

# CAMBODIA

**STRUGGLING FOR JUSTICE AND PEACE**

**Report of Missions on  
the 1998 Elections**

**Asian Network for Free Elections  
(ANFREL)**

*a project of*

**Asian Forum for Human Rights and Development  
(FORUM-ASIA)**

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*Cover photos: Herve Berger (Angkor Wat), Ko Sasaki (Monks protesting), Evelyn Balais-Serrano (Killing Fields Museum)*

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## Preface

Upon the invitation of Cambodia's National Election Commission (NEC), the Asian Network for Free Elections (ANFREL), a project of Asian Forum for Human Rights and Development (FORUM-ASIA), organized an election monitoring mission from July 20 to August 2, 1998. Forty-five observers from 18 countries—10 from Asia and 8 from Europe and North America—participated in the monitoring of Cambodia's national election.

Prior to this, two missions had been undertaken by FORUM-ASIA on August 2-6 and August 8-9, 1997—barely a month after the July 5-6, 1997 coup. It aimed at examining the factors that led to the civil strife and its impact on the over-all human rights, democracy and peace situation in Cambodia. The first mission covered Phnom Penh and its surrounding areas while the second mission went to the Thai-Cambodian border in Surin to look into the situation of thousands of Cambodians who were forced to flee and seek refuge along the border due to heavy fighting between forces loyal to Hun Sen and the Funcinpec forces.

As a newly-formed coalition of election monitoring and human rights organizations in Asia, ANFREL's first mission went to Cambodia on May 18 to 22, 1998 to observe the voter registration as part of the election process in Cambodia. Seven representatives from five countries, four from Asia and one from Canada, visited Phnom Penh and six other provinces.

The election monitoring mission of ANFREL covered the latter part of the campaign period, the actual polling day and the counting of the votes. The post-election mission was sent on September 29 to October 4, 1998

to follow-up on the results of the election and to observe how the transition of power was taking place in Cambodia.

This report presents the results of the last three missions. The findings and recommendations of the first two missions of Forum Asia had been printed in a book entitled *Cambodia: Human Rights and Democracy in Crisis* in 1997 in Bangkok, Thailand. Through these publications, ANFREL and FORUM-ASIA hope to make people aware of the situation in Cambodia and how it affects the human rights, democracy and peace situation of the Asian region. It seeks to inform governments, particularly the members of ASEAN, of the implications of their policies and, more often than not, their non-action on the many burning issues confronting this part of the region.

This book is an expression of FORUM-ASIA's continuing solidarity with the people of Cambodia in their search for justice and peace. FORUM-ASIA commits itself to supporting the Cambodian people's struggle to make their dream and continuing search for justice and peace become a reality.

SOMCHAI HOMLAOR  
Secretary-General  
FORUM-ASIA

AUXILIUM T. OLAYER  
Coordinator  
ANFREL

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- The members of the National Election Commission, particularly its vice-chairperson Mr. Kassie Nou, for the invitation and the sharing of information and updates on the election.
- The Committee for Free and Fair Election (COMFREL), FORUM-ASIA's member, for its support and coordination of the ANFREL missions. Special thanks go to Thun Saray and Kuol Panha and all the COMFREL provincial coordinators for the guidance and support to all ANFREL observers. Our thanks also go to the other local monitoring groups, NICFEC and COFFEL, for sharing information during the actual monitoring work.
- The translators and volunteers who accompanied the mission observers in different areas.
- H.E. Prince Ranariddh and Mr. Sam Rainsy, leaders of major parties who agreed to meet with the mission.
- Members of the Constitutional Council headed by its chairman Mr. Chan Sok.
- The people who shared their views and analysis and gave inputs during the briefing of the missions' members including members of the diplomatic community, the United Nations Secretary-General's Representative and other international and local NGOs.

- The members of the media who participated in the press conferences and especially those who published ANFREL's statements and press releases.
- Auxilium T. Olayer and Somsri Berger who organized and coordinated the missions. Special thanks to Somsri for preparing the chronology of events in Cambodia included as important appendix in this report.
- Evelyn Balais-Serrano who edited the report.
- Ed Legaspi who did the lay-out and cover.

FORUM-ASIA and ANFREL are deeply grateful to the mission members (listed in Appendix A, B and C)) who shared their expertise, their time and energy in the monitoring of Phnom Penh and the provinces, some of which are considered high-risk areas. They are courageous and steadfast in doing their tasks of monitoring and reporting despite the risks and the uncertainties in their areas of assignments.

We are especially thankful to General Saiyud Kerdpol for serving as head of the first two missions.

We are grateful to Dr. El Obaid Ahmed El Obaid, Dr. Witthaya Sucharithanarugse, and to Aung Htoo and Sunai Phasuk who prepared the pre and post-election reports and statements, and all the members of the missions whose oral and written reports formed the basis of this final report. We are especially grateful to Sunai Phasuk for his insights on the prospects for the future of Cambodia.

FORUM-ASIA and ANFREL are also grateful to the Asia Foundation, NOVIB, SEAFILD, FINNIDA, Canadian Human Rights Foundation and Friedrich Naumann Stiftung for their financial and moral support to the missions. We also thank SIDA and Ford Foundation for their long-time support to FORUM-ASIA.

## Table of Political Parties and Other Acronyms

BLDP	Buddhist Liberal Democratic Party, a political party that evolved from the non-communist group known as the Khmer People's National Liberation Front or KPNLF.
CPP	Cambodian People's Party, the political party of the government installed by Vietnam in 1979, known previously as the People's Revolutionary Party of Kampuchea.
FUNCINPEC	<i>Front Uni National pour un Cambodge Independent, Neutre, Pacifique, et. Cooperatif</i> , the royalist political party. It was formerly a resistance group.
Khmer Rouge	colloquial name for the Party of Democratic Kampuchea (PDK). The term refers to both the political and military organization.
MOULINAKA	<i>Mouvement de Liberation National du Kampuchea</i> , a political party. It is originally a resistance group allied with FUNCINPEC.
Sam Rainsy Party	one of the newly-established political parties, an offspring of FUNCINPEC and previously known as Khmer Nation Party (KNP) established in November 1997.

**Other Acronyms**

ANFREL	Asian Network for Free Elections
ASEAN	Association of Southeast Asian Nations
CC	Constitutional Council
COHCHR	Cambodia Office of the High Commissioner for Human Rights
COFFEL	Coalition for Free and Fair Elections
COMFREL	Committee for Free and Fair Elections in Cambodia
ICRC	International Committee of the Red Cross
JIOG	Joint International Observer Group
KID	Khmer Institute of Democracy
MND	Ministry of National Defense
NEC	National Election Committee
NICFEC	Neutral Independent Committee for Fair Elections in Cambodia
RCAF	Royal Cambodian Armed Forces
UNHCR	United Nations High Commissioner for Refugees
UNCHR	United Nations Centre for Human Rights
UNEAS	United Nations Electoral Assistance Secretariat
UNTAC	United Nations Transitional Authority in Cambodia



## Some Historical Background

The history of Cambodia is characterized by violence, external control and social isolation. Geographically located between two larger and more powerful competing neighbors, Thailand and Vietnam, Cambodia throughout its history struggled to be an independent nation. Ruled by successive reigns of powerful kings in the 9th to the 13th centuries, the death of Jayavarman VII, the last of these monarchs brought long periods of instability serving as buffer and often occupied by Thai and Vietnamese armies.

### **Cambodia Under French Rule**

In 1863, the dominance of Thailand and Vietnam over Cambodia was superseded by France which later in 1864, under a treaty signed by then King Norodom made Cambodia virtually a French colony where the French resident General ruled the country while the King became a symbolic and titular figure. When France fell in 1840, the French Governor General was allowed to continue to rule Cambodia which was then in effect a Japanese occupied territory. In 1945, France was liberated and the Japanese rounded up the French in Phnom Penh. A short-lived independence was proclaimed by King Sihanouk but only until the Japanese surrendered after the end of World War II. The French under 'an autonomous state within the French Union' arrangement with King Sihanouk retaining his throne.

The first national assembly election was held in 1947 with the Democrats gaining 54 seats which was 73% of total votes cast while the Liberals won the rest of the seats. A second national assembly election was held in 1951 which the democrats won again with 54 seats which was 45% of the votes

while the Liberals got 18. Two new parties won the remaining five seats. Immediately after the war, King Sihanouk dissolved the parliament and proclaimed Cambodian independence in November 1953. This was ratified by the Geneva Convention in 1954 as part of the resolution of the Indo China conflict. Instead of moving forward towards peace and progress, independence provoked internal turmoil with King Sihanouk later abdicating his throne in favor of his father to form a grand coalition movement, the People's Socialist Community or Sangkum Reastr Niyum. In the succeeding elections of 1955, 1958, 1962 and 1966, Sangkum won every seat with the rate of abstention getting higher reaching to over 80% in Phnom Penh. All this time, Prince Sihanouk served as Prime Minister and following the death of the King in 1960, as elected Head of State.

Aware of Cambodia's vulnerability to its historically predatory neighbors, Prince Sihanouk declared Cambodia 'neutral' and tried to maintain a balancing act which complicated the country's foreign affairs and which alienated the more right wing elements in Cambodian society and antagonized those on the left. A rural revolt broke in 1967, presumably led by the Communist guerillas who fled to the jungle. The Prince reopened diplomatic ties with the USA who also began bombing northeast Cambodia as a futile escalation of the Vietnam war.

With the deterioration of both the internal and external situation, Sihanouk was deposed in 1970 by a bloodless coup led by military chief Lon Nol supported by the Prince's cousin, Prince Sisowath (siri) Matak. The Lon Nol regime, supported by American funding conducted a systematic assault against the thousands of ethnic Vietnamese who had based themselves in eastern Cambodia to prosecute the war against South Vietnam. In 1972, Lon Nol held a presidential election where he won 55% of the votes but evidence later showed he inflated the figures by 20% to ensure his victory. At the national assembly election, only 10 out of 126 were contested and similarly, the figures had to be fixed to ensure pro-Lon Nol party victory in every seat.

## **The Birth of the Khmer Rouge**

Prince Sihanouk had taken refuge to Beijing where he assumed leadership of a government-in-exile composed of revolutionaries he named as Khmer Rouge (KR). Over the next five years, these communist forces led by Pol Pot succeeded in fighting their way south and on April 17, 1975, Phnom Penh fell and the Democratic Kampuchea was proclaimed.

'The horrendous history of the succeeding four years, with its forced evacuation of Phnom Penh and other cities, the complete isolation of Cambodia from the outside world, the total collectivisation of Cambodian society and the death of one and a half million men and women—up to 150,000 of them by execution—is rightly one of the most widely publicised stories of modern times.'

In 1979, under the Vietnamese offensive, the Pol Pot government fell and a New Republic of Kampuchea (PRK) was installed headed by Hun Sen. Despite immense efforts to stabilize, politically and economically, the situation unstable with the regrouping and emergence of old political forces. Prince Sihanouk resurfaced and the Khmer Rouge remained a significant force, supported periodically by Thai resources across the border from their strongholds. In 1985, the Vietnamese forces carried out a further purge of the Khmer Rouge camps driving them into Thailand or later, into the mountainous region next to the Thai border.

## **The Paris Accord**

In 1987, exploratory talks were held between Hun Sen and Prince Sihanouk and in the following year, a meeting was arranged between the ASEAN states, the four main Cambodian political factions, Vietnam and Laos. With the process of reconciliation underway, Vietnam announced that it had withdrawn its forces from Cambodian territory and would concentrate on its own internal problems and to seek international recognition for its action.

With Khmer Rouge continuous attempt to gain power, Hun Sen broadened his government to include previous Lon Nol and Sihanouk

officials. He opened his free market policies and in 1990, the US government reopened its diplomatic relations with Vietnam with a similar initiative with Cambodia. This resulted in the discussion of possible peace settlement by the warring political factions. The United Nations Security plan of September 1990 eventually led to the Paris Accord of October 1991 signed by the major political groups and eighteen countries which included Australia, Brunei, Canada, China, France, India, Indonesia, Japan, Laos, Malaysia, New Zealand, the Philippines, Russia, Singapore, Thailand, Vietnam, the United Kingdom and the United States. Under this Accord, the UN through the UN Transitional Authority in Cambodia (UNTAC) would assume responsibility for security leading up to the 1993 elections. Alongside with UNTAC, the Supreme National Council (SNC) with equal representation from the former government of Cambodia and three opposition groups acted as transition government chaired by Prince Sihanouk who had returned after more than a decade's absence.

With 25,000 peace-keeping troops and police and 7,000 civil workers performing the administrative functions and a budget of US\$2 billion granted by the international community, UN failed to disarm the four factions which signed the Paris Peace Accords. The Khmer Rouge boycotted the election and conducted offensives during the election. But despite the sporadic violence, the exercise turned out more or less peaceful and fair and hailed as one of the most successful peace-keeping missions of the UN.

### **Formation of Coalition Government**

The May 25, 1993 election resulted in the formation of a coalition government composed of the three major political groups: FUNCINPEC, CPP and KPNLF.

FUNCINPEC won 58 seats equivalent, garnering 45% of the votes, while the CPP won 51, a close 38%. Son Sann's Buddhist Liberal Democratic Party (BLDP) won 10 seats and Moulinaka 1. FUNCINPEC led by Sihanouk's son, Prince Ranariddh, thus won by a plurality. The elected representatives constituted a national assembly which promulgated the new constitution. The government was formed in September 1993.

The CPP forces led by Hun Sen refused to turn over the power they have held since 1979. A group led by Prince Chakaprong, Ranariddh's half brother and CPP Interior Minister Sin Song left Phnom Penh and declared cessation of several eastern provinces in June.

To prevent the outbreak of a new civil war, Sihanouk forced the FUNCINPEC to concede to compromise with CPP. On June 16, Sihanouk announced the formation of a Provisional National Government of Cambodia with two prime ministers, Ranariddh and Hun Sen. Sihanouk assumed the post of commander-in-chief of the Royal Armed Forces after the UNTAC commander refused the job. Cabinet portfolios were divided according to Sihanouk's suggestion, with 45% of posts going to FUNCINPEC, 45% to CPP and 10% to BLDP. On October 1993, UNTAC left after completing its task but even before the peacekeepers departed, war has continued as fighting persisted in the northwestern provinces in CPP's attempt to take full control of the areas. New mines were planted and arms and ammunition continued to flow from outside. While social structures were in the process of being developed that would promote human rights and democracy like an independent media, a vibrant NGO community, the political situation continued to deteriorate as the structures remained fundamentally unchanged after the election.

The coalition government held together for almost four years despite all the strain and difficulties until the July 5-6, 1997 incident when Hun Sen, backed by the military effectively deposed Ranariddh and his forces.

### **The July Coup**

The July 5-6 CPP offensive against FUNCINPEC decisively settled the contest between the two prime ministers for a dominant control over the Cambodian state. Hun Sen claims it was necessary to preempt an ongoing negotiation between Ranariddh and KR leaders which aimed at bringing KR fighters back into the ranks of the royalist forces. Documents allegedly signed by Ranariddh also revealed an attempt to smuggle shipment of arms. Hun Sen charged Ranariddh with three crimes of illegal weapons import, unauthorized negotiations with the KR and unauthorized troop movements

within the country. A CPP White Paper claimed it was a campaign of provocation. It alleged that FUNCINPEC's military and political alliance with the KR was effectively a declaration of war and of the end of the coalition government.

The July 5-6 incident had tremendous impact on the human rights and peace situation in the country. The turmoil has unduly traumatized civilians and brought back fears of civil war with all its brutalities as experienced in the past. There are at least forty-one confirmed deaths including the execution of at least six top FUNCINPEC military and political leaders. Some 45 middle-level FUNCINPEC party and military leaders were reported 'missing' and were widely believed to have been executed by their CPP captors. Nearly 600 persons, 564 by CPP's own account who were accused of being 'illegally recruited soldiers' or 'Khmer Rouge' forces who were arrested and detained in six locations in Kandal Province. Around 30,000 Cambodians had fled to the Thai border for refuge. (For more details, refer to the report of the mission, *Cambodia: Human Rights and Democracy in Crisis*, published by Forum-Asia.)

In the aftermath of the July 1997 upheaval, Hun Sen struggled to consolidate his political and military power but failed to win international legitimacy and support after continued criticism of his government's human rights record. With pressure from the international community, he agreed to proceed with new election as previously scheduled. Without the participation of a majority of representatives of the FUNCINPEC, the National Assembly adopted the Law on the Election of the National Assembly and Political Parties. It also formally deposed Ranarridh by electing as first prime minister Ung Huot, a FUNCINPEC stalwart serving as foreign minister.

Members of the opposition who fled after the coup regrouped. Ranarridh was convicted of charges of colluding with the Khmer Rouge and was sentenced to 30 years in prison. On March 21, 1998, with Hun Sen's approval, King Sihanouk granted amnesty to Ranarridh and allowed him to return and compete in the election under a Japanese brokered peace deal.

The election, promised to be held in May, was postponed to July 26, 1998.

# The Missions

## First Mission-Voter Registration

On May 18-22, 1998, ANFREL organized its first mission to observe the voter registration process. The law provides for a period of registration from May 18 to June 15, 1998. The team was composed of seven observers from five countries namely Sri Lanka, Philippines, Bangladesh, Thailand and Canada. The mission met with presidents of three political parties, some members of the diplomatic community, particularly the ASEAN countries and including UN agencies, representatives of local election monitoring groups, of the media, of development agencies based in Phnom Penh and the vice-chairperson of the National Election Commission. It monitored registration process in Phnom Penh, Takeo, Kandal, Kompong Thom, Kompong Cham and Svey Lieng.

The team reports: *We were allowed access and did not encounter difficulties in observing registration stations. We found most officials willing to cooperate and to answer most of the questions which were raised. Except for minor delays we encountered in obtaining the proper accreditation, the mission observation went smoothly. However, given the time limitation of our mission, we felt that we could have visited more registration stations if accreditation was granted more promptly.*

*Location of the stations was often hard to find even with the help of some of the local observers. This may be due partially to our unfamiliarity with the place but as well may be due to the lack of proper information about these locations. Proper announcements of the locations and the time during which registration*



will be taking place in any given station would have certainly minimized such problem.

We were not able to cover a larger part of the country since we were limited both in the number of members as well as in the amount of time we were able to spend in the country. We are also aware of the complexity of the political situation in the country. All these factors may have very well affected the depth of our analysis and conclusions. Nevertheless, we feel that the concerns voiced here warrant close attention and need to be attended to if the electoral system is to achieve its goals and objectives.

### General observations on the voter registration process

We observed in most of the stations we visited that the process seemed to have ran smoothly and that a reasonable number of people are coming forward to register. There are some concerns however that need to be addressed. We express these concerns in the forms of answers to the questions we formulated to facilitate our mission:

- 1) Are voters familiar with the registration process? Do they know how, when and where to register? Voters are certainly aware of the need to register. Their knowledge of the process however is hard to ascertain given the general confusion as to the proper place for voting and the necessary requirement for eligibility. Changes in the location of registration and lack of proper information created some confusion. Some confusion may have been avoided if clear instructions and more information on the changes to the election law which allow for registration in any location provided that the voter casts his or her vote at the same station. We point to the need to further clarify this condition to voters once again prior to the time for voting (i.e. sufficiently explained prior to July 26, 1998)
- 2) Is there, at the commune level, a non-threatening and neutral environment for voter registration? Or are there any signs of threat or use of force or violence? Although we did not witness any such signs at the stations we visited, we cannot testify to the general feeling in the country where such environment exists or not. We point to the fact that the existence of any threat or use of force greatly jeopardize the quality of the electoral process as "free

and fair". We were told of one incident, in Perek Risei in Kandal province, in which a military presence within the confinement of the registration is reported in violation of article 55 of the Election Law which prohibits the carrying of arms. Such incidents are likely to hinder the process and must be strictly and swiftly dealt with to avoid any undue influence on the registration process.

We were also informed about CPP's systematic campaign to collect thumbprints of voters where people were solicited of their thumbmarks and pledges to register and vote for CPP. This thumbprinting campaign was followed by collection of voter registration cards from those who have registered, apparently for CPP leaders to determine who have actually registered. Obviously, this created fear among the voters who believed that their votes could be actually monitored

There were also reports of CPP officials going around and asking voters to sign a 'contract' obliging the voter to vote for CPP.

Reports of holding mock elections in some areas like factories were also received by the team. This mock election allows the factory owner or area leader to determine which party the people would vote. This violates clearly the Election Law prohibiting intimidation and undermining of the secrecy of the ballot.

There were a number of reports of group registration in many areas. The neutrality of the process may be jeopardized as a result of group registration on the basis of party allegiance which we were told, in most cases was given priority and that other people were told to wait. This may also be a source of intimidation based on its effect of distinguishing those who are loyal to one party, especially the ruling party, from those who are not.

- 3) Are registration sites clearly marked? Most registration sites we visited are not clearly marked and are often hard to find. Although the fact that registration sites are often schools or monasteries (i.e. easily known to most of the population) we felt that there is a need to clearly mark and advertise them.
- 4) Do registration sites open and close on scheduled hours and dates? There is general confusion and less compliance in this regard. Some registration stations we visited were closed during lunch hour while other stations were open

because the staff were alternating. In one station we visited, the station was closed before 5 pm due to the fact that it rained that particular day and the head of the station felt that no one would show up. Another station was open in two days instead of three due to the general feeling that they registered all the people they needed to register within two days.

Each station is supposed to register 700 voters and it is quite remarkable if this was done within two days only considering the fact that it takes at least five minutes to register each voter. This is not to mention the hours lost due to long lunch breaks, late opening and early closing which were widely reported.

- 5) Are registration documents duly verified? This appeared to be the case in the majority of voters. However, there seemed to be some confusion in relation to those who lack identification documents. While in some cases, especially those known CPP supporters who are easily admitted upon the presence of someone who "knows" them, in some other cases we were told that some people especially those known to be favoring the opposition were turned away. One common answer we received from station heads was that we know them. There is certainly a need for a uniform treatment to be applied to all those who lack proper identification without any distinction and based on required identification documents.
- 6) Does everyone who wishes to register is able to do so? We have no reason up to this moment to believe otherwise. This comment, however, is to be read in light of the number of the places we visited and the fact that we only observed the earlier days of the process. We were informed though that there was an attempt to disenfranchise some 55,000 refugees living in the camps along the Thai-Cambodian borders eligible to vote in the election. They were refused by NEC to be registered as it was beyond the June 15 deadline as provided for in the electoral law. Thai Foreign Ministry offered to help register those refugees if the NEC extended the registration period but NEC stood by its decision not to accept the offer. NEC's refusal was seen as part of the government's strategy to minimize opposition votes. Most, if not all of the refugees are known opposition leaders and supporters.

