CCHR Briefing Note on Security Reform

Introduction
This Briefing Note provides an overview of some of the current concerns relating to the army and police in the Kingdom of Cambodia (“Cambodia”), calls for a national debate on security reform, and makes some recommendations to assist with the process. This Briefing Note is written by the Cambodian Center for Human Rights (“CCHR”), a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

The Army
With the guerrilla war against the Khmer Rouge finally coming to an end in 1998, and other factional fighting last seen in 1997, Cambodia has not been on a war footing within its own borders for well over a decade. And yet soldiers wearing military uniforms and wielding guns are still seen all over the country. The military is frequently involved in (1) the violent evictions of residents, such as on 3 January 2012 at Borei Keila in Phnom Penh, and (2) the heavy-handed suppression of protests, for example the current Kampong Speu case, whereby armed troops from Military Region 3 were reported to have been deployed at a court house where villagers were protesting a land dispute and to have threatened to open fire with AK-47 assault rifles and light machine guns if the group did not disperse. Although Cambodian officials deny knowledge of the incident, saying that they have no idea who gave the orders or who was in command of the troops, Major General Kong Bunthorn, deputy commander of Military Region 3, claimed that the troops were ordered to step in by Kampong Speu provincial authorities. On 18 January 2012 in Kratie province, military officials even used guns (illegally) in a civilian context. In addition to such well-publicized tactics, the military are also alleged to be involved in such nefarious activities as illegal logging, election intimidation and land grabbing, as well as more serious human rights abuses.

The army should not be used in civilian contexts at all, but should be in its barracks or stationed on the border, ready to defend the country through military action. Differences still persist with neighboring Thailand as regards a permanent settlement to the territory around Preah Vihear temple and a permanent delineation of the Cambodian-Thai border, despite a significant warming in bilateral relations since the election of the Pheu Thai party’s Yingluck Shinawatra on 3 July 2011. While Cambodia should abide by the International Court of Justice’s judgment on 18 July 2011 and withdraw its troops from the Preah Vihear area, it is clearly within its national interests to have its

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1 CCHR’s 4 January 2012 Media Comment ‘Yesterday’s Eviction at Borei Keila Fails to Respect the “Three Pillars” of Business and Human Rights’.
3 The Cambodia Daily, ‘Commander Says Authorities Ordered Deployment’, 14 February 2012.
4 CCHR’s January 2012 Case Study Series Fact Sheet ‘Unlawful Use of Guns by Military Officials’.
5 CCHR’s July 2011 Briefing Note ‘Blurred Boundaries: A Briefing Note on the Cambodian-Thai Border Tensions’.
army guarding Cambodia’s sovereign territory, without of course exacerbating tensions on either side of the border. The army should be defending Cambodia, with the military police keeping the military in check; there is no place for either of them in the civilian context.

The Police
On 14 February 2012, The Cambodia Daily reported a disturbing rise in Phnom Penh crime rates (“Phnom Penh’s Crime Rate Spikes in 2011”), based on a new report by the Phnom Penh municipality released on 13 February 2012. Serious crimes rose by roughly 25% in 2011 against 2010 (murders up 21%; rapes up 24%; and armed robberies up 31%), while misdemeanors rose by 119% on 2010. Drugs cases were up an astronomical 364%, with 840 arrests for drugs offenses in 2011 alone. Drug-related crimes tripled since 2010, although, with arrest, jail and forced treatment the norm for drugs offenders, it is not clear that users are receiving the requisite rehabilitation to ensure that they do not reoffend.

Such figures can be interpreted in two ways: they are indicative either of a concerted police assault on crimes and misdemeanors, most likely as a result of the under-debated Village-Commune Safety Policy⁶ – introduced quietly by the executive in 2010 to combat theft, robbery, drug use, gambling, domestic violence, trafficking and weapons possession – or of a worrying increase in crime levels in Phnom Penh. Regardless, there is clearly a need to reduce crime and increase security in Phnom Penh, especially given unconfirmed reports of an escalation in illegal weapons in the capital.

Police need to be empowered – by properly passed legislation – to carry out their duties and tackle crime in Phnom Penh and Cambodia more widely. Their salaries need to be increased so that they can fulfill their role with dignity, without being forced to stoop to taking corruption payments from those more vulnerable than themselves. They also need to be able to maintain public order and keep the peace by acting as a secure presence for the benefit of society – in place of the military which currently plays this role. Lastly, the police need to be able to take quick action, rather than waiting for orders from high-ranking officials or politicians, as seen with the Kratie shooting case,⁷ so that perpetrators do not escape.

Recommendations
- There should be a national debate on security reform
- The army should be stationed at the border or in barracks and not used in civilian contexts
- Military uniforms should not be worn in civilian contexts
- Human rights abuses and the illegal use of guns by the military should be fully investigated
- Military police should keep the military in check
- The police should be authorized to maintain public order rather than the military
- The police should be authorized to take quick action to tackle rising crime levels
- Police salaries should be increased so that the police are not forced to indulge in corruption
- Efforts to tackle crime should be grounded in properly-debated legislation rather than executive policies such as the Village-Commune Safety Policy

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⁶ CCHR’s January 2012 Law Classification Series Fact Sheet ‘Village-Commune Safety Policy’.  
⁷ CCHR’s 1 February 2012 Media Comment ‘PM’s welcome intervention in Kratie shooting case indicative of the sorry state of Cambodia’s institutions’.