperson Khieu Sopheap confirmed Ho Sok's arrest and slaying the following day, although he declined to identify the official's killers.¹⁶ Ho Sok was an outspoken critic of Hun Sen and in print interviews had implicitly accused the second prime minister of orchestrating the March 30 grenade attack on the KNP.¹⁷ At a July 10 news conference, his first since staging the coup, Hun Sen said he was "horrified" by Ho Sok's murder and had ordered the Interior Ministry to investigate the case and bring the perpetrators to justice.¹⁸ During a visit in early August by a delegation of the Asian Forum for Human Rights and Development (Forum-Asia), Hun Sen stated that three generals had been suspended for failing to ensure Ho Sok's security.¹⁹ Human rights investigators in Phnom Penh report, however, that no arrests have been made.

Chao Sambath was found dead on July 9, a day after he was arrested while trying to flee the capital. A CPP spokesperson initially circulated a macabre and unlikely account of Chao Sambath's death which had the official committing suicide by biting off his own tongue. However, human rights sources in Phnom Penh reported that Chao Sambath had been arrested and summarily executed by members of Regiment 911, an elite commando unit trained and equipped by the Indonesian army.

CPP and FUNCINPEC sources independently confirmed to human rights investigators the killings of four other high-ranking FUNCINPEC officials between July 7 and 8: Gen. Kroch Yoeum, under-secretary of state for national defense; Gen. Ly Seng Hong, deputy chief of staff, General Staff of the Royal Cambodian Air Force; Gen. Sam Norin, deputy commander of the special military region (Phnom Penh); and Gen. Naen Bun Thon, director of the logistics and transportation department in the Ministry of National Defense.

Two FUNCINPEC commanders named on the CPP's original arrest list, Nhiek Bun Chhay and Serey Kosal, survived by undertaking an arduous land journey to the royalist stronghold of O'Smach. Nhiek Bun Chhay publicly surfaced on July 25 and told visiting reporters that he would lead an armed struggle against the CPP from FUNCINPEC's narrow base in the country's northwest. Four of his bodyguards were less fortunate. CPP troops detained them on July 7 at Nhiek Bun Chhay's residence in Somnang Dop-pi, and then executed them. Their bodies, with their eyes gouged out, were reportedly displayed on a street for two days, along with the bodies of two other FUNCINPEC soldiers.

The bodies of four other men, including two security guards who worked for Chao Sambath, were found near a Phnom Penh pagoda on July 7. All four had been handcuffed and shot in the head.

Human rights investigators in Cambodia have since amassed an increasing amount of evidence that custodial killings of FUNCINPEC officials continue. Investigators on July 24 discovered the bodies of two men, believed to have been killed in extrajudicial executions, about 100 kilometers southeast of Phnom Penh, near the Pich Nil pass. Two .38-caliber pistol slugs were found fifteen meters from the site, indicating that the men had been executed there, and then buried in the small ditch where their bodies were unearthed. According to one of the investigators, the men appeared to have been shot a few days before their bodies were discovered. In addition, local villagers told human rights investigators that a truckload of detainees had been brought to the area shortly before, raising the possibility of other, undiscovered bodies in the area.

¹⁶ Joe Cochrane and Saing Soenthrith, "Fears FUNCINPEC Death was 'Execution,'" *Cambodia Daily*, July 9, 1997.

¹⁷ Jason Barbier and Chea Sotheacheath, "PM's Soldiers to be Queried," *Phnom Penh Post*, May 16-29, 1997.

¹⁸ Mark Baker, "Hands Off, Hun Sen Warns," *Sydney Morning Herald*, July 11, 1997.

¹⁹ Asian Forum for Human Rights and Development (Forum-Asia), "Statement, Human Rights Mission to Cambodia," August 7, 1997. Details clarified in Human Rights Watch interview with a Phnom Penh-based human rights investigator, August 18, 1997. Human Rights Watch/Asia

A week later, UNCHR staff exhumed a body — with a rope still tied around its neck — from a shallow grave near Tang Kasaing. Citing anonymous but corroborated sources, UNCHR staff identified the man as a bodyguard to Prince Ranariddh, and said he had been beaten and strangled on July 27, nearly three weeks after his arrest. The body of another FUNCINPEC official, Major Lak Ki, was discovered July 31 on a national highway.

V. ARRESTS AND INTIMIDATION

Alongside the killings were a wave of arrests — 564 by the CPP's own count — that culminated in the establishment of six detention centers in Kandal province. Officially described as holding “illegally recruited soldiers” or “Khmer Rouge” elements, the facilities were mainly used to detain members of army units commanded by FUNCINPEC officers. The largest of the facilities, at Ang Snuol district, held nearly 200 soldiers, as well as about thirty family members, including ten children. The second largest facility, at Kandal Stoeng district, held 165 persons including eight women and eleven children. Four other detention centers in Kandal at various times held between twenty and fifty soldiers each. In addition, thirty-one FUNCINPEC soldiers were held in a prison in Prey Veng province.