Earlier, the UNHCR requested NEC to make special arrangements to allow these refugees to register but no action was taken. In addition, no arrangements were made to allow overseas Cambodians to register and participate in the elections abroad.

There were also reports of alleged mass registration of ethnic Vietnamese who are not Cambodians, with CPP officials acting as witnesses. On the other hand, there were also reports of discrimination against ethnic Vietnamese, denying them on the basis of their accent and/or vocabulary, often in spite of producing the required identification documents or the required witnesses.

Many monks were also refused to be registered. And it is unclear whether this was due to confusion with the law or a part of a decision to discredit them especially those known to be critical of the violence that Hun Sen has perpetrated under his rule.

The 98% turn-out of registered voters is a remarkable accomplishment but its accuracy is doubtful given the reports of people who were not able to register e.g. the big number of refugees comprising about 1% of the total voting population.

- 7) Are complaints properly received, forwarded and promptly dealt with? We have no information on complaints that have so far been made. It is clear, however, whether the right to complain and the venues available are clearly



Children comprise a majority of the thousands of refugees along the Thai-Cambodian border. Refugees were refused registration for the elections. This photo was taken during a Forum-Asia mission to the border after the July coup in 1997.

*indicated or explained both to voters and registration officials. The responsibility in this case is shared between the NEC and local observers, both partisan and non-governmental. There is another difficulty relating to the fact that the Constitutional Council is yet to assume its proper functions. One of these functions is to decide on disputes relating to the election of members of the National Assembly. The fact that voters cannot avail yet of this function creates legal complications that warrant urgent attention if integrity of the process is to be maintained.*

*It is also felt that the fear created after the July coup and the succeeding events prior to the election make it extremely difficult for those whose rights were violated to confront the authorities.*

The mission ended up with a press release on May 22, 1998 at the Sofitel Cambodiana Hotel. Some of the conclusions and recommendation reached on the basis of our observations during the first week of the voter registration process were:

- 1) There is an urgent need to enable the Constitutional Council to commence its functions since it represents the last appellate resort for disenfranchised voters.
- 2) We believe that the authorities need to look into questions of citizenship and adopt clear policies which may serve to prevent such a problem from becoming an impediment to the registration as well as to the entire electoral process.
- 3) There is an evident need for more international support for the Cambodian election at both stages: voter registration as well as during the actual elections.
- 4) People should have better access to information on the electoral process through access to the media: printed media, radio and television. It is of vital importance that village authorities are not the sole source of information on the electoral process."

## **Second Mission—Campaigning, Actual Polling and Counting of Ballots**

On July 20-August 2, 1998, 45 observers from 18 countries in Asia, North America and Europe were sent to monitor the campaigning and actual polling day. The monitors were deployed in 18 critical provinces including Phnom Penh out of the total 23 provinces in Cambodia. (Areas of deployment as Appendix D) It coordinated its work mainly with COMFREL, one of the three local monitoring groups in Cambodia.

The mission decided not to join the Joint International Observer Group (JIOG) organized by the United Nations Electoral Assistance Secretariat because of the following reasons:

- ANFREL is a non-governmental organization which might view elections differently from the government organizations (GOs) and inter-governmental organizations (IGOs).
- ANFREL's concern is not only focused on the election mechanism or technical observation, but also on the issue of human rights. The factors that have major impact before, during and after the election are also taken into consideration.



*Members of ANFREL's Election Monitoring mission before deployment..*

- ANFREL observers mostly come from human rights groups and they want to maintain the principle of neutrality and impartiality. They take on a human rights perspective when analyzing the situation.

It was a right decision not to join the JIOG since ANFREL could not and would not make a final judgement that the election was 'free and fair' which JIOG prematurely issued even before the counting was over. ANFREL reserved its position on the election until the process was completed, including the transfer of power and the transition period for the new government.

### **Briefing of Observers**

Observers underwent a three-day briefing which included inputs from representatives of NEC, COMFREL and other relevant organizations. NEC vice-chair Kassie Nou explained NEC's role and Cambodia's electoral system. COMFREL's first representative Thun Saray gave an overview of the political and economic situation while its executive director Kuol Panha explained the role of the local monitoring groups and the coordination with the international observer groups. Other resource persons gave inputs on security measures, on landmines and on monitoring guidelines. A day was spent travelling to their respective areas of deployment and familiarizing themselves with the local conditions.



*An expert briefs ANFREL observers about landmines in Cambodia.*





*NEC vice-chair Kassie Nou explains the Cambodian electoral system to ANFREL observers.*

### Meetings and Consultations

The mission met with leaders of major political parties, Ranariddh and Sam Rainsy. Hun Sen declined to meet with the mission this time. It also met with the chair and members of the Constitutional Council, members of the National Election Committee and their counterparts at the commune and provincial levels, members of the diplomatic community including the UN representatives, members of the media, NGO representatives, religious leaders and ordinary citizens.



*The Phnom Penh observer team meets with Sam Rainsy at his party headquarters.*



*Observers meet with the chair and members of the Constitutional Council.*



*Dr. Aurora Parong from the Philippines (left) and Ms. Taina Nikula from Finland (right) prepare for a motorcycle ride to take them to their area of assignment in Kampong Thom.*

## Peace March and Rally

The mission members assigned in Phnom Penh attended a peace march-rally on July 25, 1998 organized by the monks. Thousands of people, mostly monks and their supporters participated in the traditional peace march initiated by Moha Ghosananda, one of Cambodia's foremost spiritual leaders. Hundreds of placards and streamers bore signs and messages of peace.



*'We want peace!' Monks took to the streets in a peace march-rally before the June 26 elections.*

## Press Conferences

The mission conducted press conferences, some jointly held with COMFREL and came up with statements and press releases. The mission members were also interviewed by various radio and television networks, both local and international including BBC and CNN. (Mission statements as Appendices E-1 through E-7)



*Basil Fernando, former UNTAC senior official and currently executive director of Asian Human Rights Commission, gives an interview to the media on behalf of ANFREL.*



*(From Left) Ms. Evelyn Balais-Serrano, Gen. Saiyud Kerdpol, Atty. Christian Monsod and Dr. Gothom Arya answer queries from the media during a press conference.*

## Mission Findings

### Campaigning

Monitoring the election campaign requires an assessment of the process by which all parties involved are afforded 'level playing field', allowing them equal opportunities and access to resources like finances, media exposure, etc. On the part of the voters, it also includes a certain level of awareness which allows them to exercise their right to choose and express their will in full secrecy—independent of anyone's influence or pressure. They should have basic understanding of the laws governing the election, the procedures, the parties and their platform, the candidates, etc.

The mission members witnessed the last leg of the campaigning of at least five major political parties in Phnom Penh.

*The CPP's final campaign motorcade and rally was the most elaborate one, followed by the Sam Rainsy and FUNCINPEC. The least impressive is Ung Huot's rally which obviously didn't have a big turn out, just like the other new and smaller party which hardly didn't have any mass presence. The Sam Rainsy party had about 5,000 people and CPP had about eight to ten thousand.*



*A motorcade of more than 50 trucks, each carrying 10-20 people, kicked-off the final campaign rally of Prince Ranariddh's party.*

The motorcade and rally alone could have cost each candidate and political party thousands of dollars. We were told that each of those who participated were given money, the amount differed with each political party, lunch and snacks, mostly packed noodles, T-shirts, caps and other campaign paraphernalia. They were also given free transport from the villages where they came from. The leaders were given higher amounts than those who just filled the trucks most of whom were women and young people.



Women aboard a truck which is part of a caravan during the last day of the campaign.

### Harassment and Intimidation

Various forms of harassment and intimidation were reported in almost all areas.

In Kampong Chanang, Banteay Meanchey, Kandal, Strung Treng, Siam Reap and Koh Kong, ANFREL monitors reported massive vote-buying

done mostly by CPP and others by FUNCINPEC and Sam Rainsy Party. This vote buying was done in several ways like giving gifts in cash and in kind. The cash range from 3,000 to 5,000 riels. Material gifts include sugar, monosodium glutamate, T-shirts and sarong.

In Kampong Chanang, ANFREL monitors reported that CPP could campaign everywhere they wanted but the other parties were restricted to do their campaign along the main road only.

In Prey Chor commune, 'an atmosphere of extreme fear was noticeable. An old man begged not to be asked anymore because he was scared. He said three men went to their village and threatened them the night before but they are afraid to tell who these men are.' In Stung Treng, 'threats to disperse and sabotage the election was spread out in some areas.'

In Kandal, Sam Rainsy Party supporters said they had difficulty campaigning because they were harassed by CPP agents. There were also killings in Muk Kamporal district. In Siem Reap, a Sam Rainsy Party campaigner was shot. Two persons were also reported killed in Sdok Sdam village in Kampong Thom.

### **Biased Media Exposure**

Respect for freedom of expression is vital in any democratic process. And for this basic freedom to be fulfilled, access to media by all political parties, including their respective constituencies should be equitable to make the election genuinely free and fair.

Studies made concerning the media in Cambodia revealed that access by political parties and the people in general is far from being fair. It is not only a question of who own the radio and television stations but who decide on the policies that govern media operations. The studies show that the decisions are made more on the basis of party interests rather than public welfare.

A monitoring made by the UN Representative of the United Nations Secretary-General for Human Rights in Cambodia (UNRSGHRC) of the main newscasts on Cambodian radio and television jointly owned by



government and private companies for the month of June prior to the election showed that members of CPP appeared a total of 918 times, members of Reastr Niyum Party 182 times, members of FUNCINPEC 39 times and members of Sam Rainsy Party 19 times.

For the first two weeks of July, Apsara and Bayon, two privately owned radio and television stations came out with the following findings: CPP 446 times, RNP 8 times, FUNCINPEC 6 times and SRP 9 times.

The mission was able to meet with the officials of TVK, the state-owned television. They informed the team that they only show government-related activities. Informed about the study made by UNRSGHRC, they said Hun Sen got the most coverage and exposure because of his capacity as head of the government.

All radio and TV stations are controlled by and/or affiliated with the CPP. FUNCINPEC, before the July 1997 coup operated a TV and radio stations but were taken over and have not been returned. The Sam Rainsy Party has consistently denied the right to operate its own station.



*An official of the TVK, a state-owned television station, explains the station's programming policies to mission members.*

## Disenfranchisement of Voters of Vietnamese Descent

One of the main issues during the voter registration and actual election was the issue involving the Cambodians of Vietnamese descent. Thousands were reportedly not allowed to vote by election heads in various voting stations in Phnom Penh and other areas where these ethnic minority live. Here is an account of one of the observers, Professor Nobuhiko Suto from Japan assigned in one of these areas:

*In Svay Par, I was confronted with the reality of ethnic problem in Cambodia.*

*When I visited polling station #739 at Russeykeo, which was a well established station having 8 political observers, I found a gap in numbers between the registered (700) and those who actually voted (565). According to the chief representative of the station, those whose names were canceled are all Vietnamese, and they identified 135 villagers as Vietnam citizens by their names.*

*In order to confirm this problem, I decided to check other polling stations in the vicinity. At station #740, names of 158 villagers (out of 659) were eliminated from the registration list and it was shown from the name list cited at the entrance of polling station by drawing red lines on their names. Since the number rejected from voting was so numerous (22%), I asked the chief representative on what ground they identify the Vietnamese. They gave several answers such as, by names and language they speak. Someone replied that he knows who they are. Then I asked who decided this cancellation of registration. I was informed by the Constitution Council when our delegation visited them on July 25 that the cancellation of registration because of ethnic (Vietnamese) reason involved only 4 cases out of 57 cases filed at NEC. But the chief and staffs asserted that this cancellation was decided by NEC, although they have eliminated seemingly Vietnamese villagers from the list at this station based on the appeal from opposition parties.*

*Feeling the atmosphere surrounding me becoming somewhat hostile, I decided not to go too far on this question. About the same time, a middle-aged woman came to the polling station, and tried to vote showing her registration card. But she was rejected by the chief to vote in front of us. She asserted that she is not Vietnamese but Chinese heritage, but the chief refused bluntly. No one protested nor defended her.*

*In order to check the geographical coverage of this issue, I chose a station between Vietnamese area and normal area to monitor. At polling station #737, the cancellation due to the ethnic reason was only 28 out of 588.*

### **Lack of voter education**

*There is evident lack of voter education, wrote Alena Perout, vice-president of the Canadian Human Rights Foundation who was assigned to observe in Kampot Province. Although COMFREL, COFFEL and NICFEC provided voter education sessions throughout the country, many voters did not totally understand the process.*

There are a number of factors that are attributed to this. One is the very short time the Cambodians were given to prepare for this election. The impact of the July coup made it practically impossible to come up with a 'free and fair' election.

The reign of terror that has been experienced over the whole of Cambodia's history and revived suddenly by the coup created tremendous



*NAMFREL's Dammy Magbual and Christian Monsod examine election posters outside a polling station in Phnom Penh.*



*An election poster in Phnom Penh.*

fear among the people that even granting they received some degree of voter education, this strong fear would prevail. And it would take some time to overcome such fear.

The media is controlled by the ruling party, making it impossible for voters to exercise their right to choose based on objective information.

The impunity by which the people in authority abused their power has also created the feeling of powerlessness and helplessness among the people. Even if they know their rights and dare to assert them, if there are no mechanisms to protect them, it would be very difficult for them. Those who actually dared to voice out their complaints suffered serious consequences ranging from harassment and intimidation to arrest and in many cases, killing and disappearance.

### Voting and Counting of Ballots

Generally, voting proceeded accordingly as enthusiastic voters arrived early at designated polling stations around the country. However, reports of massive fraud and intimidation and cases of violations of election law were received by NEC, by the political parties and local and international NGOs monitoring the event.

Many of these cases were brought to the attention of NEC and the Constitutional Council but majority of the cases were left unresolved until after the election was over.

ANFREL expressed 'deep concern' over the various reports of threats and intimidations, including killings, arrests and torture of some opposition party leaders and supporters and called on the authorities 'to conduct speedy and transparent investigations of complaints and reported incidents' (see copy of statement as Appendix E).



*A makeshift polling station in Phnom Penh.*

## Delay in Voting

In many areas observed, voting time was delayed due to the huge crowd that came before actual time of voting. There were cases where the crowd became unruly that officials had to call the police to maintain order. Those interviewed claimed that priority was given to CPP supporters who came in big groups and they were told to wait. Those who could not wait just went home without voting. Local election officials said that there was delay because they only had one booth. Others said the materials arrived late.



*Above, thousands queued up outside polling stations in Phnom Penh as early as 7:00 a.m. Left, this woman had to pass through a window after casting her ballot. In some voting stations, election officials were unable to manage the unruly crowd who were blocking the exit of those who have voted.*

### Secrecy of Ballots

In some areas in Prey Veng and Siem Reap, polling booths were placed near windows, allowing outsiders to see what the voters were writing on their ballots. In other areas, the polling stations were housed in the commune chief's residence, intimidating the opposition party supporters. There were also stations where large number of people were allowed inside at a time, allowing little privacy to those in the booths. In Rokar Thom, two to three voters were allowed in one booth at a time.



*Cambodian voters simply have to tick off his/her chosen party in the ballots.*

### Observers Not Allowed to Observe

Generally, local and international observers were allowed to observe but certain polling stations refused to recognize the presence of observers, and some even party agents like in Kampong Thom, Prey Veng, Siem Reap and one station observed in Phnom Penh.

In Kampong Cham, there was absence of party agents and observers in some stations due to fear and intimidation by CPP officials.

### Unregistered Voters Allowed to Vote

Observers reported several cases of unregistered voters being allowed to vote by officials. In Preasat Sumbo district, more than 100 unregistered people were allowed by the CRC to vote.

### Threats and Intimidation

Observers in Prey Veng and Phnom Penh reported the presence of CPP agents and other unauthorized persons inside the stations and within the

polling area, in violation of election law. In Kratie, armed CPP soldiers were reported roaming around the polling areas, intimidating the voters.

The violence in Anlong Veng killed 11 people, allegedly committed by remnants of the Khmer Rouge.

In Prey Chhor in Kampong Cham, armed men drove around the villages and threatened the people that if they didn't like the results of the voting, killing would start. Opposition party posters were also torn down. In Kampong Khleang district in Siem Reap, supporters of Sam Rainsy Party were chased by a military car on polling day, threatening the voters in the area.

Grenade blast were reported in Tang Krosang in Kampong Thom, injuring 5 persons. In Phnom Srouch, an explosion was heard, apparently to intimidate voters.

There were reports of several hundreds of members of opposition parties from at least a dozen provinces fleeing from their villages fearing retribution from commune, district and provincial chiefs, police and the military after actual voting and during and after counting of ballots.

### **Vote Buying**

In some areas in Kandal and Battambang, CPP agents were reported passing out 20,000 riels, asking voters to vote for CPP. In Stung Treng, observers were told that registration cards were being bought by CPP agents with promises of future employment. Cards of known opposition supporters were however confiscated.

### **Invalidating of Ballots**

In Kampong Thom, a PSC chair was reported to have been invalidating numerous ballots without giving any reason. Later, the observers were directed to leave the counting station.



### **Third Mission—Post Election**

ANFREL has continued to monitor the situation since election and has actually done some actions by issuing statements and involving itself in Cambodia-related activities in Bangkok. On September 29-October 4, 1998, a post-election mission was organized comprising of observers from five countries namely Thailand, Burma, Singapore, Philippines and Indonesia. The mission aimed to follow-up the developments since the election, to highlight the human rights situation and to recommend some peaceful solutions to Cambodia's election-related problems. It also aimed to inform the ANFREL constituency of the situation in Cambodia after the elections and what possible actions can be taken to support Cambodia's democratization process.

#### **Meetings and Consultations**

The mission met with senior members of the National Election Committee (NEC), Constitutional Council, COMFREL, political party leaders, and the diplomats including the former Chairman of Joint International Observers Group (JIOG). The mission also had an opportunity to meet with the victims of the September incidents at the safehouse and at the hospital where some of the wounded are confined. The mission also interviewed the officials of the United Nations Center for Human Rights.

#### **Election results**

On August 7, 1998, the official preliminary results of election came out. It showed that the Cambodian People Party (CPP) won 2,030,802 votes, FUNCINPEC got 1,554,374 votes and Sam Rainsy Party received 699,653 votes. The results were unacceptable to the opposition as both FUNCINPEC and SRP accused CPP of using fraud and intimidation and demanded for resolution of more than 800 cases filed before the NEC. The opposition parties also claimed that both the NEC and the Constitutional Council which were responsible for investigating the cases

had not done their duties with transparency and efficiency. They claim that considering the composition of these two bodies, they would only serve CPP's interest in handling the cases. Even before the election, Cambodia's opposition parties have expressed doubts about the independence of the NEC, seven of its eleven members being members of the ruling party, CPP.

Widespread feeling of disappointment and frustration was evident among the people in the opposition. At one point, the blame and accusation were even directed at foreign donors and the international observers. Demonstrations were organized by the opposition after the results were announced. These demonstrations which started peacefully led to violence, causing the deaths and injuries of several demonstrators including monks. (for details, see chronology of events as Appendix G)

After the election, the FUNCINPEC and the Sam Rainsy Party had filed cases with the NEC involving the seat allocation formula, vote recounting, ballot reconciliation and other election-related issues. A small number of minor issues have been taken into consideration by the NEC only to be dismissed later and appeals to the Constitutional Council (CC) have not been entertained. Having no legal channel left to challenge the legitimacy of the election result, the leaders of the opposition parties led their supporters to the street of Phnom Penh. Over time, the election-related demonstrations had developed into angry anti-Vietnamese and anti-Hun Sen mobs.

All parties do agree that the disputes after the election could be solved by political means only, since CPP and the opposition both carry their own cards and have bargaining power. CPP could not form a government solely without FUNCINPEC and Sam Rainsy Party's participation. The condition of gaining two-thirds of parliament seats to form a government is a big obstacle to CPP's desire for full control of the government. and it has forced CPP to negotiate with the opposition parties by giving some concession to Prince Ranariddh to head the national assembly and to grant amnesty to five FUNCINPEC members.

## Electoral System and the Controversial Formula

The electoral system established by the Election Law is a system of proportional representation with provincial constituencies.

The rational underpinning all proportional representation (PR) systems is to consciously reduce the disparity between a party's share of the national votes and its share of the parliamentary seats. If a major party wins 40% of the votes, it should win approximately 40% of the seats, and a minor party with 10% of the votes should also gain 10% of the parliamentary seats. In line with this rational, the election law was approved by the National Assembly despite the absence of an effective opposition party to the ruling CPP.

The electoral system applied during the Cambodian election was a system of proportional representation known as the "greatest average formula". This system is prescribed by the Law on the Election of the National Assembly and Political Parties, 1997. However, there are several formulas commonly known as the greatest average formula. As the election law did not specify which greatest average formula was to be applied, the NEC was required to select an appropriate formula. Among the formulas known as the greatest average formula are the Balinski/Young formula, and secondly the d'Hondt or Jefferson formula.

The difference between the two formulas is subtle. Under both methods a quota is first applied to make an initial allocation of seats to the winning parties. If any seats remain to be distributed, and there usually are, the greatest average formula is applied to allocate these remaining seats. However under the Balinski/Young Model the formula is applied only once to distribute all remaining seats. Whereas under the Jefferson Model the formula may be applied several times as only one of the remaining seats is allocated. The greatest average formula is then reapplied and another seat is allocated. The cycle repeats itself until all remaining seats have been allocated. (See table on page 43)

For example, both models are applied to the election results in Kampong Chhnang Province (see tables on page 44). In this province a total of

Allocation of seats in the National Assembly according to various existing formulas.

