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LICADHO

CAMBODIAN LEAGUE FOR THE PROMOTION
AND DEFENSE OF HUMAN RIGHTS

Mailing Address: P.O. Box 499

Phnom Penh, Cambodia

Main Office: #103, Street 97

Khan Chamkar Morn, Phnom Penh

Fax: (855) 23 360 965/217 626

E-mail: licadho@camnet.com.kh

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Media Statement:

More Action Needed As Anti-Torture Laws Ignored

For more than a decade Cambodia has failed to honor its obligations to prevent and punish the use of torture, and strong action is needed to tackle the widespread practice, according to LICADHO.

"Torture is committed every day in Cambodia, and most torturers are not punished in any way," LICADHO president Kek Galabru said on June 26, the United Nations International Day in Support of Victims of Torture. "Cambodia is blatantly violating its obligations under international and domestic laws, and it is time that the government, police and courts took real action to stop the barbaric practice of torture."

Cambodia ratified the UN Convention Against Torture in 1992 but has failed to properly implement it. Early this year, the government also signed on to an additional international human rights treaty, the Optional Protocol to the Convention Against Torture, which contains further obligations to prevent torture.

"The fact is that Cambodia is willing to sign on to international conventions but does not enforce them, which is meaningless," said Kek Galabru. "What is needed is not more pledges and promises, but real action to address the problem of torture."

The most institutionalized use of torture in Cambodia is by the police, to extract confessions from criminal suspects, punish them or extort money from them for their release. The UN Committee Against Torture has expressed concern about "numerous, ongoing and consistent allegations" of torture in Cambodian police stations and prisons.

In line with the recommendations made to Cambodia by the UN Committee Against Torture in 2003, LICADHO advocates:

- An independent body should be established to directly receive and investigate complaints of torture and other abuses committed by law enforcement officers.
- The government should permit legal, medical and human rights NGOs to routinely visit police stations to monitor conditions and interview detainees.

- The draft new criminal code and criminal procedure law should guarantee arrested persons' right to communicate with a relative, friend, human rights worker or other person while in police custody, and to have a legal representative present during police questioning.
- The new draft laws should include measures to prevent the use of forced confessions as evidence in court, including the minimum requirement that no confession should be accepted by a court unless it was made in the presence of a judge or lawyer.

A total of 191 prison inmates interviewed by LICADHO in 2006 reported that they were tortured or otherwise abused while in police custody after their arrests. From January to April 2007, 49 prisoners reported torture in police custody. These figures are almost certainly lower than the real level of torture, because LICADHO's interviews are usually not private and prisoners may be afraid to talk about torture in front of prison guards.

Police torturers are rarely prosecuted and, if they are taken to court, usually receive extremely weak sentences. In 1995, a Prey Veng military policeman spent only four months in prison for beating a 13-year-old boy who died during interrogation. In 2002, three Svay Rieng policemen convicted of physical assault for torturing two schoolchildren received suspended three-month prison sentences. In Prey Veng, three policemen charged with voluntary manslaughter for the death of a man in police custody in 2001 have – six years later – yet to be brought to trial.

One rare exception was the unprecedented 12-year prison sentences given to six Phnom Penh police officers in 2006 for their roles in the torture and death of a woman. All six officers were closely linked to former city police chief Heng Peo, who at the time had fled the country and made serious allegations against government officials.

“The fact is that this prosecution has not been followed by similar strong action in other cases of torture committed by police officers,” said Kek Galabru. “If the authorities were really serious about stopping police torture, we would see other investigations and prosecutions too.”

June 26 – which marks the day that the UN Convention Against Torture came into force in 1987 – is commemorated each year as International Day in Support of Victims of Torture. The day is designed to promote support for torture survivors and the eradication of torture worldwide.

For more information, contact:

Kek Galabru, LICADHO president, 012-802-506