Most of the soldiers were subsequently regrouped at the former FUNCINPEC military base at Tang Kasaing. A visit to the base by the UNCHR indicated that at least thirty were tortured while in custody. All thirty had been captured by the Indonesian-trained Regiment 911 and held in a detention facility at the Kambol military base west of Phnom Penh, in an extremely hot, windowless six-by-two meter cell. The soldiers were beaten and kicked, had their fingers squeezed in a metal appliance, and were forced to drink sewage water. The UNCHR photographed torture marks on the fingers and backs of many of the men.

Nearly all of the detainees at Tang Kasaing have since been released and, in most cases, told to return to their units. However, investigators informed Human Rights Watch that a large number of other detainees remain unaccounted for, including many ranking officers who were taken into custody and, in some cases, entire units. The investigators based their preliminary conclusions on interviews with detainees, as well as discrepancies between the total number of announced detainees and the number who were regrouped at Tang Kasaing.

Aside from the detention of hundreds of pro-FUNCINPEC soldiers, senior FUNCINPEC officials have been arrested throughout the country as well. Human rights investigators documented the arrests and detention of thirty-one party officials in Prey Veng, twenty in Kompong Speu, and seven in Kompong Cham. They told Human Rights Watch that most have since been freed. But there were also unconfirmed reports of one hundred to 200 arrests of party officials in Siem Reap province whose fates remain uncertain. The CPP itself denies having arrested any non-soldiers.

Although no journalists are known to have been arrested since the coup, a range of intimidatory tactics — including police visits to their homes and offices, overt surveillance, and in one case, severance of their phone lines — has led to an effective shutdown of the once-flourishing opposition press. Khmer Journalists Association co-president Pin Samkhon, himself in exile in Bangkok, told Human Rights Watch that about ten journalists have fled the country.²⁰ They include the editors of two frequently embattled opposition newspapers, Ou Sovann of *Samleng Yuvachun Khmer* (“Voice of Khmer Youth”) and Nguonn Nonn of *Damning Pel Prek* (“Morning News”), as well as Voice of America correspondent Sam Sattana. In addition several journalists are in hiding, and a few others have escaped to opposition-held territory near the Thai border. One independent Khmer-language paper that remains in print, *Kampuchea Tgnay Nih* (“Cambodia Today”), has been advised by the Information Ministry to be “balanced” in its coverage.²¹

²⁰ Human Rights Watch interview with Pin Samkhon, July 17, 1997, Bangkok.

²¹ Agence France-Presse, “One Opposition Paper in Print,” *The Straits Times*, July 17, 1997.

VI. REFUGEES

In the immediate aftermath of the coup, CPP soldiers and police began searching the homes of opposition parliamentarians as well as the luxury Sofitel Cambodiana hotel, where many had sought refuge. For many parliamentarians the days that followed meant sleeping in different houses each night, never traveling alone, and making frantic efforts to secure visas and plane tickets for themselves and their families. Although consisting in the main of FUNCINPEC members, their ranks also included parliamentarians from the KNP and the Son Soubert-led faction of the BLDP.

A few parliamentarians appear to have been under particularly grave danger. Among them was Kem Sokha, a BLDP member and head of the Human Rights Commission in the National Assembly. Kem Sokha was already staying with members of the international community in Phnom Penh when his brother informed him on July 7 that CPP forces were deployed outside his house.²² Ahmad Yahya, a FUNCINPEC member and an outspoken proponent of human rights, told Human Rights Watch that he had been issued an arrest warrant on July 5 on charges of harboring opposition troops.²³

Within a week of the coup, these two and nearly two dozen other opposition parliamentarians had fled by plane to Bangkok. Most arrived with several family members and limited savings. Their numbers were augmented over the ensuing weeks by lower-level officials and opposition journalists. As of this writing, about 400 Cambodians have filed applications for refugee certification with the UNHCR in Bangkok. While the UNHCR has begun to expedite processing of their applications for refugee certification, finding countries of refuge remains for most an elusive goal, an issue that will be discussed at greater length below.

²² Human Rights Watch interview with Kem Sokha, New York, August 8, 1997.

²³ Human Rights Watch interview with Ahmad Yahya, Bangkok, July 13, 1997.