	<b>CPP</b>	<b>FUNCINPEC</b>	<b>SRP</b>	<b>KDP</b>	<b>CNSP</b>	<b>Others</b>	<b>Total</b>
Total Number of Valid Votes	2,030,802	1,554,374	669,653	89,999	71,105	456,555	4,902,488
% of total votes	41.42%	31.71%	14.27%	1.84%	1.45%	9.31%	100%
UNTAC System (Hare/Niemeyer formula of the highest remainder)	56 seats = 45.90%	40 seats = 32.79%	24 seats = 19.67%	1 seat = 0.82%	1 seat = 0.82%	0 seats	122 seats
No. of votes per seat	36,264	38,859	29,152				
Sainte-Lague Formula	59 seats = 48.36%	43 seats = 35.25%	20 seats = 16.39%	0 seats	0 seats	0 seats	122 seats
No. of votes per seat	34,420	36,148	34,983				
1st NEC seat allocation formula (modified version of the Jefferson formula of the highest average as proposed by Balinski/Young)	59 seats = 48.36%	44 seats = 36.07%	18 seats = 14.75%	1 seat = 0.82%	0 seats	0 seats	122 seats
No. of votes per seat	34,420	35,327	38,870				
2nd NEC seat allocation formula (Jefferson formula of the highest average; equivalent to d'Hondt formula)	64 seats = 52.46%	43 seats = 35.25%	15 seats = 12.30%	0	0	0	122 seats
No. of votes per seat	31,731	36,148	46,644				

### Kampong Chhnang Province

Total number of valid votes(V) = **168,763**

Number of Seats (S) = **4**

Quota, i.e., number of votes per seat  
(Q=V / S) = **42,191**

#### 1st NEC seat allocation formula

(modified version of the Jefferson formula of the highest average as proposed by Balinski/Young)

Party	Number of votes (V)	Number of Seats (S = V/Q)	Highest Average HA = V/(S+1)	Highest Average	Allocation of all remaining seats	Total	Total Number of Seats
CPP	78,692	1.87	V/1+1	39,346	1	1+1	2
FUNCINPEC	47,046	1.12	V/1+1	23,523	1	1+1	2
SRP	11,143	0.26	V/0+1	11,143	0		0
Others	31,882						
<b>Total</b>	<b>168,76</b>	<b>2+</b>			<b>2</b>	<b>2+2</b>	<b>4</b>

#### 2nd NEC seat allocation formula

(Jefferson formula of the highest average; equivalent to d'Hondt formula)

Party	Number of votes (V)	Number of Seats (S = V/Q)	Highest Average HA = V/(S+1)	Highest Average	Allocation of 1st remaining seat	Total	Highest Average HA = V/(S+1)	Highest Average	Allocation of 2nd remaining seat	Total	Total Number of Seats
CPP	78,692	1.87	V/(1+1)	39,346	1	1+1	V/(2+1)	26,231	1	2+1	3
FUNCINPEC	47,046	1.12	V/(1+1)	23,523	0	1+0	V/(1+1)	23,523	0	1	1
SRP	11,143	0.26	V/(0+1)	11,143	0		V/(0+1)	11,143	0		0
Others	31,882										
<b>Total</b>	<b>168,76</b>	<b>2+</b>			<b>1</b>	<b>2+1</b>			<b>2</b>	<b>3+1</b>	<b>4</b>

168,763 votes were cast and four representatives were to be elected. The first step in both models is to calculate a quota by dividing the total number of votes by the number of seats available. Therefore the quota is  $168,763/4 = 42,191$ . Each party will be entitled to a seat in parliament each time it fills this quota. Seats are therefore initially allocated as follows:

Main Parties	Votes received	Percentage of quota	Seats
CPP	78,692	$78,692/42,191 = 1.87$	1
FUNCINPEC	47,046	$47,046/42,191 = 1.12$	1
Sam Rainsy Party	11,143	$11,143/42,191 = 0.26$	0

Two seats have now been distributed. One seat each to the CPP and the FUNCINPEC. Two seats remain to be allocated. Under both models we now apply the greatest average formula.

The greatest average formula is simply: the "average" for each party = total number of votes received / (number of seats already allocated plus one).

Applying the formula:

Main Parties	greatest average formula
CPP	$78,692 / (1 + 1) = 39,346$
FUNCINPEC	$47,046 / (1 + 1) = 23,523$
Sam Rainsy Party	$11,143 / (0 + 1) = 11,143$

Under the Balinski/Young Model the formula is applied only once, and all remaining seats are allocated. The CPP and the FUNCINPEC have the greatest "averages". So one further seat is allocated to each party. The final seat allocation under the Balinski/Young Model is therefore two seats each for both the CPP and the FUNCINPEC.

Under the Jefferson Model only one seat is allocated at a time. The CPP has the highest average and therefore one seat is allocated to the CPP. The seat allocation so far is the CPP 2 seats and the FUNCINPEC 1 seat. One seat remains to be allocated so the greatest average formula is reapplied:

<b>Main Parties</b>	<b>greatest average formula</b>
CPP	$78,692 / (2 + 1) = 26,230$
FUNCINPEC	$47,046 / (1 + 1) = 23,523$
Sam Rainsy Party	$11,143 / (0 + 1) = 11,143$

The CPP still has the greatest average and therefore the final seat is also allocated to the CPP. The final seat allocation under the Jefferson Model is the CPP 3 seats and the FUNCINPEC 1 seat.

Comparing the two models in Kampong Chhnang Province:

Main Parties	Votes received	<i>Seats allocated under each model</i>	
		Balinski/Young	Jefferson
CPP	78,692	2	3
FUNCINPEC	47,046	2	1
Sam Rainsy Party	11,143	0	0

The NEC issued altogether four regulations titled "Procedure and Internal Regulation of the NEC" issued between May 6 and May 29, 1998. Each regulation appeared identical with the same design and printed letters on the cover. The contents of all four regulations appeared identical to observers. The first three regulations were identical. The NEC later described these early editions as the "draft" regulation, though the word "draft" never appeared in these editions. The formula to be applied by these regulations and discussed in detail was the Balinski/Young formula. On May 29 a fourth and "official" regulation was produced, apparently identical to the previous three except that the formula to be applied was now the Jefferson formula. To add to the confusion, the formula was set out in a way to make it appear identical to the Balinski/Young formula. Only a close examination revealed the slight variations that altered the nature of the formula. The change in formula was never officially disclosed. The FUNCINPEC, all opposition parties and NGO observer groups failed to detect this change in formula.

The “official” May 29 Regulation, signed by the Chairman of the NEC, is subject to certain shortcomings:

- 1) Although the NEC had the authority to approve a formula in accordance with the Election Law Article 118 and 16 (4), the NEC is subject to an obligation to act fairly between the political parties. As a matter of principle, the NEC is obliged to follow the spirit of the Paris Agreement, the Constitution and democratic principles and procedures.
- 2) The NEC did not mention the word “draft” on the first three regulations which provided the Balinski/Young formula, a model comparatively fairer to all political parties.
- 3) A letter included with the fourth regulation and signed by the Chairman of the NEC dated May 29, did not specifically refer to changes in formula. As a matter of fairness, the NEC should have widely published any change in the formula well before the elections.
- 4) Minutes of the NEC’s May 29 meeting indicate that the new regulation was not endorsed by the NEC at that meeting. The only reference to the new regulation was by Mr. Chay Kim, one of the NEC members, who requested one night to study the “Procedure and Internal Regulation of the NEC” in which the controversial second formula was mentioned and to discuss the regulation the next day. The May 29 meeting accepted his request and postponed that agenda to the meeting the next day. It was obvious that the letter signed by the chairman of the NEC was issued without consultation with other NEC members and without formal approval of the NEC.

In a genuine democracy the selection of an electoral system requires the broadest consultation and participation of the public. Under the proportional representation system, there are numerous formulas that can be used to allocate the seats. The selection of a particular formula also requires equal participation. It should be a public process. It should be set out in the Constitution or Electoral Law well before the elections. These basic requirements were not followed by the National Assembly in the preparation of Cambodia’s Election Law and the selection of the Jefferson formula by the NEC.



## The Formula Issue and the Constitutional Council

Since before the announcement of the provisional result of the election on August 5, 1998, complaints have arisen in respect of the formula adopted by the NEC to allocate seats in the National Assembly. However, to date the Constitutional Council has never considered or ruled on this issue.

On August 2, 1998, before preliminary result was issued by the NEC, three members of National Assembly, Mr. Son Soubert, Mr. Ahmed Yayah and Mr. Son Chhay filed a complaint to the NEC requesting immediate clarification on the selection of the formula for the allocation of seats. A copy of the letter was sent to the Constitutional Council, representatives of the JIOG and to the Representative of the UN Secretary General in Phnom Penh. They did not receive any response from the NEC or the CC.

An official spokesperson of the FUNCINPEC asserts that a total of 117 complaints on election irregularities including the formula issue was made to the NEC within 72 hours of the announcement of the provisional election results. The NEC ruled on 16 of these cases and sent the rejection forms within 48 hours. For the remaining complaints, including the formula issue, the NEC has failed to provide any ruling to date or to advise the FUNCINPEC of the reasons for the delay. This delay would entitle the FUNCINPEC to lodge an appeal with the Constitutional Council on that controversial formula issue within a reasonable time.

The FUNCINPEC filed an appeal with the Constitutional Council on August 11, 1998 which receipt was dated by the Constitutional Council staff as August 13. In that appeal, four issues, including the formula issue, were raised. At 5 pm on Friday, August 28, the Constitutional Council requested the FUNCINPEC to attend a hearing of the Constitutional Council at 8 am on Monday, August 31, to consider the first of the four complaints, comprising of 16 election irregularities (but not the formula issue). The FUNCINPEC applied to the Constitutional Council to adjourn the hearing one day to prepare its case. But the Constitutional Council rejected this application and rejected the complaint in the absence of legal representatives from the FUNCINPEC. The remaining three complaints have never been considered by the Constitutional Council.

On August 28, the FUNCINPEC and the Sam Rainsy Party filed a joint complaint with the Constitutional Council, with emphasis on the formula issue. No ruling has been received with respect to this complaint.

The Constitutional Council explained that they properly made an investigation on 17 appeal cases, one from the Sam Rainsy Party and 16 from the FUNCINPEC and rejected them after proper consideration in accordance with the law. However, it was obvious that the formula issue was not included in these 17 appeal cases.

Senior spokesmen of the Constitutional Council have clarified that no complaints were received from any political party within 72 hours from the announcement of the election result, as required by Article 114 of the Election Law. This article provides that a political party may file a complaint against all or part of the results of the election either to the NEC or to the Constitutional Council within the prescribed time period.

According to these spokesmen the only other means by which the Constitutional Council may consider this dispute is a referral under Articles 121 and 122 of the Cambodian Constitution. Under these provisions the Constitutional Council may interpret the Constitution or any other laws only if the King, Prime Minister, President of the Assembly or one-tenth of the Assembly members request an interpretation by the Council.

Accordingly, the controversial formula issue has yet to be specifically and properly resolved and the Constitutional Council would be the most appropriate body to consider this issue.

In respect of the claims that the Constitutional Council may only consider this issue if the matter is referred in accordance with articles 121 and 122 of the Constitution, it is clear that the Constitutional Council is given a wider jurisdiction by article 117 of the Constitution.

Article 117 of the Cambodian Constitution provides as follows: *The Constitutional Council shall have the duty to safeguard respect for the Constitution, to interpret the Constitution, and the laws passed by the Assembly. The Constitutional Council shall have the right to examine and decide on contested cases involving the election of Assembly members.*

Any member of the public may commence proceedings under this article and clearly Cambodia's opposition parties are entitled to appeal an election issue to the Constitutional Council.

### **The Post-Election Political and Human Rights Crisis**

Article 78 of the Cambodian Constitution provides that "The legislative term of the Assembly shall be five years and terminate on the day when the new Assembly convenes." The legislative term of the former National Assembly has since expired and it took time and much violence before a new government was appointed by the new assembly. Hun Sen has stated that his government is acting in a caretaker capacity. However in the absence of any constitutional authority, the legitimacy of this caretaker government is in serious doubt.

For a time, Cambodia's opposition parties were reluctant to participate in the formation of new government, without first addressing their complaints in respect of the elections, for the following reasons:

- 1) The conduct of the NEC will be recorded in the history of Cambodia and provide a precedent for similar conduct in future elections in Cambodia.
- 2) Joining a government controlled by the CPP would enhance its legitimacy and the conduct of the NEC during the election.
- 3) The FUNCINPEC and the Sam Rainsy Party fear a gradual escalation of repression by the CPP, as the government seeks to consolidate its grip on power.
- 4) The people will lose confidence in the democratic process, damaging the long-term development of democracy in Cambodia.

It is recognized that even if the opposition parties were successful in their demands, resulting in the adoption of an alternative formula for the allocation of seats, the CPP is still the largest political party in the National Assembly and therefore the "winning party" as described in Article 100 of the Constitution. As such, the CPP is entitled to appoint a Prime Minister

and to form a government. However the CPP would not hold a majority of seats in the National Assembly preventing its adoption of legislation without the approval of the opposition parties.

For the Cambodian people, despite the existing difficulties and growing political uncertainties, the elections in July 1998 were commonly regarded as an important element of the autonomous process of democratization. It was for the first time after the 1991 Paris Peace Agreements that the people of Cambodia would run and administer the elections by themselves. Of course, as with any unprecedented and far-reaching endeavor, the democratization process in Cambodia contains certain risks and experiments within its framework and implementation.

Unfortunately, the 1998 election could not usher in a new era of peace, stability and democracy immediately. Once again, competitive election between political adversaries appeared to be incompatible in the context of Cambodian political culture. There always exists a serious trouble with the "winner-take-all" theme of the Cambodian politics because both the winner and the would-be winner do really want to take all. And although it is commonly held among the most recognized international and local observers that the general atmosphere of the polling day and the counting day were relatively "free and fair" enough to credibly represent the will of the Cambodian people, the post-election consolidation of a new government has moved towards a political deadlock tarnished by violence.

The deadlock was broken after a brief lull in the demonstrations and violence. The final settlement arrived at was similar to the 1993 resolution, only this time, there is no more co-premiership and equal division of other positions. Hun Sen as the 'winner' had the upper hand in deciding who gets what. Whatever happened with the conditions put forward by the opposition, particularly Ranarridh and Rainsy, involving the killings, disappearances and other violations committed before during and after the election appeared to be part of the deal. The prospect of prosecuting these cases and getting justice for the victims and their families seemed farther off now than before.

## Post Election Human Rights Situation

Cambodia is second to Philippines among Southeast Asian countries that has ratified most of the UN conventions including the International Covenant on Civil and Political Rights (ICCPR) and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Death penalty was also abolished by the government. But these signing of human rights conventions made no difference in its human rights record. Many cases of human rights violations have taken place in many parts of the country. According to human rights groups that the missions met, the killings are not the result of death penalty but of extra-judicial executions (EJEs). While it is a well known fact that EJEs are happening almost everyday, nobody has been prosecuted or made responsible for the killings. This is not to



*A police crackdown around Democracy Square in Phnom Penh.*

mention other forms of violations as disappearances, torture and other inhuman treatment, harassments and intimidation, etc. which have become a common practice in Cambodia for a long time.

The mission was informed by the Cambodia Office of the High Commissioner for Human Rights (COHCHR) in Phnom Penh that at least 34 people were killed in August and September 1998 alone. Seventy-seven people including 18 monks and a nun were injured and wounded. More than 50 people were arrested and detained by security forces. More than 10 people were illegally detained and 53 people, including 4 monks, have not been seen since the demonstrators were dispersed.

The bodies of some victims including one monk were found near the Pochentong airport, outskirts of Phnom Penh and in the river. (for detailed information, see Appendix F, *Monitoring of Election-Related Intimidation and Violence*, Report of Special Representative of the United Nations Secretary-General for Human Rights in Cambodia (August 20-October 28, 1998))



*Kim Nath, 25, was hit by bullets during the crackdown in front of the U.S. Embassy in Phnom Penh.*



*Police chase a demonstrator in front of the Royal Palace.*

### **Freedom of Expression**

One of the most targetted sectors in Cambodia is the media. In the last four years, at least seven journalists were murdered and five others were victims of attempted murder. The latest case was the murder of Nou Kim Y, editor of a local newspaper *Nokor Khmer* who is a FUNCINPEC member. Several known opposition media offices were attacked.

Cambodia's 1995 Press Law, one of Asia's most notorious press laws prohibits anyone from writing anything that would threaten the country's 'national security' and 'political stability'. Recently, the Ministry of Information issued a directive limiting further the scope of media. The directive prohibits anyone from publishing and/or broadcasting confidential information that would endanger the country's territorial integrity, military secrets that would affect military operations and false information that could cause turmoil within the security forces, destabilize the government or lead to its overthrow. Issuing this directive just before the election process

begins gives a signal to media how far the government will go in legally pursuing them, not to mention the extra legal means by which it got rid of known opposition journalists.

### The situation of Buddhist monks

A member of the mission had the opportunity to visit the safehouse where some monks have been staying after the crackdown. She wrote: *The monks explained that as Buddhists they believe it is their duty to seek for peace and reconciliation and to defend people against any form of violence. Most of the monks are young monks who have been studying in several temples in the capital. Many of them came from the provinces to study in Phnom Penh. In August and September, they said they went to join the demonstration. After one monk was taken by the authorities and has been missing since then, and other monks were detained and beaten, more and more monks joined the protests*



*Monks and other demonstrators scamper to safety as police crackdown on rallyists. Police opened fire during this demonstration held on September 8.*



until they reach hundreds and thousands. Their participation made the authorities worried because more and more people followed their spiritual leaders. As a forefront buffer group they sat and chanted to prevent violence from both sides. The consequence was, the monks were targeted in the following crackdown.

The pro-Hun Sen forces accused the monks as not real monks but opposition men loyal to Prince Ranariddh who portray themselves as monks. According to those interviewed, particularly the high-profile leaders of the monks, this accusation is not true. In fact, these monks had been in monkhood for several years, some even for more than nine years. This was confirmed by a humanitarian group in Phnom Penh which has been working closely with these monks.

The mission also visited one young monk and an 18-year old boy in Ta Cheng Hospital. The monk was hit by live ammunition in his abdomen, exiting through his back and the boy was shot in the neck. His body is now completely paralyzed.

Nobody could give the exact number of the monk casualties, but they were sure that the number of dead is more than the official report. Since then, all the monk leaders are in danger. Many of them have been threatened and many of their temples in Phnom Penh were raided and guarded so they have to leave and go in hiding in the countryside and elsewhere.

### **The Role of ASEAN and the International Community**

Before the coup in July 1997, Cambodia was still determined to gain full ASEAN membership in spite of increasing domestic political instability. After the ASEAN summit in Bangkok in December 1995, Cambodia was made to understand that it would be considered for ASEAN membership in 1997. After that, at the meeting held in Jakarta, Indonesia in December 1996, ASEAN proudly announced that membership of Cambodia, Laos and Burma would be granted at the same time to celebrate the association's 30th anniversary.

This perception and expectation somehow did not materialize when ASEAN decided not to accept Cambodia. It was hard for the Cambodian

leaders to understand why ASEAN decided to cease to pursue the fulfillment of a dream to create a true region-wide organization. Since then, the Cambodian government has frequently criticized ASEAN for interfering in its internal affairs while refusing its membership.

The response from ASEAN was that the association has always adhered to the principles of non-intervention. But the leaders in Phnom Penh should realize that ASEAN could not ignore any domestic development which would possibly destabilize the entire region. Equally important, ASEAN's adherence to the principle of non-intervention does not constitute an unconditional acceptance of the usurpation of power through military force. It is true that neighbors have to live together but Cambodia could become a thorn of ASEAN if it continues to be a political outsider and refuse to embrace key elements of ASEAN *modus operandi*.

The underlying concerns of ASEAN are that unless peaceful resolution is reached, situations in Cambodia would create major problems for the stability and security of Southeast Asia. For this reason, ASEAN still has to get involved in restoring sustainable peace in Cambodia. ASEAN could not deny commitment which comes from the fact that it had been an essential part of the international community which gave birth to a new Cambodia. The coup in 1997 clearly signified the destruction of a fledgling democracy in Cambodia which had been established with great help from the international community. ASEAN would have lost much credibility in the international community if it did not take any pro-active action.

To date, ASEAN's policy in this respect has reflected a mood shared with the international community at large that relation with Cambodia after the coup must center around the need to help Cambodia rebuild a "viable nation" by putting it back on the path toward stability, democracy and national reconciliation. This is the constructive rationale behind the formation of ASEAN Troika comprising of Thailand, Indonesia and the Philippines to broker peaceful conflict settlement in Cambodia. However, it is clear that ASEAN's political influence over Cambodia has been on the wane. Partly, because of the current economic crisis which hit the ASEAN countries badly, the Cambodian government seems to lose its

enthusiasm about joining the association at least for the time being. Without its economic leverage, ASEAN's much vaunted diplomacy of "persuasion" fails to convince the leadership in Phnom Penh with the value of peaceful conflict settlement.

As such, it is necessary for ASEAN to work hand-in-hand with other major signatories of the Paris Peace Agreement to convince the Cambodian political leaders that, no matter what is happening, Cambodia is still in dire need to be lifted out of the status of a political outcast in the international community. This is a pre-condition for the return of aid donors, foreign investors and tourists needed badly for the recovery of the Cambodian economy.

It is true that ASEAN and the international community have almost definitely respected result of the election. And together, they have pressed for the quick formation of a new government. However, ASEAN as well as the international community at large should not overlook that a number of controversy and complaints regarding the electoral procedures and human rights violations remain unsolved.

## Conclusion & Recommendations

In general, Cambodia's election conducted by her own people is a milestone in the establishment of democracy in Cambodia. While there are many shortcomings in the electoral process, much so in the post-election period, the 1998 elections provide a foundation for the future development of democracy and the institutions of democracy in Cambodia. But even from a minimalist perspective where democracy is seen merely as a political system marked by free and fair election, Cambodia is far from reaching a solid ground for the consolidation of any meaningful representative political system.

The critical events following the election, to some extent have taught the Cambodians that violence would lead to further chaos and that a political settlement was necessary to put an end to more violence and to allow Cambodia to move forward. But the settlement seemed to be the 'easier solution' and the 'short way' conveniently decided by the ruling elites and meant to satisfy more the ruling power's interests and the international community's wishes than go through the long painstaking process of democratization of the entire Cambodian society.

Whatever happens to the long list of gross human rights violations committed by the same ruling power and the true will of the Cambodian people remain the most crucial questions and foremost challenge to the new government.

Based on the above findings and conclusion, the mission strongly recommends the following:

### **On the National Election Commission**

The credibility and impartiality of National Election Commission needs to be remarkably improved in the next election. Working closely with the assistance of local election monitoring NGOs and political party representatives is very important since NEC clearly could not undertake the job alone. First, NEC should be composed of members known to be impartial and with high degree of credibility. Second, the body should be able to work with all groups willing to assist in the election like NGOs and citizen groups and international monitoring and human rights organizations.

### **On the Constitutional Council**

The Constitutional Council has a duty and the authority to conduct a proper detailed investigation into the formula issue and the conduct of the NEC. It should be able to resolve the formula issue for use in future constitutional review and election.

Like the NEC, the Constitutional Council should be composed of members with the highest degree of impartiality and credibility. Its role and functions should be clearly provided and explained to the people. It should be able to perform with utmost transparency and impartiality and with the least pressures from political parties and other forces like the military.

### **On the Judicial System**

There is an urgent need to strengthen Cambodia's judicial system. Impunity will continue for as long as the perpetrators of crimes and abuses are not prosecuted.

The entire system of administration of justice which includes the law enforcement system needs to be thoroughly reviewed and steps to establish a more effective and responsive system has to be undertaken. The laws which obstruct prosecution of perpetrators should be repealed like Article 51 of the Civil Servants Act.

## **On the Media**

Freedom of expression is absent in Cambodia. There should be space for free press and where other forms of expression could be manifested. Laws curtailing people's right to information such as the Press Law should be repealed. State radio and television should provide service to the population without being biased to any political party. Journalists and other media persons should not be subject to harassments and other forms of intimidation.

An impartial body responsible for granting of licenses to radio and TV operators should be created.

## **On the Role of the ASEAN and the International Community**

ASEAN, or at least some of its members as a team of the ASEAN Troika, should constructively continue to offer to help Cambodia to cope with the political problems as long as the conflicting parties agree to give ASEAN a role to play. Informally, each individual member of ASEAN can also make use of the existing contacts within the diplomatic and official community to send a message to Hun Sen, Ranariddh and Rainsy that political solutions are possibly the only way out of the post-election deadlock.

The international community should continue to play supportive and constructive roles to encourage the political parties in Cambodia to settle their disputes in a peaceful and democratic way. Human rights should be a primary consideration in any bilateral or multilateral agreements.

The international community should not sacrifice the basic principles of human rights and democratization for short-term and immediate economic gains. In supporting Cambodia, it should always consider peoples' situations and development of civil society to balance the power that is concentrated on top.

### **On the Political Parties**

All political parties in Cambodia should engage in constructive negotiations to resolve the political crisis in a mutually acceptable manner. They should seek to establish a government representative of all political parties in the National Assembly, to enhance national reconciliation and national unity in the spirit of the Paris Peace Agreement and the National Constitution.

Political parties represented in the new National Assembly must focus on the development of national unity and democracy throughout Cambodia, without losing sight of the need to bring justice to the victims of past and present atrocities.

The opposition parties are still able to function in the National Assembly to check and balance the performance of the government to assure that the formulation and implementation of public policies are genuinely democratic and in accordance with the needs of the people.

### **On the Role of the People and NGOs**

The participation of the people in law making, in election and other democratic processes should be encouraged and guaranteed. The basic freedoms to association and assembly must be guaranteed to ensure people's participation in all matters that affect them as citizens.

The role of NGOs, including international agencies like the UN Centre for Human Rights and other UN representatives should be recognized in the process of working towards democracy. NGOs and human rights defenders must be protected and their role in nation-building respected and fully guaranteed by law.

### **On the Vietnamese issue**

The government, including the political parties need to exert efforts to show tolerance and respect for the rights of ethnic minorities and not to spread hatred and prejudice through their statements and policies. Cambodia's healing process will have to consider the integration of all members of Cambodian society, regardless of origin. This is essential in attaining peace and unity in Cambodia.

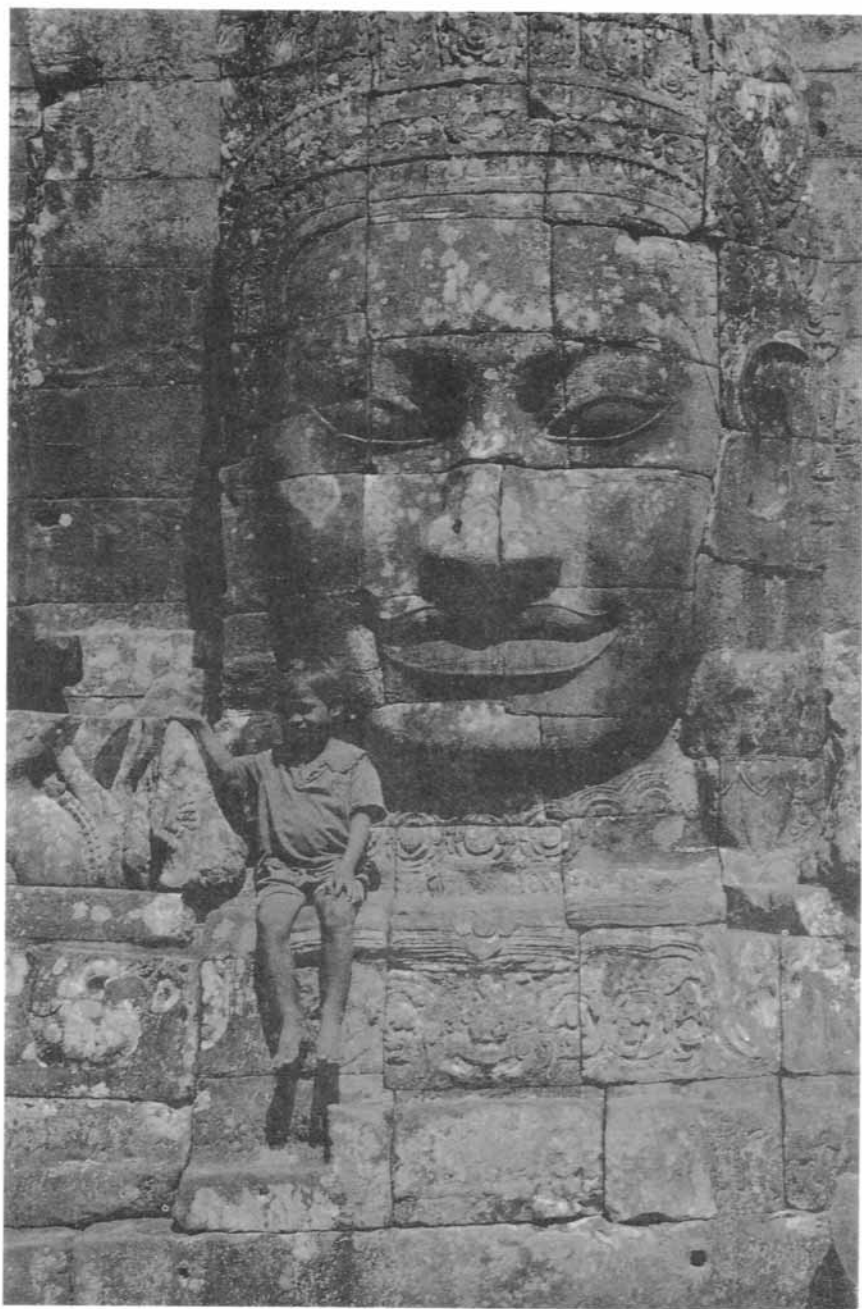
## **On the long-term establishment of democracy and protection of human rights in Cambodia**

In order to establish a democratic society in Cambodia, education on democratic principles, human rights and the rule of law should be provided at all levels of society, specially at the grassroots. The laws on the election of the members of the National Assembly and on political parties should be reviewed. Proportional representation system with nation-wide constituencies should be considered and a "formula" to allocate the seats should be enacted as a part of Cambodian Constitution or Election Law with the widest participation of the people as possible.

The Cambodian legal system has to be built in order to enforce the rule of law. The widespread problem of impunity has to be addressed and the government has to be made accountable for the serious violations of human rights.

The rights of women and children and the related problems of trafficking, domestic violence, prostitution and child labor has to be seriously considered in the agenda for human rights and development of the government, the NGOs and the civil society in general.





## Prospects for the Future

The future of Cambodia depends primarily on how the political key players are able to put their acts together and how the international community is able to influence and exert pressure on major issues crucial to the democratization process in the country.

### **The Khmer Rouge Trial**

The strong clamor to try Khmer Rouge for crimes against humanity, war crimes, genocide and other grave human rights violations gained momentum with the surrender of its key leaders Khieu Samphan and Nuon Chea in December 1998. With the death of Pol Pot in April last year and aside from the 'show trials' conducted by the Vietnamese in 1979, no real efforts have been made to prosecute any of the Khmer Rouge leaders known to have perpetrated many of the crimes in the past.

With the assumption of Hun Sen as the most powerful man in Cambodia, the possibilities of prosecuting the Khmer Rouge leaders has become weaker. For one, the trial is seen as a dangerous opening which could possibly implicate Hun Sen himself and other leaders in the new government. It is also seen as weakening Hun Sen's power in trying to neutralize the remaining forces of Khmer Rouge by offering amnesty like the case of Ieng Sary, money and positions in the government but in exchange for his demand for its full integration into the CPP forces.

Aside from those who have surrendered and those already won over by Hun Sen, other Khmer Rouge leaders have not been arrested like Ta Mok, known for his hard-line position vis-a-vis Hun Sen and his government and who is believed to be at the Thai border. It would need the Thai

government's consent to apprehend him but the latter would most likely cooperate for fear that the impending trial would expose further the extent of its involvement with Khmer Rouge especially during the 80s.

The cost of the trial, which is estimated at US\$40 million a year based on Rwanda and Yugoslavia expenditures, would most likely not be supported by major countries including the United States and China for fear of exposing their own involvement in supporting the guerilla movement in the past. Even the United Nations stands guilty for protecting the Cambodian seat in the UN in favor of the Khmer Rouge and for refusing to condemn the mass executions and use the word 'genocide' in the 1991 Paris Peace Agreements.

It remains to be seen whether Hun Sen would heed both international and local calls to put to trial the Khmer Rouge, but if he does, he would make sure it would be on his own terms. And he wants it done quickly to ensure Cambodia's bid for ASEAN membership gets an approval and his government's foreign aid starts coming. The international community as well as the local groups, especially the millions of victims and their survivors should struggle hard to bring justice to Cambodia. The United Nations Special Representative for Human Rights to Cambodia Thomas Hammarberg said that the trial of the Khmer Rouge would significantly end a culture of impunity which continues to allow widespread human rights violations in the country. With the old wounds unhealed, old crimes unheard, new violations have continued to be committed almost everyday. And there seem to be no let up to the violence suffered by the Cambodian people on their day-to-day life.

For as long as the horrible memories and nightmares of the past continue to haunt the people, and those responsible for the crimes of genocidal proportion remain unpunished, Cambodia will never be at peace. True and lasting peace is attainable only when there is justice.

With a very fragile government composed of opposing elements forced by the ruling power to coalesce to comply with foreign donors' requirements for international recognition and aid, and faced with a gigantic task of confronting its dark past, it would be difficult to tell if it would be able to manage effectively its task of keeping a nation intact from its broken past and keeping it going to move forward to create a new history.

# Appendices

## **Appendix A**

### Members of Mission to Monitor Voter Registration

*18-22 May, 1998*

**General Saiyud Kerdphol** - Head of Mission

*Poll Watch Foundation, Thailand*

**Mr. Wimal Fernando**

*Movement for the Defence of Democratic Rights (MDDR), Sri Lanka*

**Mr Fadul Huq**

*A Coalition of Human Rights Organizations (ODHIKAR), Bangladesh*

**Dr. El Obaid Ahmed El Obaid**

*Mc Gill University and Canadian Human Rights Foundation, Canada*

**Mr. Romel de Vera**

*Task Force Detainees of the Philippines (TFDP), Philippines*

**Mrs. Somsri Berger**

*Asian Network for Free Elections (ANFREL), Thailand*

## Appendix B

### Members of the Mission to Monitor Campaigning, Polls and Counting of Ballots

20 July to 2 August, 1998

**General Saiyud Kerdpol**

*Head of Mission*

*Vice-Chairman, Pollwatch, Thailand*

**Mr. Abu Fayaz Hassan Ariff**

*Lawyer, ODHIKAR, Bangladesh*

**Ms. Alena Perout**

*Vice-Chairperson, Canadian Human Rights Foundation*

**Mr. Andreas Lind**

*Abo Akademi Institute for Human Rights, Finland*

**Mr. Aruna Aluthge**

*Movement for Free and Fair Elections, Sri Lanka*

**Dr. Aurora Parong**

*Executive Director, Task Force Detainees of the Philippines (TFDP)*

**Ms. Auxilium Toling Olayer**

*Coordinator, ANFREL*

**Mr. Basil Fernando**

*Executive Director, Asian Human Rights Commission, HongKong*

**Atty. Christian Monsod**

*Former Chair, Commission on Elections (COMELEC) and National Movement for Free Elections (NAMFREL), Philippines*

**Ms. Clodagh O'Brien**

*Consultant to ADHOC, Ireland*

**Mr. Dammy Magbual**

*Chair, NAMFREL National Capital Region, Philippines*

**Mr. Eko Maryagi**

*Journalist, DR Publication, Indonesia*

**Ms. Evelyn Balais-Serrano**

*Consultant, Forum-Asia, Philippines*

**Mr. Fritzie Chayez**

*Graduate student, University of Toronto, Canada*

**Ms. Isabell Von Oertzen**

*Mekong Project, Germany*

**Dr. Gothom Arya**

*Member, National Election Commission, Thailand*

**Ms. Karen Hill**

*Save the Children, Australia*

**Ms. Katri Johanna Himma**

*Journalist, Finland*

**Mr. Krishna Upadhyaya**

*Programme Director, INSEC, Nepal*

**Mr. Maung Tin Hla**

*Secretary, Burma Lawyers Council, Burma*

**Mr. Michael Edward Johnston**

*Graduate Student, University of Toronto, Canada*

**Mr. Mikel Flamm**

*Freelance journalist, USA*

**Mr. Muflizar**

*Presidium member, Committee for Election Monitoring in Indonesia (KIPP), Indonesia*

**Mr. Navin Perera**

*Law and Society Trust, Sri Lanka*

**Ms. Niza Concepcion**

*Deputy Secretary General for International Affairs, Philippine Alliance of Human Rights Advocates (PAHRA)*

**Prof. Nobuhiro Suto**

*Professor of Political Science and International Relations, Tokai University, Japan*

**Mr. Sunsanee Sutthisunsanee**

*Forum-Asia, Thailand*

**Ms. Taina Dahlgren**

*Executive Director, Finnish League for Human Rights, Finland*

**Ms. Taina Jarvinen**

*Finnish League for Human Rights, Finland*

**Ms. Taina Nikula**

*Finnish League for Human Rights, Finland*

**Ms. Watcharin Yongsiri**

*Senior Researcher, Institute of Asian Studies, Chulalongkorn University, Thailand*

**Ms. Worrarat Taniguchi**

*Journalist, Matichon Newspaper, Thailand*

**Ms. Subhatra Bhumiprapars**

*Reporter, The Nation, Thailand*

**Ms. Somsri Berger**

*Field Coordinator, ANFREL Cambodia Project*

**Mr. Richard J. Simons**

*International Development Consultant, Tierra Inc., Japan*

**Mr. Kumaka**

*Refugee organization, Japan*

**Ms. Elisabeth Scheper**

*NOVIB, The Netherlands*

**Ms. Castel Bernadette**

*Adviser, ADHOC, France*

**Mr. Sharaad Kuttan**

*Journalist, SUARAM, Malaysia*

**Mr. Shaun Williams**

*Strategic planner, Australia*

**Ms. Sheila Thompson**

*Coordinator, Mekong Project, Thailand*

**Mr. Somchai Homlaor**

*Law Society, Thailand*

**Mr. Sunai Phasuk**

*Senior Researcher, Institute of Asian Studies, Chulalongkorn University, Thailand*

**Nivana Cheng**

*Volunteer, Cambodia*

**Somphen Kutaranon**

*Freelance worker, Thailand*

**Appendix C****Members of Mission to Monitor Post-Election Situation**

*29 September to 4 October 1998*

**Ms. Evelyn Balais-Serrano**

*Asian Forum for Human Rights and Development (FORUM-ASIA)*

**Rev. Sirait Saut Hamonagan**

*KIPP, Indonesia*

**Mr. Sunai Phasuk**

*Institute of Asian Studies, Chulalongkorn University, Thailand*

**Mr. Htay Lwin**

*Burma Lawyers' Council*

**Ms. Somsri Berger**

*Asian Network for Free Election-FORUM-ASIA, Thailand*

**Ms. Tang Lay Lee**

*Lawyer, Singapore*

**Appendix D****Areas of Deployment**

Province	Observer	Interpreter
Banteay Meanchey	Michael	Kea Kosal
Battambang	Abu Fayaz & Auxilium	Heang Sophea
Kampong Charn	Andreas, Elisabeth, Dr. Gothom, Katri & Somchai	Mao Bun Thin
Kampong Shhnang	Taina Javinen & Maung Tin H1a	Keo Try
Kampong Speu	Aruna	Eng Sopheak
Kampong Thom	Taina Nikula & Aurora	Yin Sobin
Kampot	Bernadette & Alena	Hov Sokhun
Prey Veng	Taina Dahlgren,	Say Samphea
Pur Sat	Muflizar & Eko	Victor Jona
Siem Reap	Sunai & Wacharin	Huoy Wtha
Stung Treng	Sheila & Worrarat	Keo Onn
Svay Rieng	Subhatra & Ann	Neang Nito
Pailin	Sharaad & Krishna	Sok Uttara
Kratie	Fritzie & Navin	Yin Soriya
Kandal	Clodagh, Niza, Nivanna & Somphen	Chhrien Seng Kong
Koh Kong	Isabell, Shaun	
Phnom Penh	Gen. Saiyud, Prof. Suto , Dammy, Evelyn, Basil, Mikel, Christian Karen, Somsri & Joshua	Bun Heng
Takeo	Kumaka	



**Appendix E-1**

Press Release

24 July 1998

**Asian NGOs Monitor Cambodian Election;  
Express Concern on Pre-Election Situation**

Forty five observers who are Asian members of non-governmental organizations and other concerned individuals from 18 countries in the world have come to Cambodia upon the invitation of the National Election Committee (NEC) and the Committee for Free and Fair Elections in Cambodia (COMFREL) to monitor the election in 17 provinces including Phnom Penh. The monitoring is organized by the Asian Network for Free and Fair Election, (ANFREL) which was set-up last year by election monitoring bodies and human rights organizations in the region at the initiative of Asian Forum for Human Rights and Development (Forum-Asia) to work for greater democratization and stronger civil society not only in Cambodia but in the whole of Asia and the Pacific.

This is the third mission of our group to Cambodia: the first was held a few weeks after the coup in July last year by Forum-Asia to assess the impact of the event on the human rights situation and the second was held last May by ANFREL during the voter registration period. The findings of those missions have already been made public.

We recognize the government's positive response to the international community's call to hold an election and its decision to allow foreign observers to come and monitor the election.

Efforts have been made towards having a fair election given the short time available to the NEC. We have observed a lively atmosphere during campaign rallies in Phnom Penh and elsewhere. But still, there is much to be desired.

Human rights violations such as political killings, disappearances, threats and intimidations and harassments that occurred after the coup in July last

year and before and during the campaign period have not been acted upon by the authorities concerned despite the continuous call from various sectors. We would like to join the international community in reiterating the call for the government and law enforcement agencies to investigate, prosecute and punish the perpetrators and for an end to impunity in Cambodia.

With respect to election rights, the National Election Commission (NEC) is in full responsibility. We take note, however, that the NEC has not been able to act upon most of the complaints and most of its decisions are seen as favorable to one party.

Access to media not only by all political parties but by their respective constituencies is a basic element of a free and fair election. Studies of various groups, local and international, show an obvious bias in favor of one party, marginalizing the other participants to the election process and undermining the whole exercise.

Various ways and means of coercing people to vote for one party have been reported from many parts of the country, ranging from bribing to serious physical threats including politically motivated killings. This has created fear among the people and may destroy the integrity of the election.

The sudden proliferation of local observers whose preparation and training are doubtful and the attempt to field 24,000 local observers belonging to a single organization just before the election are disturbing phenomena. We therefore welcome the NEC decision to give priority to well-trained observers of COMFREL, COFREL and NICFEC and urge that the decision be implemented at polling station level.

The election in Cambodia is crucial to all of us. That is why we are here. We want to be in solidarity with the people of Cambodia in their struggle for the respect of human rights and in their search for a lasting peace.

We look forward to observing the exercise of Cambodian voting rights and hope that our presence be a contribution towards a non-violent and credible polling and counting of votes so that the will of the people is fully respected.

**Appendix E-2**

28 July 1998

**Statement on Voting and Vote Counting Days  
Observation**

The Cambodian people have once again said “yes” to democracy by overwhelmingly preferring the use of ballots to that of bullets.

The Asian Network for Free Elections (ANFREL), upon the invitation of the NEC and COMFREL, has been monitoring the election process in Cambodia including the voter registration process. Based upon the reports of ANFREL observers on voting and vote counting in 17 provinces including Phnom Penh, we would like to make the following assessment.

The people of Cambodia have freely expressed their will: the voting and vote counting went on smoothly without major incidents or irregularities. We, however, deplore the violence that occurred in one polling station in Anlong Veng and strongly condemn the perpetrators and the political force behind them.

We were positively impressed by the enthusiasm of Cambodian voters who achieved more than 90 percent turnout after only 4 hours of voting. The general atmosphere on voting day was friendly and there was no systematic attempt at intimidation. The voting and vote counting processes were transparent. Most of the voters seemed to be satisfied and believed that their votes were secret.

The voting and vote counting processes were well organized. The officials at all levels i.e. PSC, CEC and NEC should be commended for their sense of purpose and their dedication to the success of the election.

Usually there were 3 political party observers in each polling station. They normally worked cooperatively and there were no report of serious dispute among them. This fact is encouraging and should provide a clue to political leaders at higher levels.

National observers, mainly from COMFREL, COFFEL and NICFEC, were present in almost all the stations we visited. They were competent and accomplished their task in a conscientious manner. The vigil over ballot boxes at CEC centers was a good occasion for many of them, along with the officials and party observers, to fraternize with each other. The smooth running of the processes must be mainly attributed to all of them.

The international observers were in many places, usually as mobile teams. Their contribution could be viewed as providing encouragement and witnessing of the processes. We would like to take this opportunity to thank the officials and the people who welcomed us, gave us necessary information and opened the processes to our observation.

Now that the voting results are becoming known, we urge all the concerned parties to respect them and act according to the will of the people. Our special concern remains over the sense of impunity that prevails in the past human rights violation cases. It would be great if the full respect of human rights could be assured after the election.

**Appendix E-3**

Press Release

30 July 1998

**ANFREL Calls for More Vigilance**

In a few days the final results of the elections will be known. At this stage of the Cambodian election, after gathering the reports of 45 ANFREL observers\* in 18 provinces covering about 400 polling stations, and taking into consideration findings of ANFREL's past missions to Cambodia to observe the voter registration process and monitor the events following the July 1997 incidents, we make the following statement:

As Asians and friends of Asian peoples, we commend with great pride the Cambodian people's demonstration of their faith in and commitment to democratic processes by participating in this election. We also commend the government for its positive response to the international community's call to hold an election and its over-all performance in trying to make the voting and counting process as smooth as possible. We likewise commend the opposition parties for their courage and determination to contest in this election and participate in the process of democratization in Cambodia.

We highly commend our fellow NGOs, mainly COMFREL, COFFEL and NICFEC for their tremendous efforts in contributing to making this election process as free and fair as possible. We strongly support their joint call for investigation of alleged irregularities and their interest to participate in the investigation process.