The greatest human tragedy stemming from the coup may be the swelling refugee population on the country's northwestern border with Thailand. Some 20,000 Cambodian civilians fled fighting between FUNCINPEC and CPP forces at Samrong, twenty miles south of the Thai border, during the third week of July. Most were clustered at the FUNCINPEC-held border town of O'Smach. Aid workers, representing the UNHCR, the European Community Humanitarian Office (ECHO), and the private relief agencies Médecins sans Frontières and Food for the Hungry, were permitted to visit the refugee camps for the first time on July 26. At O'Smach, they found an acute shortage of food supplies and mounting cases of malaria and diarrhea.²⁴ Relief workers also found that among the displaced civilians were a significant number of opposition members who had fled to the royalist stronghold because they feared persecution.²⁵ On August 18, an estimated 30,000 civilians fled across the border to Thailand, after CPP forces entered the outskirts of O'Smach. While Thai military authorities facilitated their movement, Prime Minister Chavalit Yongchaiyudh said in Bangkok that his government would not accord the Cambodians refugee status and would send them back across the border once the fighting subsided.²⁶

On August 1, 6,000 to 7,000 other refugees streamed across the border to the Thai province of Sa Kaew, amid heavy rocket and mortar fire near the town of Poipet. They were joined by over 350 FUNCINPEC soldiers, whom Thai authorities subsequently disarmed. The majority of the refugees returned to Cambodia, about half doing so immediately after the fighting subsided and the other half on August 5, after receiving assurances from Cambodian officials that they would be safe and being provided with food supplies from the Thai government and voluntary agencies. However, at least 410 chose to remain behind, including family members of FUNCINPEC troops and officials, many of whom had fled to the Poipet area from other parts of Cambodia.²⁷

VII. THE RESPONSE OF THE INTERNATIONAL COMMUNITY

After suspending aid to Cambodia in the wake of the coup and initially refusing to recognize Ranariddh's ouster, the international community has gradually begun to signal its acceptance of Hun Sen's power grab as a fait accompli.

Nearly two-thirds of Cambodia's annual revenue of \$782 million comes from foreign aid; of that amount, 39 percent consists of direct cash subsidies to the government, with humanitarian and development assistance comprising the balance. Japan is Cambodia's largest single donor, having provided \$152 million last year and pledged \$69.6 million in grants and technical assistance for fiscal 1997.²⁸ It effectively halted aid in the wake of the coup, saying the security situation made it impossible for Japanese aid workers to function. Although Japan subsequently issued a four-point set of conditions for the resumption of aid, the Foreign Ministry said July 26 that it would reinstate the aid package without compliance on the part of the Cambodian government.²⁹ In addition, Prime Minister Ryutaro

²⁴ Jiraporn Wongpaithoon, "Cambodia Allows Aid to Refugees," *Associated Press*, July 26, 1997.

²⁵ Memorandum to Human Rights Watch from a private relief agency official in Thailand, August 13, 1997.

²⁶ "Cambodians Flee to Safety in Thailand Ahead of Feared New Onslaught," *Agence France-Presse*, August 19, 1997.

²⁷ "More than 3,000 Refugees Return Home from Thailand," *Agence France-Presse*, August 7, 1997.

²⁸ William Branigan, "Hun Sen Gambles Cambodia Can Withstand Sanctions," *Washington Post*, July 12, 1997.

²⁹ Japanese Foreign Ministry official Nobuaki Tanaka told reporters, "We certainly don't believe these conditions are fully met. But there is a commitment. That we respect." "Tokyo refuses to use aid as a big stick against Cambodia," *Japan Times Weekly International Edition*, August 4-10, 1997.

Hashimoto hinted to the press that Japan might recognize the National Assembly's election of Ung Huot as prime minister.³⁰

³⁰ Speaking of the United States' stated refusal to recognize Huot as first prime minister, Hashimoto told reporters, "[W]e may differ in our approaches." Keiko Tatsuta, "Home to Roost," *Japan Times Weekly International Edition*, July 28-August 3, 1997. Human Rights Watch/Asia

The United States, which had appropriated \$35 million in aid for the fiscal year along with \$7 million in Defense Department funds (mostly earmarked for mine clearance),³¹ suspended assistance for thirty days following the coup. On August 8, the State Department announced that it was resuming humanitarian aid, which accounted for about half of the \$35 million package. Like Japan, however, the United States has declined to formally characterize Hun Sen's seizure of power as a coup. And although human rights investigators in Phnom Penh provided early briefings to Ambassador Kenneth Quinn about the arrests and custodial killings, the United States chose to underplay the severity of the abuses in public statements. In July 16 testimony before the House Committee on International Relations, Aurela Brazael, Deputy Assistant Secretary of State for East Asia and the Pacific acknowledged that "several FUNCINPEC officials" had been arrested, but made no mention of the mass arrests then underway or of the existence of detention centers. More recently, the United States has appeared to be heading toward a de facto recognition of Ung Huot as first prime minister, with special envoy Desaix Anderson meeting Huot on August 9 in his capacity as head of state.