However, we express our deep concern over some reports of serious incidents of threats and intimidation and other violations of electoral laws, rules and regulations observed in some places, including Phnom Penh, during campaign, voting and counting periods. (see enumeration of concerns in page 2)

We also express grave concern over reported killings, arbitrary arrests, torture and detention of some local party leaders and supporters and other human rights violations that remain unattended by authorities concerned.

We are likewise concerned with some reports of acts of retaliation against opposition leaders and supporters after the initial results had been known.

We urge the Cambodian authorities, particularly the NEC, to conduct impartial, speedy and transparent investigations of complaints and reported incidents of violations of electoral laws, rules and regulations committed during the above periods.

We urge the political parties and all sectors of Cambodia, including the international community, to support this process of investigation of complaints and resolution of outstanding issues as part of the election process.

What matters now is the future of Cambodia. The peaceful settlement of disputes and issues related to pre and post election and the peaceful assumption of the newly-elected government will be our major concerns. These, together with the prevailing climate of fear, political violence and impunity need to be addressed. We believe that the more difficult task is yet to come. We will continue to monitor the developments even after the elections and to assist the Cambodian people in their struggle for their rights and for greater democratization in Cambodia.

### **Some Major Concerns**

1. Not allowing party agents, NGO and international observers to get near the counting officials, denying the latter their right to check and verify ballots during the counting. Some observers were also refused by polling officials to see the final result of the counting. This was observed in counting stations in Kampong Thom, Prey Veng, Siem Reap and one station in Phnom Penh.
2. Violating the secrecy of the ballot by putting the voting boxes near open windows, allowing outsiders to watch closely the voters while they vote. This practice was observed in polling places in Prey Veng and Siem Reap.

3. Absence of opposition party agents and observers in some polling stations due to fear and intimidation by CPP in some polling stations in Kampong Cham.
4. The violence in Anlong Veng that killed 7 people on polling day.
5. The killing of ten people during the campaign period which created a climate of fear in their respective communities.
6. Presence of unauthorized persons within the area of counting station was evident in Cholong District in Kratie.
7. Threatening of voters were done by three armed men who drove around Prey Chlor commune in Kampong Cham two days before the polling day. They told the people that if the results of the election did not satisfy them, killing would start. Opposition party posters were also torn down during the night.
8. Massive disenfranchisement of voters of Vietnamese descent, particularly in polling station nos. 737,739 and 740 in Phnom Penh. We were informed that there could be more cases of this nature against Vietnamese voters that need to be looked into by NEC.
9. In Kampong Khleang District in Siem Reap, supporters of Sam Rainsy Party were chased by a military car for about 15 minutes during polling day.
10. Grenade blast in Tang Krosang commune in Santuk district in Kampong Thom where 5 people were injured.
11. Reports of attempted vote buying by CPP in Stung Treng, Takhmau district in Kandal and Battambang.
12. Village chiefs also acted as CPP party agents in most polling stations in Siem Pang district in Stung Treng and Kouk Kraom commune in Seam Reap and Prey Veng.
13. Houses of village chiefs were used as polling stations in Siem Pang and in 3 stations in Svay Rieng.

14. Incidents of invalidation of ballots against the opposition in Prey Veng.
15. Other violations of election laws, rules and regulations include campaigning in the polling station ground in Banteay Meanchey, unsealed ballot boxes in Stung Treng, use of Unofficial marking pens in Kampong Thom, absence of voters' list, not checking the finger for ink before allowing to vote and other violations.

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\* ANFREL observers represent 18 countries: 10 from Asia: Thailand, Philippines, Bangladesh, Nepal, Japan, Hongkong, Malaysia, Burma, Indonesia and Sri Lanka; and 8 from other countries: United States of America, Canada, Ireland, Finland, Germany, Netherlands, France and Australia.



**Appendix E-4**

Press Release

August 1, 1998

**ANFREL Asks Authorities to Stop Harassment**

ANFREL expresses concern about reports received by some human rights organizations of alleged acts of retaliation and revenge against opposition party leaders and supporters in Takeo, Kampong Cham, Prey Veng, Sihanoukville and Pailin provinces.

ANFREL appeals to all parties concerned to exercise sobriety and to deal with outstanding issues of election in a calm and rational way.

ANFREL supports the NGOs and UN's Special Representative's call to stop any attempt to commit acts of revenge and to investigate reports of acts already committed since the initial results of the election were known.

## **Appendix E-5**

Press Release

1 September, 1998

### **Asian Election Monitoring Network Urges International Community to Reconsider Judgement on Cambodian Elections**

The Asian Network for Free Elections (ANFREL), a regional network of election monitors that observed the last election in Cambodia calls on the National Election Committee (NEC) and the Constitutional Council to respond to the various calls to hear the complaints and to resolve the conflict on seat allocation before the final results are announced.

ANFREL considers that the requirements of the election process has not yet been fulfilled due to non-resolution of major election issues particularly the decision to set aside the 800 complaints of irregularities and fraud and the controversy over the formula used for seat allocation. The arbitrary decision not to hear the 800 complaints of various cases of violations of election laws renders the results even more doubtful and puts both NEC and CC's credibility and reputation in question. This is aggravated by the NEC's arbitrary decision to use the Jefferson formula which obviously would allocate more seats to the ruling party. This decision was done without due process and transparency and is seen as an easy solution for the ruling party's bid to get a majority.

The people's will has to be respected. The demand for recounts and the complaints for various irregularities and fraud are very much part of the whole process of making sure the people's votes are reflected in the final results. The complaints have to be heard and the process through which these votes shall be translated in the decision for seat allocation should be transparent and done with the widest participation of those concerned, including NGOs and other civil society groups.

We call on the NEC and CC to conduct the necessary hearings to resolve the complaints and to ensure a clear, transparent and participatory

process whereby major decisions are made. Short of this, ANFREL believes that the results will not be credible and will not reflect the will of the people.

ANFREL calls on the international community to reconsider any judgement on the Cambodian elections until major issues related to the exercise have been resolved.

ANFREL will continue to monitor Cambodia's election results and to support the people's aspiration for human rights, democracy and peace.

**Appendix E-6**

Press Release

9 September 1998

**Asian Monitoring Group Expresses  
Serious Concern on Cambodian Situation**

News of grenade attacks on Hun Sen residence in Phnom Penh allegedly perpetrated by elements of opposition party leader Sam Rainsy has raised serious concern over the already volatile situation in Cambodia. A warrant of arrest was issued by Hun Sen against Sam Rainsy for allegedly being responsible for the attack. Earlier, Hun Sen ordered the dispersal of the nearly two-weeks sit-in demonstration protesting the results of the July 26 elections and the government's refusal to investigate the complaints of fraud and massive irregularities filed after the elections. New rounds of violence erupted as police shot at and arrested some of the demonstrators, killing two and injuring about a hundred people.

As one of the international groups that monitored the last elections in Cambodia, the Asian Network for Free Elections (ANFREL) expresses deep concern over the alarming deterioration of the political situation in the country.

ANFREL condemns the violent act of grenade attacks and calls on the authorities to investigate fully the incident before making any statement and to prosecute the perpetrators.

ANFREL appeals on Hun Sen and the leaders of opposition parties to compromise and seek a peaceful solution to the conflict. As the warring parties continue to assert their own positions and interests resulting to more conflicts and violence, the problem is getting even farther from being resolved. We urge Hun Sen to withdraw the warrant arrest against Sam Rainsy and instead call for a dialogue that would explore peaceful settlement of the conflict.

The heightening tension in Cambodia could bring about further violence if not resolved in the immediate time possible. It is high time for the leaders and other concerned sectors of the country to seek for a peaceful solution to the conflict.

ANFREL supports the ASEAN's call for unity among contending parties and its hope for King Norodom Sihanouk "to resolve political contentions in the country so that a new government can be formed and the country can proceed with its task of reconstruction and economic development."

The recent elections cannot be proclaimed free and fair unless the duly elected government is installed and a peaceful transition of power is achieved. The people's will expressed in the last elections should be respected and should always prevail.

**Appendix E-7**

Press Release  
9 October 1998

**Asian Monitors Assert Fairness in Representation in Cambodia's Assembly**

The Asian Network for Free Elections (ANFREL) is a regional coalition of election monitoring groups in Asia. During the last Cambodian election, it organized a 45member international observation mission from 18 countries in Asia, Europe and North America. Pre-election missions were sent in August 1997 after the coup and in May 1998 during the voter registration period. Last 30 September to 4 October, 1998, a post-election mission was sent composed of representatives from Philippines, Singapore, Burma, Thailand and Indonesia.

The post-election period has been characterized by tension and anxiety arising from the violence that erupted during the demonstrations after the results were announced. The travel ban for opposition officials, the use of the military in violent dispersal of demonstrators and the continuous surveillance and presence of the military and police in temples and monks' houses, the unresolved killings and disappearances of scores of people all create an environment of fear and impunity among the people.

The standing human rights issues involving the killings, the disappearances, the physical injuries, the threats and intimidations committed related to the election have yet to be accounted for. The impunity by which these violations were committed cannot be set aside and should be an important part of the ongoing negotiations. ANFREL believes that even if a political settlement is arrived at by all parties involved, justice has to be rendered to all the victims of these human rights violations.

While the overall situation on the voting and counting days, 26 and 27 July, 1998 respectively, appeared to be 'free, fair and representative', the election process as a whole proved to be otherwise. More than two months since the election took place and while the new members of the parliament

have taken their oath on 24 September, 1998, the substantial issues have yet to be resolved and the new government has yet to be formed.

The dispute in respect of the allocation of seats commenced upon completion of the counting. The intention of a proportional representation system is to allocate seats in accordance with the vote a party-gained. Before the election, the NEC issued two different formulas to allocate the seats. Applying a different formula would give different results. Under the first formula a coalition of FUNCINPEC and the Sam Rainsy Party would have won a majority of seats in the Assembly. The NEC applied a second formula and, as a result, the CPP won a majority of seats. At present each Cambodian People's Party (CPP) seat in the National Assembly is worth 31,731 votes whilst each Sam Rainsy party seat is worth 46,644 votes. Which formula would have, brought the fairest election result and which formula was properly approved by the NEC have become the critical issues. ANFREL believes that the election process will not be completed until this formula issue has been resolved.

1. We call on the international community to recognize that the election process is not completed in Cambodia and is subject to the finalization of the formula issue.
2. We call on the ASEAN to take more active roles in the 'Cambodian issue' by influencing Cambodia's leaders to come up with a political solution using the principles of fair representation and respect for human rights. Unless Cambodia reaches a final settlement of its political disputes, with the widest participation of all political parties and the civil society, ASEAN should reconsider Cambodia's admission into the regional grouping.
3. We call on the Cambodian people to continue to be involved to be able to safeguard the integrity of their vote and to make sure their will is not betrayed and their human rights always respected.
4. We strongly support efforts by the political parties to find peaceful solution to the outstanding post-election disputes without using violent means.

ANFREL will continue to monitor the developments and to support initiatives promoting peace, democracy and human rights in Cambodia.

## **Appendix F**

*Special Representative of the United Nations Secretary-General for Human Rights in Cambodia*

### **Monitoring of Election-Related Intimidation and Violence**

(August 20 - October 28, 1998)

This is the seventh factual progress report about investigations into alleged election-related human rights violations in breach of international human rights standards. It has been compiled by the Cambodia Office of the High Commissioner for Human Rights (COHCHR) on behalf of the Special Representative. It supplements previous reports issued on July 1, 9. 17, 25, August 18 and September 23. The Special Representative is not a judicial authority and it is not his role to pass judgment in these or other cases. As in the past the purpose is to assist the authorities and people of Cambodia to identify human rights problems which should be addressed by law enforcement and other relevant authorities.

#### **Summary**

Opposition protests in August and their subsequent suppression by government security forces in September have raised fresh and serious concerns about Cambodia's human rights environment. Of particular concern are numerous violations and alleged violations over this period relating to such basic rights as those to life, liberty, of peaceful assembly, freedom to peacefully demonstrate, freedom of movement, freedom from persecution based on race or ethnicity, and freedom from arbitrary arrest or detention. This report details individual incidents that have come to the attention of this Office since August 20. It summarises progress so far in COHCHR investigations into these. The main points are:

- At least 34 people were killed in August and September. At least two of these deaths occurred when the security forces intervened to halt the



demonstrations. Four of the killings were of Vietnamese residents, targeted specifically because of their ethnicity. Their deaths and the circumstances that led to them underscore the urgent need for serious and long-term efforts to promote ethnic tolerance in Cambodia. Four other deaths occurred either outside Phnom Penh or in circumstances which set them apart from those during the demonstrations. The remaining 24 killings were part of a surge that coincided with the suppression of opposition protests by the security authorities. No direct link can be established between the majority of these cases and their involvement in the demonstrations or other political activities, and the reasons for the deaths are not known. However, observation of the bodies by COHCHR staff and the descriptions of the others based on eyewitness accounts show that most bear signs of violent death.

- Seventy-seven people, including 18 monks and a nun, are known to have received medical treatment for injuries sustained during the suppressing of protests. Sixteen people sustained gunshot wounds, including two monks.

More than 50 people are reported as having been arrested and detained by security forces sent in to end the demonstrations. A discrepancy exists between the number of people reported to the COHCHR as having been arrested and the number the security authorities have so far acknowledged detaining.

- More than 10 people were illegally detained, interrogated and in some cases beaten by opposition party security officials during the August protests outside the National Assembly, on suspicion that they were government spies, infiltrators or agent provocateurs.

Fifty-three people, including four monks, have not been seen since the demonstrators were dispersed. Efforts to establish their whereabouts are continuing.

- Restrictions on freedom of movement were imposed on opposition figures and politicians.

**Full Report:****1. Killings prior to the ending of Demonstrations (2):**

- SIENG SEAN (Aug 20, outside the Interior Ministry, Phnom Penh) Sieng Sean, 45, a driver for the Kyodo News Agency, was killed outside the Interior Ministry in Phnom Penh shortly after 11 pm on August 20. He was the sole victim of a grenade and gunfire attack, apparently directed against Sam Rainsy and members of his entourage while they were inside the Ministry compound seeking to protest alleged election fraud. Sieng Sean was standing outside in the street when the perpetrators sped past in a car firing bullets and lobbing a grenade towards the gateway where he was standing. He was hit in the head and died a few minutes later. The perpetrators escaped unhindered, despite the presence of police at the gate to the Ministry and on Norodom boulevard. Their identities have not been ascertained.
- ORN SAPHORN (Sept 7, Phnom Penh) Orn Saphorn was beaten to death on the morning of September 7 shortly after grenades exploded at the city residence of the Second Prime Minister. From testimony gathered, he appeared to be one of two people on a red motorbike involved in a traffic accident close to the Second Prime Minister's residence and just south of Independence Monument in the immediate aftermath of the explosions. After the accident the two men fled down Street 294. According to reports, one of the two was beaten by a truck driver or mob on suspicion of being involved with the grenade explosions. From the evidence gathered Orn Saphorn was the one beaten. Also reported was the presence of police pointing their guns at Orn Saphorn when he was beaten. No arrests have been reported of any persons involved in the beating, but Orn Saphorn was still alive when he was put in a police car. He was taken to Preah Monivong hospital where he died shortly after arrival. The status of the other man is not clear. The COHCHR is seeking to establish further details.

## 2. Killings of Ethnic Vietnamese (4)

The Special Representative issued a statement on September 4 strongly condemning those responsible for the killings of the following people and expressing condolences to the families. The statement noted that the deaths had occurred amid a wave of popular suspicion that Vietnamese members of the community were to blame for a spate of alcohol or food poisonings, and at a time when anti-Vietnamese rhetoric was featuring prominently in opposition protests. There is no evidence that any of the following people, or any other people of Vietnamese origin, were connected with any poisonings.

- **NGUYEN VAN MINH** (Sept 3, Phnom Penh) Nguyen Van Minh, 47, died on September 3 after being beaten on suspicion that he had poisoned wine at a shop on Street 508. He and a friend had entered the shop, apparently to buy a pack of cards, but were accused by the owner of poisoning wine after she saw them looking into a wine cask behind her back. She shouted after them as they left the premises and the men were set upon by others. They were told to drink from the wine they had been accused of poisoning, but refused. The crowd began beating them. Minh's friend was treated later for his injuries. According to witnesses Minh was beaten and dragged from the place where the incident took place to the corner of Street 508 and Beng Turn Pun road, where he sustained further injury after being run over by a member of the Flying Tigers police motorcycle unit. He died at around this time. No evidence has been found to prove the accusation of poisoning.
- **UNIDENTIFIED WOMAN, NGUYEN THI MY & TONG VAN HOI** (Sept 4, Phnom Penh) Nguyen Thi My and her husband Tong Van Hoi were killed near the FUNCINPEC headquarters in Phnom Penh on September 4 after intervening in an attempt to prevent crowds from beating an unidentified Vietnamese woman. The incident began at around 0800 when a car stopped on Monivong Boulevard, an occupant got out and began questioning the woman loudly about poisoning. She panicked and tried to run off but was caught by people nearby and searched. No poison was found, but the crowd began beating her.

Nguyen Thi My and her husband sought to intervene along with a third person, who escaped. They were killed. The unidentified woman was taken to Calmette hospital, but died a few hours later.

### **3. Killings during the suppression of demonstration (2)**

- CHEM PICH (Sept 7, outside the Cambodiana Hotel, Phnom Penh) Chern Pich (Horn Keo Davy), a moto taxi driver living in the Tonle Bassac quarter, was killed by a bullet in the head, in the evening of September 7, in front of the Cambodiana Hotel. On that evening he had gone out to join the demonstration in front of the National Assembly and subsequently joined protesters outside the Cambodiana. He was shot in the back of the head. It was also reported that he was beaten with a rifle butt on the shoulders, upper back and neck. He was taken to the Calmette hospital but died en route, at about 20:00. An autopsy carried out at the request of the family confirmed the gunshot wound and corroborated the allegations of beating. His body was released to his family and brought to Wat Lanka for cremation on the evening of September 8.
- CHUN SAMNANG (Sept 11, Monivong boulevard / Street 240, Phnom Penh) Chun San-mang, a 28-year-old demonstrator, was shot dead at around 09:00 on September 11 at the corner of Street 240 and Monivong boulevard, apparently by security personnel. He was shot at close range in the upper part of the back. He was taken to Kossamak hospital in a UN vehicle where he died shortly afterwards. He was identified the same day by relatives. Chun Samnang was an English teacher originally from Prey Veng. He had two children.

### **4. Bodies discovered during and immediately following the ending of the protests (24)**

The Special Representative issued a statement on September 16 expressing grave concern about the large number of bodies being found in and around Phnom Penh in the wake of the crackdown. No direct link can be established between the majority of the cases and their involvement

in demonstrations or other political activities, and the reasons for the deaths are not known. However, observation of the bodies by the Office and the descriptions of the others based on eyewitness accounts show that most bear signs of violent death. Bullet wounds, broken limbs and marks of strangulation have been observed. In 14 cases bodies had their hands tied (in 13 instances behind their backs) and several had been blindfolded or gagged. As of October 28, 24 such cases were under investigation. These are listed below.

- SATH SOPHEAKTRA / UNIDENTIFIED BODY (Sept 9, Phnom Penh Thinei) On September 9 at approximately 13:00 two young men were seen being taken by plainclothes policemen and district gendarmes to Kmouegn village, Kmouegn commune, in the capital's Phnom Penh Thinei quarter. Witnesses watched as the victims, dressed only in their underwear and with their hands tied behind their backs, were transported to the place of execution in a pick-up truck, where they were summarily killed. COHCHR investigators were led to their bodies the following day, which had been buried in shallow graves. One was identified as Sath Sopheaktra, a 19-year-old student at the Bak Touk High School. He had a large bruise (10 cm. across) on the left hip, a bullet entry wound on the right hip, a second one in the groin, a large wound on the back of the head — possibly from a bullet — and his skull was smashed.

The body of the second man was riddled with wounds from about 20 bullets, five of which had been fired into his face, making identification difficult. Witnesses to the killing stated that he had not died on the spot. They said he had regained consciousness after being shot and had crawled out of the ditch crying for help. The district gendarmes who had shot him were alerted to the fact he was still alive, and returned to the location and shot him again to kill him. Witnesses said they kept shooting into the body until well after he was dead. The gendarmes were reported to have told those watching that the victims were involved in a motorbike robbery. They placed a motorbike near the bodies and photographed it, apparently to fabricate evidence. No evidence has been found to support the accusation of robbery.

- **FLOATING BODY** (Sept 9, Torile Sap river, Prek Phneuv, Kandal) Separate witnesses interviewed by the COHCHR saw the body of a young man, in his early 20s, floating on the Tonle Sap river, near Dong village, Prek Plineuv commune, Kandal province on September 9 at around 17:00. The body was dressed in underwear bearing the "Leo" brand mark. The arms were tied to a pole across his back in the manner of a crucifixion. The neck showed marks of possible strangulation. Witnesses described him as "good-looking" with a light complexion and short hair and Chinese in appearance. The body was beginning to swell indicating death had occurred probably 2-3 days earlier. Local residents could not identify the body and no one in the area claimed a missing relative. He was left to float downstream.
- **THREE FLOATING BODIES** (Sept 9/10, Tonle Sap, Ponhea Loeu, Kandal) Local residents saw three bodies floating on the Tonle Sap river, near Chrey Andet village, Ponhea Loeu, in Kandal province on September 10. Two of the three were those of young women dressed in what appeared to be underwear. They were floating separately, with their hands tied. One witness reported seeing dark marks on their faces, another said their heads appeared to have been smashed with a hard object, while a third described the marks on their faces as marks of cutting. The other body was that of a man in his early 20s, which was seen on September 9 stranded on the bank of the river. His hands were tied behind his back, his throat showed dark marks possibly of strangulation, and he had a bullet hole in the left side of the back. The body was pushed back into the river several times by local residents. None of the three bodies could be identified, and no one in the area claimed missing relatives. They were pushed back into the river to float downstream. Villagers said it was the first time they had seen bodies floating there.
- **FLOATING BODY IN A MONK'S ROBE** (Sept 10, Tonle Bassac, Phnom Penh) On September 10 at around 18:00 a body was seen floating in the Bassac river near the Naga casino by a local boatman. The witness, who was interviewed by the COHCHR, stated that the

body was wearing what he described as a monk's saffron robe. The body was left to float downstream.

- **BODY WITH SHAVEN HEAD** (Sept 11, Peam Chhor, Prey Veng)  
The body of a man aged in his early 20s was seen on September 11 by multiple witnesses at around 10:00 near the bank of the Mekong river, stranded by the Prek Krabao pagoda in Otdom village, Pearn Chhor district, Prey Veng. The head and eyebrows had been shaved. It was dressed in what appeared to be a policeman's shirt, worn inside out, and trousers which were too large. The clothes were tied to the waist and belt straps with a rope made from vegetation. There were no underpants. The right side of the mouth was smashed and upper teeth were missing. The middle finger of the right hand was broken and both shoulders were bruised. The belly was swollen. The body was thought by the pagoda authorities to be that of a monk and was buried in the yard of the pagoda. The COHCHR conducted an exhumation on October 16. Examination found multiple fractures to the ribs on both sides, with some fractured in more than one place. The cause of death was assessed as being most likely severe frontal chest injury of the type seen in traffic injuries or in an assault where the chest is stamped upon violently. Although the body was in an advanced state of decomposition the examination supported witness reports that the person had shaved his hair and eyebrows. The appearance of the clothes suggested they were put on after death. The earliest likely date of death was assessed as September 7.
- **THREE FLOATING BODIES** (Sept 11, Bassac river, Saang, Kandal)  
Three bodies were seen by villagers on September 11 floating on the Bassac river opposite Saarig district town in Kandal province. A second sighting by fishermen, local merchants and ferry staff of what may have been the same bodies was reported the following day, opposite Saarig jetty about 10 kilometers downstream. One of the three was said to be a woman. All had their hands tied behind their backs. The body of the woman was found by COHCHR investigators on September 17 in reeds

on La Theng lake at the end of a canal. She was dressed in black trousers with a white T-shirt and red check shirt on top. Her body was in an advanced state of decay. It was lying face upwards with arms stretched out. It could not be identified.

- **TWO FLOATING BODIES** (Sept 11, 12, Lvea Aem, Kandal) An unidentified body was seen by several witnesses at around 0600 on September 11 floating in front of the district hospital in Peam Oklina Ong commune, Lvea Aem district, Kandal province. The body's hands were tied behind the back, but the witnesses were unable to provide other details as it was some distance from the river bank. Another body was seen at the same location the following morning, floating down river and also with hands tied behind the back.
- **UNIDENTIFIED BODY** (Sept 12, Peam Chor, Prey Veng) A body was seen by multiple witnesses stranded by a jetty downstream from Prek Krabao pagoda at around 1100 on September 12. It was described by several of those present as being that of a monk, with the head and eyebrows shaved. It was naked except for a monk's saffron cloth (*ansak*) worn over the chest, and floating with arms outstretched. Villagers pushed the body back into the water.
- **TWO FLOATING BODIES** (Sept 18, Prek Krabao, Prey Veng) A floating body was seen on the Mekong river on September 18 lying face down about 100 metres from the banks of the Oddong, near Oddom and Koh Ream Raing villages. The body was seen by multiple witnesses and was wearing camouflage clothing. His hair was short, but not shaved. The body of a second man, wearing blue shorts and a white shirt were seen by a villager downstream from Oddom village at Koh Ream Raing village
- **UNIDENTIFIED BODY** (Sept 13, Prek Kampis, Kandal Stoeng) The body of a man in his late thirties or early forties was seen on the morning of September 13 by COHCHR investigators at Kilometer 19 on National Road Two, in Srey Snom. village, Prek Kampis commune, Kandal Stoeng. It was lying in a rice field irrigation canal. Local police came to look at



the body but did not examine it. It was then examined by the COHCHR. The body was dark-skinned, tall (about 180 cm) and blindfolded with his hands tied tightly behind his back with electric wire. There were no apparent bullet wounds, but there was blood in the mouth and a mark around the neck, possibly from strangulation. A red and white krama had been stuffed into his mouth. He was wearing khaki coloured jeans, a long-sleeved red, brown and white shirt, dark blue under-shorts with pockets on both sides, and a pair of western-type underpants. He also had an amulet string around the waist. The body was swollen, apparently from being in the water for several days.

- **FLOATING BODY** (Sept 14, Lvea Aem, Kandal) Residents of Tak Sko village, Sarikakeo commune, Lvea Aem district observed a corpse floating near the bank of the river on September 14 at around 0700. The body displayed a bullet wound near the neck and a cut on the shoulder. The throat was slit half open. He wore blue shorts. Villagers in at least three places pushed the body back into the water before it was taken away by Kandal provincial police.
- **THREE FLOATING BODIES** (Sept 15, Kien Svay, Kandal) An eyewitness interviewed by the COHCHR at the Prek Eng ferry in Kien Svay district reported seeing three bodies floating on the Mekong river at around 1600 on September 15. They were about 20 metres from the bank opposite Ta Sko village in Sarikakeo commune. Two were dressed as civilians and the third was wearing a monk's saffron robe. All three had their hands tied behind their backs.
- **UNIDENTIFIED BODY** (Sept 16, Kien Svay, Kandal) The body of an unidentified person was found on September 16 by COHCHR investigators on the bank of the Mekong river near Koh Pos, Dei Et commune in Kien Svay district. The skull had been smashed into very small pieces and the hands were tied behind the back with a thick nylon rope. A krama was tied around the neck. The body was in an advanced state of decay, with parts of the skin and flesh drying in the sun. Because of this the sex could not be determined.

- CHEY OUDOM (Sept 17, Street 150, Phnom Penh) Chey Oudom, 22 (also known as Achen, or “the Chinese”) was shot dead by two unidentified men wearing civilian clothes at around 1930 on September 17 on Street 150 in Phnom Penh. He had just left the house of a friend by motorcycle when the two unidentified men, who had apparently been waiting for him, drove up on another motorcycle and shot a bullet at point blank range into his head. The bullet entered the left cheek and came out from the back of the head, killing him almost instantly. According to preliminary findings the victim was working as a driver for a FUNCINPEC member of parliament for Kandal province. He had also been an electoral observer for that party during the July elections. The COHCHR has confirmed he was a FUNCINPEC security official during the Democracy Square sit-in and was active during the post-election demonstrations. The Tuol Kork district police inspected the body shortly after the killing. The body was taken by relatives on the same evening for cremation at Preah Put pagoda.
- FLOATING BODY (Sept 19, Peam Keo, Prey Veng) The swollen body of a man, aged around 35, was seen floating face down on the left side of the Mekong river by residents of Prek Ksay and Prek ta Sor villages, Prek Ksay Kor commune, Peam Keo district, Prey Veng, on September 19 at around 1700. The body had become stuck in bushes on the river bank. It was naked. The ears were cut off and the head and eyebrows shaved. A black nylon rope was tied to one foot and a wooden stick was embedded in his back (possibly the result of attempts by villagers upstream to push the body out into the river). Villagers paid a fisherman to push it back into the river. A human rights NGO staff member was prohibited from approaching or taking photos by the commune chief.

##### **5. Other killings (2):**

- VORN MEAK (Sept 30, Krochmar district, Kompong Cham) Vorn Meak, 34, a farmer in Kompong Cham province, was the victim of what appears to have been an extra-judicial execution by police officers. Vorn Meak was arrested on the morning of September 30 shortly after

arriving at the home of his brother-in-law in Veal Sway village. The officer who arrested him accused him of being a FUNCINPEC party member and of having been involved in an armed robbery. His hands were tied behind his back and he was taken to the police post at Tual Snual. At around 1500 he was seen being taken by five policemen and two civilians to a jungled area just outside the village where he was executed. Seventeen bullets were shot into his body. His family heard about the case the same day and came to retrieve his body for burial. The case is currently under investigation.

- SAR CHAN RITHY (Sept 24, Siem Reap) Sar Chan Rithy, 12, was killed on the morning of September 24 when a propelled grenade aimed at a convoy of participants in a ceremony marking the opening of the National Assembly missed and slammed into his family house. Three of his relatives — his father, sister, and uncle — were injured. No one in the convoy was hurt. The perpetrators have not been identified.

## 6. Injuries

Medical and other reports show that at least 77 people were injured or wounded when the security forces intervened to end the protests in early September. The casualties include at least 18 monks, one nun, one foreign journalist, and three members of the security forces. The use of live ammunition resulted in gunshot wounds to 16 demonstrators, including two monks. Among those injured are an 18-year-old male who was shot in the neck. He survived but is paralyzed. Details of hospital or medical reports made available to the COHCHR show that around half those wounded by gunfire were hit in upper areas of the body.

The COHCHR issued a statement on September 11 urging demonstrators, political parties, their leaders and the security forces to exercise maximum restraint. It also urged the authorities to isolate and disband groups of purported demonstrators who at that time were operating openly among members of the crowds in the manner of agent provocateurs. Incidents of shooting, beating, or rock-throwing initiated by some

individuals resulted in injuries to a number of people. Several of these incidents were witnessed by COHCHR and other UN staff, and photographic and video evidence has been obtained of some of these. On at least one occasion shots were fired at ground level towards foreign journalists who were standing near the U.S. embassy.

- CPP-organised counter-protest A number of incidents were recorded during the CPP-organised counter-protest on September 13. Many of the participants were armed with sticks, and a significant number carried guns. Security was provided by the gendarmes and police. In one incident at around 1600 and recorded by COHCHR staff, participants smashed property belonging to a stall holder on Pochentong road and beat him severely. There was no recorded provocation. The security authorities made no move to intervene, nor to seek medical help for the victim once the attack was over. In another incident on Sihanouk Boulevard a man was attacked by stone throwing government protesters resulting in a head injury, apparently after cursing them. Other similar incidents were recorded along the demonstration route.

## 7. Missing people/arrests

A large number of arrests were witnessed by COHCHR staff or reported to the Office during and immediately after the suppression of demonstrations. Efforts to establish the whereabouts of many of those involved are continuing, and it is likely that precise figures for the number missing will not be known for some time. Of those people reported missing, the most recent known case involves a demonstrator who was last seen on October 17. As of October 26, 1998 the following figures applied:

### People accounted for:

Arrested, but now released / escaped	34
Arrested, believed released, but confirmation pending	9
Arrested and being detained	5
<b>Total:</b>	<b>48</b>

**People not accounted for:**

Reported missing but not known to have been arrested	43
Arrested but fate unknown	6
Monks not accounted for	4
<b>Total:</b>	<b>53</b>

## Summary:

- Although the security authorities have publicly acknowledged the arrests of 29 people, based on information available as of October 28 it appears that at least 54 people were arrested, six of whom are not yet accounted for.
- As of October 28, 47 people remained unaccounted for. Four of these are monks. The six arrested but not accounted for bring the total to 53.
- In addition to the above cases a large number of arrests of people who could not be identified by name, have also been reported. Of these 22 are currently assessed as highly credible, and efforts are continuing on a priority basis to verify the status of the persons involved.

**8. Arrests /detention by opposition party officials**

COHCHR and other UN staff responded to a series of incidents during the Democracy Square protests in which at least 10 people were held and interrogated against their will by opposition party security officials on suspicion of being intruders, agent provocateurs or government spies. The people detained were in most cases kept for short periods of time, searched, and questioned about their activities. The victims were handed over to UN staff who intervened. In some cases, however, those involved had been physically assaulted. Such acts amount to violations of the rights of the individuals involved to physical integrity, liberty, and freedom of movement. The COHCHR protested to opposition leaders about these incidents.

## 9. Travel ban on opposition politicians

The government's September 7 decision to impose a ban on international travel for opposition politicians appears to have affected a significant number of people. On 10 September the COHCHR issued a statement expressing concern that opposition figures including H.E. Kern Solcha, member of the National Assembly for Takeo province and Chairperson of the National Assembly Commission on Human Rights and Reception of Complaints, had been prevented from leaving the country. As of October 28 Khern Solcha's freedom to travel was still open to question. Freedom of movement may only be limited in individual cases in which a person is under lawful arrest or detention for a duly prescribed criminal act or subject to a lawful arrest warrant.

Phnom Penh. October 28, 1998

## Appendix G

### Chronology of Events in Cambodia

#### January 15-November 30, 1998

**Jan. 15 1998** Cambodian's leading dissident, Sam Rainsy, returned home after nearly a month abroad. Meanwhile, a group of seven supporters of Prince Ranariddh arrived to resume observation of the political situation towards the possible return of the exiled prince. In another development, after being criticised for a recent crackdown on the media, Hun Sen reversed a government order to shut down six pro-opposition newspapers.

**Jan. 16, 1998** King Norodom Sihanouk, the ailing 75-year-old monarch said he had "decided to no longer accept diplomatic or political meetings with Cambodian or foreign officials."

**Jan. 20, 1998** More than 70 shells fired by the warring factions hit Thai territory as Hun Sen's troops made a new bid for control of the hilltop bastion to which the royalists have been clinging since August. Prince Ranariddh sought confirmation of the ceasefire proposal of Hun Sen.

Va Mony, an official with a goldmining company, was wounded in the buttocks when police opened fire on the white Jeep Cherokee in which he was riding. The vehicle is used as a mobile security unit called "Mobile One," carries diplomatic plates. US ambassador Kenneth Quinn protested the incident.

**Jan. 23, 1998** Mr. Hun Sen rejected any suggestion he would negotiate a ceasefire with deposed co-premier Prince Norodom Ranariddh. The dismissal came after the

premier this week accepted an invitation from Thai Premier Chuan Leekpai to visit Bangkok where the exiled prince, whom he effectively ousted in fierce fighting in July was based.

**Jan. 26, 1998** The parliament approved nominations for the 11-member National Election Commission (NEC) to oversee a general election on July 26. The president is Mr.Chheng Phon.

**Feb. 12, 1998** Thai Prime Minister Chuan Leekpai informed Prince Ranariddh who was in Thailand that Thailand was willing to help solve the crisis in Cambodia if both the Prince and Hun Sen agree.

**Feb. 23, 1998** Mr.Hun Sen said the fighting in Phnom Penh in July 1997 which led to the ouster of his coalition government partner and senior co-prime minister Prince Norodom Ranariddh, was necessary to prevent the return of the Khmer Rouge guerrilla group.

**Feb. 25, 1998** Mr. Sam Rainsy, the target of a deadly grenade attack last March that killed 17 people and wounded 150, informed United Nations officials and some Western embassies about the information he received....of a possible assassination attempt.

**Feb. 26, 1998** Mr. Hun Sen warned that Prince Ranariddh, who was in exile in Thailand, still has to surmount several charges before he will be allowed to participate in the election.

**Feb. 27, 1998** Mr. Hun Sen asked Prince Ranariddh's army to hand over the troops and he will accept the ceasefire. Gen. Nhek Bunchhay, Prince Ranariddh's resistance commander, called on military leaders of both sides to sit down and discuss the conditions of the ceasefire by making the proposal through the Japanese.

Deputy Foreign Minister Sukhumbhand Baribatra said Cambodia's national reconciliation would be complete if free and fair elections took place on July 26, and this would require the participation of an estimated 64,000 Cambodians taking refuge in Thailand.

**March 4, 1998** Cambodia's military court convicted deposed Prince Ranariddh of illegally buying and transporting weapons into the country and sentenced him to five years in prison.

Meanwhile, Mr. Kim Sang, a senior member of Prince Ranariddh's party was shot dead in Phnom Penh. On the same day, Gen. Ta Mok, the rebels' top commander said from Anlong Veng, in a rare interview with Worldwide Television News (WTN) that "Can the United States be blind to such acts by Hun Sen and fold their arms while criminals try innocent people?"

**March 5, 1998** More than 40 of the prince's supporters including 8 generals had been killed since July, according to the United Nations human rights officials who have complained that the government has taken little or no action to investigate the murders.

**March 6, 1998** The ASEAN Troika (Indonesia, Philippines and Thailand) addressed the request to the UN Secretary General Kofi Annan through his representative in Cambodia to ensure permanency of the ceasefire in Cambodia. Thai Foreign Minister said Cambodia was

unlikely to be admitted into ASEAN in July at the annual meeting of the grouping's foreign ministers, as has been the normal procedure.

**March 17, 1998** Prosecutors opening the second trial in absentia of Prince Ranariddh accused him of masterminding a coup plot with Khmer Rouge guerrillas last year before he was himself deposed as co-prime minister.

Three co-defendants were also being tried in absentia. They include Gen. Nhek Bunchhay, who were leading the prince's resistance forces in northern Cambodia, Serey Kosal, the prince's security adviser, and Gen. Chao Sambath, an interior ministry official shot in the head and killed by Hun Sen's forces during the coup.

Amnesty International, the London-based human rights group, called the summons of Chao Sambath "farcical" and noted no one had ever been arrested for the killing and torture of scores of the prince's supporters.

**March 18, 1998** Military court sentenced Prince Ranariddh to 30 years in jail after finding him guilty in absentia of plotting with the outlawed Khmer Rouge to overthrow the government. Three co-defendants charged with collusion, Nhiek Bun Chhay, Serei Kosal and Chao Sambath, were sentenced to 20 years in jail each.

Nhiek Bun Chhay faces 24 years in prison as he was sentenced to 10 years for an antiquities theft last month, now face 30 years in prison. The four defendants were ordered to pay more than \$54 million in compensation to the government and victims of the weekend fighting in Phnom Penh last July. The prince and his cabinet reject the verdict outright.

**March 21, 1998** King Norodom Sihanouk granted a pardon to his son, Prince



Ranariddh, after refusing to do so earlier in the day. The pardon signed by the King in Beijing allows the prince to participate in the election.

Mr. Hun Sen, the powerful second prime minister said in a letter to the monarch that "Today, after consulting with Acting Head of State Chea Sim, I beg Your Majesty to pardon Prince Norodom Ranariddh on all counts... and free him from the courts' verdicts,".

The king said in Beijing earlier he would be jeopardising the Cambodian monarchy if he pardoned his son without the full agreement of Hun Sen and new First Minister Ung Huot.

**March 23, 1998** In a radio broadcast, Khmer Rouge faction said it will boycott the election, which it insists will be neither free nor fair.

Hun Sen's troops had been battling Khmer Rouge for four days in the extreme north of the country near Thai border.

**March 25, 1998** Prince Ranariddh made the call for amnesty for Generals Neak Bun Chhay and Serei Kosal after talks with ambassadors of the ASEAN Troika. In the meantime, M.R. Sukhumbhand noted that the Cambodian election law prohibits candidates from having their own armed forces or holding any particular part of the country.

**March 26, 1998** More than 1,500 Khmer Rouge fighters had rebelled against their ageing leaders and seized control of their headquarters at Anlong Veng in northern Cambodia. Khmer Rouge commanders and the notorious group's former chief, Pol Pot, fled north towards Thailand, while its 5,000 soldiers and civilians had defected to the government side.

The body of an Australian man who was beaten to death had been discovered at the luxury hotel where Prince Norodom Ranariddh was to stay. Khieu Sopheak, an Interior Ministry official said the government would provide extra security at the hotel if the Prince requested.

**March 27, 1998** Tea Banh, a co-defence minister said government troops had captured Anlong Veng when a mutiny erupted in the hardline faction against leader Ta Mok.

**March 29, 1998** In a blow to Prince Ranariddh's return plans his father, King Norodom Sihanouk, said he would not grant pardon to the commanders of his son's resistance army because of objections from Hun Sen.

**March 30, 1998** Prince Ranariddh returned to a rapturous welcome amid tight security in Phnom Penh after nearly nine months in exile. Thousands of supporters welcomed his arrival.

"I was in exile because of a coup—my father was in exile because of a coup, but all the time we come back," he said referring to his father's exile—mainly in China—from 1970 to 1993. Just hours before his arrival about 2,000 people marched to protest the return.

More than 40 loyalist supporters have been killed since the prince was ousted and no one had yet been arrested for the murders.

On the same day, leading dissident Sam Rainsy commemorated the first anniversary of deadly grenade attack on an opposition rally he led. About 200 people, many of them saffron-clad Buddhist monks joined in praying for at least 16 people who were killed and 119 who were wounded last March 30 when as-yet unidentified attackers lobbed four grenades into the rally.

**March 31, 1998** Pol Pot, who was toppled last year by Ta Mok and was put under house arrest in a bamboo hut in the heart of Anlong Veng was no longer there.

**April 1, 1998** Hundreds of riot police armed with assault rifles and batons dispersed a crowd of supporters of Prince Ranariddh after they clashed with backers of Hun Sen.

Prince Ranariddh stayed inside the Le Royal Hotel prevented by security-conscious aides from waving to his supporters.

**April 2, 1998** Inside the hotel, the prince pursued meetings with diplomats, aid workers and others on his third full day back.

In the meantime, Pol Pot, has denied reports that he secretly entered Thailand to escape internal fighting among guerrillas holding him under house arrest.

Obsessed mostly with health problems, Pol Pot complained about headaches, a pain in his chest and an eye, lung problems, that he may go blind and that left side of his body was often numb.

**April 3, 1998** ASEAN has agreed to dispatch a group of observers for Cambodia's general elections after an official request from Phnom Penh. Japan, EU and Friends of Cambodia were also planning to assist with the donations of around US\$40 million.

**April 6, 1998** United Nations investigators believe nearly 100 supporters of Prince Ranariddh were murdered following his ousting last July, more than double their earlier estimates. Thomas Hammarberg, UN Secretary-General Kofi Annan's special representative for human rights in Cambodia, announced the new evidence on the killings at a Geneva news conference.

**April 8, 1998** UN was to establish a Joint International Observer Group (JIOG) for the elections to be comprised of monitors from foreign governments and inter-governmental organizations.

**April 9, 1998** Thailand denied the United States had formally asked Bangkok for help in arresting Pol Pot and bringing him to justice. The denials came after a US newspaper reported that President Bill Clinton had ordered the arrest of Pol Pot and his removal to a third country to be tried for war crimes.

**April 10, 1998** United Nations High Commissioner for the Human Rights Mary Robinson condemned an attack last week on a local UN rights worker. A UN official in Phnom Penh said the rights worker was beaten by a group of men, some in plain clothes, some in security force uniforms, when he went to investigate a demonstration as part of the UN's normal monitoring activities.

**April 11, 1998** King Sihanouk said when he returned to Cambodia from China that Pol Pot, who was 73 and in poor health, should face an international court. The king was kept a prisoner in his Phnom Penh palace during Khmer Rouge rule when some 14 members of his family died. The Khmer Rouge were driven from power by a Vietnamese invasion at the end of 1978. During the 1980s the king joined a loose Chinese-backed alliance with the Khmer Rouge to oppose Vietnam's occupation of Cambodia.

**April 15-17, 1998** Pol Pot died of heart attack, the body was put on display on the 16th of April for a small group of Western journalists who were allowed inside Cambodia.

**April 18, 1998** A Khmer Rouge leader Khieu Samphan announced the rebirth of the National Solidarity Party and said that "If the elections do not go ahead under the iron rule of Vietnamese communists and their puppet, we should be very happy and want to take part because we are democratic, pluralistic and free government".

**April 19, 1998** The IFRASSORC's opinion poll showed serious doubts about the credibility of the coming elections in Cambodia. Those who believed that the elections would be free, fair and credible was 39.9% and those who either do not believe so or express some doubt was 37.3 %.

On the same day, Top Thai military intelligence officer strongly denied that Pol Pot died of poisoning in his last jungle hideout. He said that "After checking the samples of hair and other examinations of the body, we have found that he did not die of poisoning".