An unusually effusive response to the coup came from the Australian Ambassador to Cambodia, Tony Kevin. In a widely quoted cable, he said, "Hun Sen is trying to pull off what he has always wanted — a more or less well-governed Cambodia under CPP control, but legitimized by a reasonably free and fair election in May 1998." Australia was also quietly supportive of Ung Huot, who holds dual Australian-Cambodian citizenship, with Foreign Minister Alexander Downer noting that his nomination had received the backing of the FUNCINPEC secretary-general.³² Downer had announced July 15 that Australia was suspending its \$2 million annual military cooperation program with Cambodia, but would continue to provide about \$32 million in humanitarian assistance for education, health, rural, development, and housing.

Among the donor countries, the most unequivocal in its response to the coup came from Germany, which suspended all aid to the government. Both the World Bank and the Asian Development Bank have said they will resume financing projects that had been approved prior to the coup once the security situation improves. However, they do not plan to issue new loans. International Monetary Fund (IMF) lending to Cambodia was scheduled to expire August 31, for reasons unrelated to the coup.

Following a special meeting of its foreign ministers on July 10, ASEAN announced that it was deferring Cambodia's admission as a member state, a move which had otherwise been scheduled to take place during the group's annual ministerial meeting in late July. The decision was a major blow to Cambodia's regional aspirations, and marked an important departure from practice for a group that has traditionally shied away from involving itself in what its members see as domestic political affairs. But while initial statements from the ministerial meeting suggested a commitment to Ranariddh's restoration, the conference ended with ASEAN indicating a willingness to recognize the selection of a new first prime minister by the rump National Assembly.³³ Following a special meeting on August 11, ASEAN's foreign ministers jointly announced that recognition of Ung Huot's election did not arise as an issue because ASEAN members "recognize states not governments." The statement also described Ranariddh only as "a very important factor in the continuing efforts to restore political stability in Cambodia."³⁴

While vacillating in their response to the coup, neighboring and donor countries have also offered little in the way of assistance to opposition members attempting to flee Cambodia. Human rights investigators in Phnom Penh

³¹ Steven Erlanger, "U.S. May Cut Back on Aid Until Cambodian Election," *New York Times*, July 16, 1997.

³² Craig Skehan and Minh Bui, "From Telstra to the Top for Hun Sen's New Man," *Sydney Morning Herald*, July 18, 1997.

³³ Speaking for ASEAN, Malaysian Foreign Minister Abdullah Badawi announced July 23 that, "As far as we are concerned, Prince Ranariddh is the first prime minister....There is no new prime minister and none coming up." David Thurber, "ASEAN Sticks by Cambodia Premier," Associated Press, July 23, 1997. Just two days later, however, Badawi told reporters, "We never said it should be Prince Ranariddh [as first prime minister]. Leaders will be, leaders will not be there. They die, sometimes they disappear, sometimes they resign." He said the choice of prime minister was "up to the national assembly to decide." Mark Baker, "ASEAN bows to Cambodia," *Sydney Morning Herald*, July 25, 1997.

³⁴ Michael Richardson, "ASEAN Opts for Continued Mediation in Cambodia," *International Herald Tribune*, August 12, 1997.
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report that the ambassadors of both the United States and Australia have declared that they will not offer shelter to persons fearing political persecution, with the United States making an exception in cases of hot pursuit. U.S. Embassy officials have provided escort to some of those seeking to leave the country on commercial flights. Nearly a month after the coup, the embassy finally received instructions from Washington to help expedite the departure of Cambodians at particular risk, although as of this writing, none have left the country with United States visas.

The United States Embassy in Bangkok, where most of the exiled parliamentarians remain, declared in a July 28 statement that it was not accepting political asylum applications from Cambodians.³⁵ State Department officials have privately said they intend to rectify that policy, and at the time this report went to press, Human Rights Watch was attempting to confirm whether applications were now being accepted. Aggravating the matter further is the refusal since August 1 of Thailand's embassy in Phnom Penh to issue tourist visas to Cambodians; the move effectively closes the door to the main exit channel for Cambodians seeking to flee the country.

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³⁵ "The Embassy is not at this time accepting applications for admission to the United States in refugee status from Cambodian nationals residing in Thailand." Statement of the United States Embassy, Refugee and Migration Affairs Section, Bangkok, July 28, 1997. United States officials in Bangkok did assist some MPs in obtaining entry to the country when they were detained at the airport by Thai authorities. Kem Sokha was granted "public interest" parole to come to the United States from Thailand after intervention by officials in Washington.