Cambodia and the United States had both called for an independent autopsy but Pol Pot's body was cremated in a forest clearing on Cambodia's northern border with Thailand on the 18th. Of April.

In Thailand, Foreign Minister Surin Pitsuwan chaired a meeting organized by the ASEAN Troika—comprising of his Indonesian counterpart Ali Alatas and Philippine Foreign Minister Domingo Siazon with the so-called "Friends of Cambodia" which groups the United States, France, Japan and Australia. The meeting focused on the Cambodian situation.

**April 20, 1998** Gen. Khan Savoeun, the second ranking general in Prince Ranariddh's forces said "We don't want to associate either with Hun Sen or Ta Mok,"

Thai Premier Chuan Leekpai and the army called for an end to speculation over the cause of Pol Pot's death, dismissing fresh claims he took poison to escape justice.

**April 21, 1998** Prince Ranariddh returned to Cambodia again to meet his father King Norodom Sihanouk in Siem Reap and returned to Bangkok on April 24th. Brussels would add another \$1.08million to pay observers to the registration and voting, in addition to the \$11.5 million already pledged. Foreign ministry officials in Tokyo also promised an increase of \$250,000 on the \$3 million already promised.

About 15 EU observers plan to go to Cambodia to monitor voter registration, and 80 more will be on hand on election day.

Khmer Rouge radio said 45 people were killed in the attack on the ethnic Vietnamese who were "stealing natural resources", apparent reference to fishing.

President Clinton announced that the US government will not end its pursuit to bring Pol Pot's henchmen to justice.

**April 22, 1998** "There is less than 100 days to the election and about 64,000 Cambodians are still along the border, we want to see them return home safely so that they can join in the election" Thai Deputy Foreign Minister said.

**April 23, 1998** Prince Ranariddh and Sam Rainsy met for talks and said Cambodian opposition parties would boycott elections unless they can campaign freely. Ranariddh has complained about the absence of a proper investigation into the extrajudicial killing of scores of his supporters in the aftermath of Hun Sen's coup.

**April 29, 1998** Hun Sen making his first public appearance in six weeks, told a rally

that he was determined to hold fair elections in July and was ready to hand over power if he loses. He, ending a period of mourning for his mother's death, also welcomed Khmer Rouge guerrillas who defected to the government in recent weeks.

**April 30, 1998** A seminar "Cambodian Election: Hopeful or Hopeless Political Exercise" was organized by Asian Network for Free Elections (ANFREL) in Bangkok, Thailand.

**May 3, 1998** Hun Sen pronounced the Khmer Rouge guerrilla movement dead, but warned the country to be vigilant in guarding against a possible resurrection.

Up to 30,000 refugees crossed into Thailand through Sa Ngam Pass are heading for the safe area about eight kilometres from the frontier, military sources said. They will add to the 64,000 Cambodians already sheltering in Thailand.

**May 6, 1998** Hunger and disease are taking their toll on thousands of Khmer Rouge dependents who fled recent fighting to refugee camps and the jungle.

Hun Sen started his two-day visit to Thailand. He and Chuan witnessed the signing of an extradition treaty and a memorandum of understanding on narcotics suppression. Chuan expressed hopes for a peaceful and fair general election in Cambodia.

**May 7, 1998** Hun Sen claimed that unless the polls are held on schedule, Cambodia may have to wait another five years because the constitution allows Hun Sen to remain in power until 2003. He rejected the granting of amnesty to Nhiek Bun Chhay and Serey Kosal, key military leaders of the royalist forces, because it was not included in Japan's four-pillar peace plan.

**May 8, 1998** National Assembly voted to place 3 of its members loyal to Hun Sen's powerful political party on the Constitutional Council. Three other members are to be chosen by King Sihanouk, and 3 more by the Supreme Council of Magistracy.

Members of parliament loyal to Ranariddh expressed outrage after the vote, which came just two days after Hun Sen assured the prince that at least one of the MPs on the body would come from his Funcinpec party.

**May 25, 1998** King Sihanouk has approved appointments to supreme constitutional body. The opposition has objected to the appointment of six members of the nine-member body saying they were supporters of the CPP.

**May 27, 1998** Gen. Saiyud Kerdpol, vice-chair of PollWatch visited Cambodia with representatives from Sri Lanka, Canada, Philippines, Thailand and Bangladesh to observe the registration of Cambodia voters under sponsorship of the Asian Network for Free Elections (ANFREL). He said "The Cambodian government has made several preparations for the election that are considered biased against the opposition parties."

**June 1, 1998** Prince Ranariddh registered to vote in upcoming elections, pulling back from his threat to withdraw from election if the polls are unlikely to be free and fair. He said "We should not talk about boycott, but we should talk about the possibility of postponing the election".

**June 2, 1998** Sam Rainsy, the former finance minister turned opposition leader registered in Kampong Cham province, the most populous province with the biggest number of assembly seats, 18.

**June 9, 1998** Thomas Hammarberg, the UN secretary-general's special representative for Human Rights in Cambodia met Hun Sen to discuss two recent UN reports about a grenade attack in March last year that killed at least 16 people and the killings that followed after Ranariddh's ouster.

**June 11, 1998** Ranariddh called for the Association of Southeast Asian Nations (ASEAN) to expel any member country whose leader came to power through a coup.

Cambodia was scheduled to become an ASEAN member last year, but its entry was put off indefinitely because of the regional grouping's concerns about political instability in the country. Burma and Laos were admitted, joining Thailand, Malaysia, Indonesia, Singapore, Brunei, the Philippines and Vietnam. ASEAN decided to send 75 observers for the elections.

COMFREL was citing reports from 23 provinces and major towns during the first 11 days of voter registration, from May 18-29. COMFREL said they found the first two irregularities in voter registration at stations No. 0124 in Phnom Penh, and No. 030208 in Kampong Cham. The third irregularity was reported at unidentified stations in Phnom Penh, Kandal, Kampong Cham, Kampong Chhnang, and Sihanoukville.

COMFREL argued for refugees to be given voting rights, in apparent reference to the estimated 80,000 people who fled to Thailand.

**June 12, 1998** National Election Commission (NEC) announced officially the 39 parties eligible to participate in the election including Funcinpec.

NEC has fired a local official (well-known CPP) who brandished a gun at a voter registration center and vowed to kill supporters of a top opposition party.

**June 15, 1998** Nearly 90 percent of eligible voters had registered, but tens of thousands of others in refugee camps and overseas would be left out. "It has gone extremely well" said Michael Meadowcroft, co-director of an EU funded support team working the the NEC.

The Constitutional Council which is mandated to rule on constitutional and electoral disputes and thus has a crucial role to play in election, selected former supreme court president Chan Sok as its president.

**June 17, 1998** King Sihanouk appealed to Cambodians not to fear intimidation in voting next month, as Hun Sen renewed his commitment to a free and fair election.

**June 18, 1998** Financial assistance for the UNDP Trust Fund has been announced. Contributions earmarked for the Election Assistance Secretary included as follows: Canada \$54,000, Australia \$31,000, South Korea \$ 50,000, France \$330,000 and Norway \$535,000.

**June 19, 1998** The ASEAN Troika join other Friends of Cambodia—Australia, Canada, US, the EU, and Japan- in a broader review of the Cambodian situation in a Bangkok meeting.

Sam Rainsy and Son Soubert said in their statement that "Ruling party thugs intimidate and terrorise opposition organisers". Sam Rainsy said that "International community will support the plan of Hun Sen to hold election on July 26. It is just an election for the sake of election so everyone can wash their hands of Cambodia."

The body of Sam Rainsy supporter, Em Eam, was recovered with a broken neck in a shallow grave in Kampong Cham province.

Japan is to give three million dollars to help fund elections. UNDP to buy transport and administrative materials for the polls. The latest donation lifted Japan's grants to more than \$9.5 million.

**June 21, 1998** About 2,500 protesters led by Sam Rainsy marched through the streets of Phnom Penh carrying blue and white banners that said "we want a free and fair election!" The demonstration went ahead despite repeated state-run television and radio broadcasts warning that rallies were prohibited until after the election.

Sam Rainsy ignored the ban, calling it "unconstitutional".

**June 22, 1998** Thai foreign minister pursues a "constructive intervention" policy which will allow the country to express views on other countries' affairs. "We must be true to ourselves, our membership in ASEAN and ASEAN's principles of non-interference should not hamper us from expressing our views on what we respect. It's not necessary to agree on every issue with other ASEAN members."

**June 23, 1998** Sven Linder, a former Swedish ambassador to China and the EU's chief election observer pronounced EU's satisfaction with the voter registration process.

COMFREL expressed its concern over provincial and commune election committees lacking the strength and neutrality necessary to ensure a free and fair election process.

COMFREL noted "the prevailing absence of violence", "no killing took place in relation to voter registration" and the high

proportion of eligible voters, 98.3 percent who signed up to cast ballots." But it said, "intimidation of opposition parties and their supporters remained a vital concern" as did apparent attempts to "pack" the rolls by enrolling ineligible voters, including ethnic Vietnamese migrants whose Cambodian citizenship is questionable.

**June 24, 1998** Voters have more than 39 political parties to choose from—19 more than in UN-brokered elections in 1993. There will be 122 parliamentary seats up for grabs in the election. Mr. Linder's team will be part of a 500-strong international observer group for the poll, which many believe may make or break Cambodia's fragile chances for peace and development.

**June 26, 1998** Hun Sen hit the campaign trail, telling residents of the western province of Kampong Speu that "When you need a school you ask Hun Sen, but when Hun Sen needs your vote and you don't vote for the CPP, then I won't help you next time." "Even though there is the National Election Commission, the government is still under my rule."

**July 1, 1998** Six alleged bombs were delivered to a leading Cambodian opposition party (Sam Rainsy) rally in Battambang town but were discovered before they detonated.

Between 500 and 600 international observers are now expected to monitor the election and vote counting, according to the UN. Kassie Neou, the vice chairman of NEC, asked "Please send more, as many as possible."

**July 5, 1998** The anniversary of the coup last July 5-6 comes in the middle of campaigning for election. Prince Ranariddh issued a statement paying homage to the scores of members killed and said "certain

countries that used to be the pillars of freedom, human rights and democracy" have permitted Hun Sen to let the killers go unpunished.

**July 6, 1998** A crowd of 500 Sam Rainsy supporters including scores of Buddhist monks, gathered peacefully in the morning at his party headquarters. Human rights groups and the opposition said the lack of investigation into the violence threatens the atmosphere for the July 26 election.

**July 9, 1998** NEC had removed the 53 ethnic Vietnamese from the rolls after investigating opposition complaints that illegal immigrants were being registered to vote.

Samraing Kamsan, NEC spokesman said the committee had received complaints from opposition parties about 6,941 allegedly illegal Vietnamese voters. There was concern that they were being registered to stack ballots in favour of the de facto ruling CPP.

Two grenades were thrown at the house of Justice Minister Chem Snguon, but failed to explode. Mr. Chem, a senior member of CPP was not at home at the time of the attack.

**July 11, 1998** The National Democrat Institute (NDI) and International Republican Institute (IRI) said the pre-election assessment found "systematic and widespread political intimidation and violence have affected the ability of opposition parties to fairly compete in the campaign." NDI and IRI have refused to participate in the JIOG, which represents 34 countries including the EU which is the largest single foreign donor to the estimated \$27 million cost of the election.

**July 20, 1998** More than 6,000 Cambodians have now been repatriated from Thailand under UNHCR supervision.

**July 23, 1998** Sven Linder said in the aide memoire to Kassie Neou that the NEC should ensure that local observers of three internationally-recognised NGOs are allowed in to polling stations at all times. According to the electoral regulations, four observers, two international will be allowed to observe the polling process on election day. However, the JIOG's concern stems from the fact that the small number of international observers, 460 of them, will be able to observe only 1,500 out of the 11,000 polling stations.

Some unknown organizations have registered 20,000 of their members as local observers, taking the total number of local observers to 40,000. The three recognized NGOs as identified by the JIOG are the Committee for Free and Fair Election (COMFREL), the Coalition for Free and Fair Elections (COFFEL), and the Neutral and Impartial Committee for Free Election in Cambodia (NICFEC).

Nearly 30,000 supporters of Hun Sen's CPP, riding banner strewn trucks and motorbikes, streamed through Phnom Penh. Smaller parties also conducted drive-by campaigns.

Meanwhile, east of the capital in Hun Sen's home of Takhmau where the CPP convoys began and ended, hundreds of Buddhist monks and nuns, diplomats, party representatives and electoral officials gathered to pray for a peaceful election. Supreme Buddhist patriarch, the Venerable Maha Ghosnanda, led more than 120 saffron-clad monks in the prayers.

**July 26, 1998** —ELECTION DAY—  
"Today, in general, the electoral process was



good, no big problems but some small ones," said Thun Saray, director of COMFREL. Politician estimated that the turnout could total 80-90 percent, in many areas 70-80 percent of eligible voters cast their ballots in the first few hours.

Two people, the driver of a tractor convoy delivering ballot boxes and papers to Trapeang Prasat, northeast of the former Khmer Rouge stronghold of Anlong Veng, and a security escort, were killed in the B-40 rocket and assault rifle attack.

**July 27, 1988** The election and vote counting were conducted in a "free and fair" manner, the UN-coordinated Joint International Observers Group (JIOG) said late at night. They urged all parties "to accept and honour the results of the elections without any attempt to undermine the original outcome."

The NEC backed out of its promise to announce unofficial results between 7pm-9pm saying they were not clear enough, in part due to unreadable reports sent by fax. A number of analysts saw the NEC's decision as an indication of irregularity. The official results would be announced on August 4th.

Thun Saray, Chief of COMFREL voiced fear that the Prince and Mr.Rainsy would not be able to work well with CPP if they had to form a coalition with the party.

Hun Sen said if his opponents refuse to work with him, the current government he dominates will stay in power indefinitely without them. He will amend the constitution to lower the minimum to 50 percent plus one ( instead of two-thirds attendance), possibly giving his party sole control.

**July 28, 1998** A Cambodian analyst criticised the JIOG by saying that "The count is so important, but they issued their statement before it was finished. Why do they have to jump to such a very hasty conclusion?" "It's a very big mistake which could jeopardise the whole process and this could lead to deadlock, constitutional crisis and a new election."

The CPP claimed that it had won 67 out of the 122 seats in the national assembly. The NEC was scheduled to announce official results on August 1. If the opposition disagreed, they had until August 4 to appeal. If the NEC stood by the results, the opposition could submit a second appeal to the constitutional tribunal within 20 days, so that the final outcome might not be known until August 24-25, the observer added.

**July 29, 1998** Hun Sen said if his opponents refuse to work with him, the current government he dominates will stay in power indefinitely without them. He will amend the constitution to lower the minimum to 50 percent plus one ( instead of two-thirds attendance), possibly giving his party sole control.

Sam Rainsy claimed a tree and spoke through a bullhorn to 1,500 cheering supporters who had waited outside a hotel for the result of a meeting by a dozen parties alleging fraud in elections. He and Prince Ranariddh have complained of ballot tampering, voter intimidation, missing ballots and other irregularities in the elections and demanded a recount and reballoting in some areas.

**July 30, 1998** The Asian Network for Free Elections (ANFREL), led by Gen. Saiyud Kerdpol, released a list of 15 "major concerns" relating to violence and polling irregularities.



The statement urged Cambodian authorities to "conduct impartial, speedy and transparent investigations" of the reported incidents.

Saiyud urged election observer groups to remain on high alert as a peaceful transition of power was now the most pressing issue. Philippine observer Evelyn Balais Serrano said ANFREL would reserve its final judgement on how "free and fair" the elections were until after a new government had been formed based on the poll results.

**July 31, 1998** Amnesty International blasted the ruling party of Hun Sen for allegedly intimidating opposition supporters as party officials said scores of people had fled their homes in fear of their lives since the general election.

**August 3, 1998** Prince Ranariddh returned home from Bangkok saying it is too early to talk to his bitter rival Hun Sen about any power-sharing deal after last weekend election. "As far as I am concerned, I don't want Funcinpec to be a part of the coalition; I prefer to be in the opposition". He also slammed the arrest on Aug. 1st. of Khmer Rouge commander Nguon Paet, accused of ordering the murder of three western hostages in 1994, as a stage-managed "very tragic comedy".

Responding to opposition complaints, NEC had agreed to recount votes from certain areas, but procedure still had not begun.

**August 5, 1998** In a panel discussion at the Foreign Correspondents Club of Thailand, Rainsy endorsed giving pardons on a national level to all Khmer Rouge leaders. However, at the international level, he urged the UN to quickly establish a permanent court to prosecute crimes against humanity and bring Khmer Rouge leaders to justice.

**August 6, 1998** Hun Sen said " If Funcinpec and Sam Rainsy parties do not agree to attend parliament, the situation will become really bad and will lead to government and parliamentary crisis".

The preliminary result returns show CPP on top, projected to win 64 of the 122 seats, a majority but not the two-thirds necessary to form a government on its own. Funcinpec is projected to win 43 seats and the Sam Rainsy party, 15, according to the projections which both parties claim are based on an illegally adopted seat allotment formula.

The opposition said under the original formula, it would have had a majority in parliament and would have been able to lead the next coalition government.

NEC has struggled unsuccessfully to explain that the revision in the formula, which favours larger parties in Cambodia's proportional representation system, was not improper.

However, Hun Sen added that "I am very satisfied with this result, not just because the CPP won, but because the election was done in a very free and fair atmosphere.

**August 7, 1998** NEC rejected opposition parties' demand to recount votes from hundreds of centers and to change the formula for allocating assembly seats.

Official preliminary results out showed the 4,902,488 valid votes cast. CPP won 2,030,802 votes, or more than 41 percent; FUNCINPEC received 1,554,374 votes, or about 32 percent, Sam Rainsy came third, winning 699,653, or 14 percent.

**August 10, 1998** Samraing Kamsan, a spokesman of NEC said NEC has received more than 300 complaints from opposition

parties but found no fraud, only slight technical errors. They will stop looking into complaints about irregularities. The decision to reject had been expected since last week already rejected out of hand more than 500 others. He said the "the authors of the complaints" had 48 hours to appeal against the decisions to the constitutional Council.

**August 13, 1998** Official of Cambodian Mine Action Centre (CMAC) said the number of Cambodians killed or maimed by landmines has fallen to between 100 and 200 per month from up to 500 people a month earlier this decade.

Cambodia was one of 121 nations to sign a historic treaty to ban anti-personnel landmines worldwide in Ottawa late 1997. The treaty commits countries not to make, use, stockpile or transfer mines, and also commits those with mines in the ground to remove them within 10 years if possible, with international assistance if needed.

**August 14, 1998** The Sam Rainsy party said the death of Pung Sokhom, one of its activists, was a political murder designed to look like a traffic accident. A witness said he left the Sam Rainsy party headquarters on a small motorbike and was pushed into an oncoming truck by a white car which then sped away.

A Philippine observer group urged the ASEAN to accept Phnom Penh into its fold this year. The 10-member delegation has reported to President Joseph Estrada and Foreign Secretary Domingo Siazon that the Cambodian elections were "free and fair".

**August 17, 1998** The opposition slammed the NEC top foreign adviser, accusing the Canadian technician (Theo Noel) of pro-government bias following the leak of a confidential memo. In the letter to Canadian Foreign Minister Lloyd

Axworthy, whose government funds Noel's position, Sam Rainsy said the adviser exceeded the scope of his mandate showing "an extreme bias towards the view of the ruling party" by criticising the opposition and its policies.

**August 18, 1998** Thai Foreign Ministry called on Cambodia to investigate irregularities, as alleged, so that a government could be formed at the earliest.

**August 21, 1998** Gunmen opened fire and threw a grenade outside the interior ministry gate and killed at least one person. The dead man was from the Japanese news agency, Kyodo.

Kem Sokha, opposition Son Sann Party representative and chairman of the human rights committee of the national assembly, said it should give the international community reason to question the poll results. "Following such a tragic event, if the international community continue to recognise the results of the election, they legitimise the authoritarian regime"

**August 22, 1998** The street march through the capital which the opposition claims will draw 10,000 supporters, followed a deadly grenade attack on a sit-in outside the headquarters of the NEC. Amnesty International said "The Cambodian authorities must uphold the right of Cambodian people to peaceful assembly".

**August 23, 1998** About ten thousand Cambodians defied a government ban and joined a demonstration demanding a thorough investigation into opposition allegations of fraud in election. Opposition officials said 28 truckloads of their supporters were stopped on the outskirts of the city and police used a water cannon to disperse one group trying to march through a police barricade.

**August 25, 1998** Cambodian government declared an opposition protest illegal as it entered a second day boosted by the presence of Prince Ranariddh, who called on Hun Sen to step down.

**August 26, 1998** Some 5,000 people remained in a park across the National Assembly on the third day of a sit-in.

**August 27, 1998** Government launched a blistering attack on Sam Rainsy accusing him and his political party of inciting violence and hinting at his possible arrest.

**August 28, 1998** Cambodian opposition leaders appealed to UN Secretary-General Kofi Annan for help in their efforts to challenge the result of the election.

Meanwhile, 12 cases of deaths this week blamed on poisoned rice wine, residents in several Phnom Penh districts started shooting in the air and in fields to evict evil spirits.

**August 30, 1998** Up to 15,000 people demonstrated in the capital, making it the largest such protest in Cambodia in decades. The crowd, including factory workers and students, marched from a stadium in the west of the city to a park outside parliament, where a sit-in protest has been underway. Several protesters climbed onto the stone statue.

Sam Rainsy has slammed Hun Sen in his speeches, repeatedly denouncing him as a puppet of Cambodia's historical enemy, Vietnam. He and Prince Ranariddh said in a joint statement the protest would continue until their complaints of electoral fraud have been investigated and a controversial formula used to allocate seats was changed.

A human rights worker said "If the old Vietnamese statements are being used as a

political card....that's worrying for the future." Sam Rainsy claimed he is not anti-Vietnamese, but wants to draw attention to the issue of illegal cross-border immigration that he claims is encouraged by Hun Sen's government.

**September 1, 1998** The National Election Commission (NEC) announced the final results of election, one day after the Constitutional Council (CC) ended the appeals process by deciding against any more vote recounts. The final tally showed that the Cambodian People's Party (CPP) had won 2,030,802 votes or 41.2 percent of the registered voters; followed by Funcinpec with 1,554,374 votes or 31.5 percent; and the Sam Rainsy Party (SRP) with 699,653 votes or 14.2 percent. NEC Chairman Chheng Phon signed off on a seat-allocation formula that gave the CPP 64 seats, Funcinpec 43 seats and the SRP 15 seats. However, the CPP is unable to form a government on its own because the Constitution stipulates a 2/3 votes of confidence is required. Funcinpec and the SRP, claiming that the CPP won by fraud and intimidation, pledged to continue boycotting the opening of a new National Assembly and the formation of a new government unless there is further investigation into fraud complaints and a more favorable seat-allocation is used.

Hun Sen told Lakhon Mehrotra, the UN Secretary General's special representative, that the government would allow the demonstration to continue because there is no immediate threat to national security. In fact, according to a remark broadcast on Bayon Radio, Hun Sen promised that there would be no armed reaction from the government against the demonstration. The government would provide security and ensure the demonstrators are in good health.

ANFREL, a group of Asian poll monitors has urged the international community to reserve judgment on last month's elections until opposition poll complaints have been fully investigated. The monitoring group asked the key election bodies to reconsider a controversial seat allocation formula the opposition claims was illegally adopted. The formula ensures the biggest party, the CPP, gets more seats. (Cambodia Daily, Sep.4,1998)

Australia's perception of the July elections and how the new government conducts itself may play a key role in determining if Australia's military aid organization resumes assistance to Cambodia. Australia's Defense Corp suspended operations after the factional fighting in July 1997, and future programme remain in question...said Col. Dougall McMillan.

**September 2, 1998** King Norodom Sihanouk called the three main political parties as well as representatives from the NEC and CC to a weekend meeting in Siem Reap in hopes of resolving a post-election political crisis.

More than three thousands protesters marched to present petitions to representatives of King Norodom Sihanouk and the European Union in Phnom Penh rejecting the election results.

Thailand reserved comment on Monday's official announcement that Hun Sen and his CPP won the election. The foreign ministry spokesman said Bangkok was unable to immediately respond to the election results because the situation was "still confused" with regard to seating formula and the possibility of constitutional changes. Thailand nevertheless supports a statement by the JIOG that the balloting and vote-counting were free and fair.

Japan Foreign Ministry spokesman Sadaaki Numato said "The government of Japan believes that the election was conducted in a sufficiently free and fair manner. Japan will strengthen its support for the economic development of Cambodia and the improvement of its people's livelihood when the coalition government is formed."

**September 3, 1998** After a meeting with King Norodom Sihanouk in Siem Reap, Hun Sen announced that the King has agreed to allow the current government to continue temporarily if coalition negotiations are not completed by September 24.

US Assistant Secretary of State for East Asia and Pacific Affairs Stanley Roth said no aid would be given to Cambodia and the US will not support its re-admission to the United Nations until opposition parties were given a "meaningful role" to play in the government. US was delighted at a recent decision by ASEAN not to admit Cambodia until an acceptable government was formed.

**September 4, 1998** About 2,000 demonstrators weave through Phnom Penh near the Independence Monument. Many demonstrators had said they hope the US intervenes to remove Hun Sen from power.

**September 5, 1998** ASEAN reaffirmed its support for a positive assessment of the Joint International Observation Group (JIOG) describing the nature of the July's elections as "free and fair to an extent that enables it to reflect the will of the Cambodian people". ASEAN also urged all Cambodian political parties, particularly the contending candidates to resolve their differences and form a new government in a spirit of national reconciliation and unity.

**September 6, 1998** As the Siem Reap talks appeared to produce little progress toward solving election disputes, King Norodom Sihanouk warned that a prolonged crisis might lead to his abdication as a measure to pressure all sides into reaching a compromise.

CPP spokesman Khieu Kanharith said that the opening session of a new National Assembly should be convened with or without newly elected members from Funcinpec and the SRP. However, Sam Rainsy said that he would organize supporters of Funcinpec and the SRP to block and surround the National Assembly building to stop any planned meeting from taking place before election-related complaints are thoroughly investigated. He stated that the CPP must replace Hun Sen as its prime minister candidate or it would agree to hold a new election. Mindful of international criticism, Sam Rainsy told the crowd to end attacks on ethnic Vietnamese. Kem Sokha, an outgoing National Assembly member from the Buddhist Liberal Democratic Party (BLDP) said continued demonstrations would put pressure on those involved in the Siem Reap talks to find a solution.

TVK broadcast a government's statement accusing the opposition leaders, particularly Sam Rainsy, of attempting to bring down the legitimate government and creating political crisis. The government warned the opposition parties to stop immediately "their anarchic, criminal acts and aggressive violation of the law".

**September 7, 1998** Two grenade exploded outside Hun Sen's Phnom Penh mansion. Hun Sen called for demonstration leaders to be arrested and held on pending charges to stop them from fleeing the country. He said the government was not against the

"illegal" demonstration but acts to destroy public property, the aim of killing prime minister and acts of discrimination and violence must be countered by legal measures. He appealed to the demonstrators to disperse before midnight otherwise the police would shut down the tent encampment and sit-in protest. National Police Director Hok Lundy said a "peaceful" crack down would be carried out by sending fire engine to split the rallies.

The SRP said it was innocent of the grenade-throwing incident. At about noon, Sam Rainsy arrived at the Sofitel Cambodiana office of Lakhon Mehrottra, the UN Secretary General's special representative to seek protection from threats of possible arrest. Prince Norodom Ranariddh criticized Hun Sen for blaming the grenade attack on the opposition and for threatening the arrest of Sam Rainsy.

About one thousand demonstrators gathered outside the Sofitel Cambodiana by 5.30 pm. National and municipal riot police arrive in trucks to break up the protest at about 7 pm. Police fired hundreds of rounds in the air and ground, killing a man.

King Norodom Sihanouk sent a letter to Hun Sen suggesting the government not to use violence to "crack down on monks and lay people" because the use of gun is not the Buddhist way.

The midnight deadline passed without any crack down on the demonstrators at the tent encampment dubbed by the opposition leaders as "Democracy Square".

UN Secretary General Kofi Annan expressed "deep concern" about developments in Cambodia. He also urged the government to guarantee freedom of the political leaders from arrest and detention in connection with election-related political

activities. While urging all political leaders to resolve their differences through dialogue, he said that the UN was ready to assist Cambodia in finding a solution acceptable to all and consistent with democratic practice.

**September 8, 1998** During the morning meeting between Funcinpec, the SRP and the Ministry of Interior, the UN Secretary General's special representative successfully persuaded the director general of administration of the Ministry of Interior Prum Sokha to announce that there would be no deadline for sit-in protests. Instead, the Ministry of Interior requested the opposition to reapply for permission for their demonstration and restrict it to a protest over the election results. Just an hour later, however, riot police armed with AK-47 assault rifles and electric batons drove the demonstrators out of the tent encampment and fired warning shots to keep at bay defiant protesters who threw rocks and closed in on police. Many demonstrators, including monks, were beaten.

Referring to the Monday midnight deadline as a clear ultimatum, CPP spokesman Khieu Kanharith said that the move was necessary to maintain public order as the demonstrations were starting to "get out of control".

The SRP said it would keep a low profile while Funcinpec insisted that it would continue to push for demands that led to two weeks of protests, i.e. a ballot reconciliation and the use of different seat-allocation formula.

Foreign governments called on the main political parties to exercise restraint and act responsibly do avoid more violence. In general, they gave equal disapproval to the government and the opposition leaders.

They deplored the use of racist rhetoric by the demonstration leaders as well as the use of violence by the government. Diplomats in Phnom Penh said they were unaware of the crack down order as they believed that the dispersal had been postponed as a result of the UN initiated meeting. UN human rights workers on the crack down scene said it was "very obvious" that police sparked the crowd to become mob-like and both sides were guilty of provocation.

Philippine Foreign Secretary Domingo Siazon said that it depended on the three main political leaders to play their own responsible roles in ensuring the domestic stability of Cambodia. He also warned Cambodia's entry into ASEAN would be put on hold as long as there was still no clear sign of the formation of a new government, and the UN was likely to keep Cambodia's seat vacant as well.

**September 9, 1998** The Ministry of Information shut down the opposition-leaning Sambok Khmoum Radio, saying the station's coverage endangered public order. It was the last local Khmer-language radio station that broadcast the opposition's point of view. The station had called the election results fraudulent and also had broadcasted inflammatory stories about alleged Vietnamese involvement in a recent spate of wine poisonings.

**September 10, 1998** Immigration police at Pochentong Airport prevented Kem Sokha from leaving Cambodia. Legal experts said restricting Kem Sokha violated Article 40 of the Constitution which protects citizens' rights to travel. It also appeared to violate Article 80 of the Constitution which grants parliamentary immunity. Kem Sokha was a member of the BLDP in the 1993 National Assembly. So far, sixty-eight opposition politicians including Prince Norodom

Ranariddh and Sam Rainsy were on a government list banning them from leaving the country.

**September 11, 1998** King Norodom Sihanouk warned members of the opposition, particularly Prince Norodom Sihanouk and Sam Rainsy, to convene the National Assembly on September 24 otherwise they would face losing their immunity because the government would not recognize them as full legal parliamentarians. The King said that he could not help if the opposition members face any "incident or risk".

In separate statements directed at Prince Norodom Ranariddh and Sam Rainsy, the Army said that the military has the duty to protect the results of the election because the spirit of the demonstrations was to overthrow top national institutions by bringing the country to disaster.

Pro-CPP demonstrators, many of them wielding sticks and guns, struck back against the opposition in a counter-demonstration. Several clashes occurred. The well-organized demonstrators were apparently protected by armed riot police. CPP spokesman Khieu Kanharith said that the most important thing was not to have a confrontation but to show how much support the CPP really has.

**September 13, 1998** CPP President Chea Sim called an end to the demonstrations which had gripped Phnom Penh for the last three weeks. He accused the politicians, apparently Sam Rainsy, of looking for new poisonous means to enlarge division among the people and plunge the nation into great confusion with the inevitable consequence of producing blood-letting and destruction. He also urged an end to counter-

demonstrations adopted by the pro-CPP supporters. Chea Sim strongly encouraged all the three main political leaders to have concrete plans for negotiations and the formation of a new government. He mentioned many appeals for negotiations from King Norodom Sihanouk, the CPP, the UN Secretary General's special representative and the international community.

Dana Rohrabacher, a Republican US Congressman, drew up a resolution calling for the US government to urge the International Criminal Court to collect and consider any evidence which may link Hun Sen with crimes against humanity. In a statement to the speaker of the House of Representatives, he said Hun Sen must not be permitted to become "a new Pol Pot".

**September 14, 1998** Following talks with Thailand's Deputy Foreign Minister Sukhumbhand Paribatra, Prince Norodom Ranariddh said that political crisis in Cambodia had reached a turning point. Urging the demonstrators to halt protesting against Hun Sen's election victory, Prince Norodom Ranariddh announced plans for the summit with representatives from the CPP under the auspices of King Norodom Sihanouk in Siem Reap. The planned summit was coordinated by Sukhumbhand Paribatra who said all sides had agreed not to provoke any public demonstration, to convene the summit without pre-conditions and the newly elected National Assembly should be convened as scheduled on September 24.

CPP President Chea Sim told UN officials and Thai diplomats in separate meetings that parliamentarians from Funcinpec and the SRP would be allowed to travel abroad. The exception, however, was Sam Rainsy.



The government announced that twenty-nine protesters were detained by police. Police would seek charges related to carrying weapons and anti-government leaflets against eight detainees. Two foreign detainees agreed to leave Cambodia voluntarily. The other nineteen protesters would be released.

**September 15, 1998** Cambodia's capital enjoyed its first calm day in more than 3 weeks, the capital had seen opposition protests against the ruling party's victory every day since August 23, and daily violence between opposition supporters and police or pro-government crowds since Sep 7. Two opposition supporters have been shot and killed in the street and many people, including monks and students, have been wounded by bullets, rocks and clubs. Human Rights workers have also found the bodies of several people killed execution-style: They suspect the deaths were linked to the protests.

**September 16, 1998** After meeting King Norodom Sihanouk, Prince Ranariddh announced that Funcinpec would not boycott the convention of a new National Assembly to protest alleged election frauds. He said the National Assembly would be convened by the King in Siem Reap and afterward the parliamentarians would go to Angkor Wat to be sworn in. Funcinpec would also seek guarantee of safety and an investigation into those responsible for the recent crackdown, arrests and alleged extrajudicial killings. He confirmed that Funcinpec would stand by the SRP. And if there is a government, Sam Rainsy would be included.

The UN's human rights envoy expressed "grave concern" over the arrests and disappearances of opposition demonstrators and the alleged discoveries of 18 bodies

following a Sept. 7 government crackdown. Many of the bodies bear signs of torture including bullet wounds and strangulation marks. Several of the bodies had their hands tied behind their back and were gagged and blind-folded.

A survey of 4 of the city's largest wats indicated the number of monks was down by nearly 600, or roughly 50 percent, since police cracked down on opposition protesters. The wats or pagodas surveyed were Botum, Langka, Mohamantrey and Ounalom. Hundreds of monks returned to their home provinces while some were still missing.

**September 17, 1998** Sam Rainsy returned to his home after 10 days sheltering in a UN office. Meanwhile, Prince Sisowath Sirirath, newly elected Funcinpec member for Battambang province, said "whatever dispute or quarrel can then be resolved in a gentlemanly, legal manner in the National Assembly.

**September 18, 1998** The government of Thailand sent a letter to Chea Sim criticising a continuing government travel ban on opposition parliamentarians. He stressed that the Funcinpec and the SRP had agreed to halt demonstrations and participate in the summit based on the assurance that their parliamentarians would be provided freedom of movement and freedom from arrest and detention. Diplomats in Phnom Penh said the travel ban was aimed to make sure that all parliamentarian-elect remain in Cambodia so they could not boycott the opening of a new National Assembly. It was believed that the government might attempt to bring charges against any parliamentarians who choose not to attend the opening session. CPP spokesman Khieu Kanharith acknowledged that the ban was still in effect



just for people who might be involved in the opposition demonstrations. He said the ban was temporary and it would be lifted after the summit.

**September 20, 1998** The UN and the Thai government have criticized a continuing government travel ban on opposition parliamentarians, and a Thai Foreign Ministry official has warned there could be repercussions.

**September 22, 1998** The summit in Siem Reap under the auspices of King Norodom Sihanouk led to an agreement between the CPP, Funcinpec and the SRP that September 24 session of the newly formed National Assembly would be only ceremonial and no proposal for a coalition government would be discussed. The King earlier showed his personal preference of a three-party coalition, but said it was the responsibility of the politicians to work out on this issue. Also, the issue of Hun Sen as prime minister was not raised by the opposition leaders. They had previously vowed not to vote for a government headed by Hun Sen, but the CPP insisted that Hun Sen candidacy was non-negotiable. Still, Prince Norodom Ranariddh hailed the summit for moving political battles from the streets to the National Assembly — from threats to the democratic and legal framework. The summit marked the first time Hun Sen and Prince Norodom Ranariddh had met face-to-face since the Prince was ousted last year following two days of bloody street battles.

Amnesty International called on countries concerned about Cambodia's political crisis to pressure Cambodia's government to end violence and intimidation directed against the opposition. Amnesty also urged opposition leaders to refrain from using anti-Vietnamese rhetoric in their speeches.

**September 23, 1998** Hun Sen said he would be happy to form a coalition with Funcinpec while the SRP serving as an opposition. The CPP also wanted Chea Sim to remain president of the National Assembly. The position is powerful because the president has the power to put legislation on agenda and because the president is acting head of state when the King is out of the country. Still, Hun Sen mentioned his readiness to be in power for the next five years whether or not Funcinpec joined the CPP in a new government. In addition, he warned Funcinpec and the SRP not to even dream of a government without him as head. He vowed military action against anyone who might try to dissolve the current government, especially Sam Rainsy who repeatedly accused that the current government was illegal.

**September 24, 1998** The rocket— apparently detonated by remote control— exploded near Hun Sen's convoy as he was going to attend ceremonies marking the opening of the new session of Parliament, police said. A 12-year-old boy was killed by the explosion and three members of his family seriously injured. The incident didn't delay the swearing-in of 121 members of Parliament at the historic 12th-century Angkor Wat temple.

Hun Sen said "If the opposition leaders do not instruct their forces to stop activities which threaten my life, they would die with the most severe suffering"... "For a snake, if we don't hit it on the head, it can still move and bite back, so we must hit it on the head, not its tail".

King Sihanouk granted a pardon to an opposition official serving a 13-year prison sentence for the assassination of a relative of strongman Hun Sen. Srun Vong Vannak, chief of security for Sam Rainsy was jailed

19 months ago and is listed by Amnesty International as a prisoner of conscience. Two other men confessed to being the triggermen and were sentenced to lengthy prison terms.

However, all three later recanted, saying police physically coerced confessions from them in order to frame Sam Rainsy.

UN High Commissioner for Human Rights reported that at least 16 people had been killed during the election because of their political beliefs or affiliations.

**September 25, 1998** Prince Ranariddh and Sam Rainsy left the country to Bangkok after travel ban ended. Both were on the list of 68 parliamentarians and opposition figures banned from leaving the country.

**September 29, 1998** Members of the CPP, Funcinpec and the SRP met in the first round of working group negotiation. However, the negotiation failed to put the newly opened National Assembly into action. Funcinpec had three objectives in the coalition negotiation — ensure the National Assembly would function fairly, resolve outstanding election complaints and amnesty requests for five Funcinpec members. The SRP said it would continue to support Funcinpec demands. The CPP raised the issue of the National Assembly president and pushed for the National Assembly to meet quickly to vote on the new president. But Funcinpec and the SRP said there were too many alleged election violations which must first be addressed. Funcinpec and the SRP believed that forcibly choosing the National Assembly president would be too premature. Another sticking point continued to be a controversial formula used to calculate National Assembly seats. However, the CPP maintained that as the parliamentarians were sworn-in already, this means

Funcinpec and the SRP recognized the election results.

**September 30, 1998** King Norodom Sihanouk announced his possible departure from Cambodia to pressure the working group negotiation to reach agreement on the formation of a new government. If the King leaves the country, Cambodia would be without the head of state because a new National Assembly president has not yet appointed. Under the Constitution, the National Assembly president would become an acting head of state in the absence of the monarch.

**October 1, 1998** The government want Kem Sokha, a Son Sann Party official and the Assembly's former human rights commission chairman, to answer questions in court about his role in "illegal" protests following the election.

The Son Sann party issued a statement noting that any charges against Kem Sokha would be "illegal" ones since he still had parliamentary immunity during the protests.

**October 4, 1998** In an interview with the Rasmei Kampuchea daily newspaper, chief information ministry spokesman Khieu Kanarith said the English-language Phnom Penh Post and the Cambodia daily, both staffed mostly by foreign journalists, were facing a temporary suspension order. The paper quoted him as saying the foreign correspondent for Deutsche Presse Agentur (dpa) also faced having his visa revoked. The report quoted the official as citing the "personal security" of the journalists as reason for the actions, arguing their alleged anti-Hun Sen bias has left them facing the wrath of angered readers.

China and the European Union appealed to Cambodia's political parties to resolve their disputes and quickly form a new

government. They also encouraged all parties to refrain from any kind of activity which could lead to tension or violence and to facilitate the process of national reconciliation under the leadership of King Norodom Sihanouk.

**October 5, 1998** King Sihanouk arrived Phnom Penh and delayed his trip to Beijing for medical treatment after the CPP and foreign governments urged him to stay until a coalition government is formed.

**November 4, 1998** Prince Ranariddh called a meeting of the diplomatic corp in Bangkok to reiterate his stance on the future of Cambodia. In a proposal "Political platform for a coalition government from 1998-2000", Ranariddh said the new coalition needs to address basic issues to build confidence and create an atmosphere for pacification. These measures are the safety of political opponents and activists, the elimination of local militia, illegal arms and explosives, reintegration of armed forces loyal to Ranariddh, protection of human rights, status of the opposition broadcast media, and restructuring of the NEC and Constitutional Council. The proposal was jointly signed by him and Sam Rainsy, and was sent earlier to Hun Sen.

**November 9, 1998** King Sihanouk led a brief ceremony to mark the 45th anniversary of Cambodian Independence from French domination, in what was expected to be his last public appearance before leaving for medical treatment in China.

Sam Rainsy's party said it and the Funcinpec party would prefer a meeting with Hun Sen outside the country. The party rejected an offer of royal protection, asserting its leaders

still faced attack and would negotiate as hostages if they returned to the country for coalition talks.

King Sihanouk left the country for medical treatment in China.

**November 16, 1998** A preliminary agreement was reached, ending a three-month long deadlock. Hun Sen and Ranariddh signed a treaty, leaving the sole premiership to Hun Sen and the house speakership to Ranariddh. Outgoing speaker Chea Sim will be chairman of the Senate, to be created through amending the Constitution. Both will nominate one deputy prime minister. Hun Sen's CPP got the key economic ministries, including finance and commerce, as well as agriculture and the foreign ministry. Funcinpec got the ministries of justice, information, rural development, education, health, culture and religion. The two key ministries of interior and defence will be shared by the two parties.

**November 17, 1998** ASEAN foreign ministers failed to reach a consensus on Cambodia's request for membership at the Hanoi summit.

**November 25, 1998** Vietnam, host of the ASEAN summit, was keen to see an early admission of Cambodia and the participation of new prime minister Hun Sen in the sixth gathering of ASEAN leaders. But some ASEAN members were concerned at the political instability there and wanted to see an improvement in the situation before Cambodia is admitted.

**November 30, 1998** The Parliament was convened.

*(Sources: AFP, Reuters, AP, Bangkok Post, The Nation, Cambodia Daily and Phnom Penh Post)*

## References

- Observers' Manual, Cambodian Election 1998.* United Nations Electoral Assistance Secretariat. Joint International Observer Group, COMFREL *Briefing Book: National Assembly Election 1998*
- Cambodia: Human Rights and Democracy in Crisis.* Asian Forum for Human Rights and Development, Bangkok, Thailand, 1997.
- Propaganda, Politics, and Violence in Cambodia. Democratic Transition under United Nations Peace-keeping.* London, England, 1995.
- Mission Report on Cambodian Voter Registration,* ANFREL. May, 1998.
- Problems Facing the Cambodian Legal System.* Basil Fernando. Asian Human Rights Commission, Hongkong 1998



**T**he future of Cambodia depends primarily on how the political key players are able to put their acts together and how the international community is able to influence and exert pressure on major issues crucial to the country's democratization process.

**W**ith a very fragile government composed of opposing elements, forced by the ruling power to coalesce to comply with foreign donors' requirements for international recognition and aid, and faced with a gigantic task of confronting its dark past, it would be difficult to tell if it would be able to manage effectively its task of keeping a nation intact from its broken past and keeping it going to move forward to create a new history.

**ANFREL** is a special project of Forum-Asia. It came about as part of Forum-Asia's campaign for human rights and democratization in the region, starting from Burma, Indonesia, Cambodia and Malaysia. Formed in November 1997 by election monitoring groups and human rights organizations in Asia, ANFREL aims to contribute to the democratization process by building capacities through training and supporting actual monitoring of elections by local groups, lobbying and disseminating election-related information.

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