

aspects; impunity, unless corrected, will continue to undermine efforts to establish the rule of law as well as public confidence in the judiciary; and the violence of the past 10 months and the lack of investigation had particular relevance to the upcoming elections. The report notes that the OHCHR in Cambodia had continued to record and investigate other instances of serious human rights violations, many of them said to be unrelated to politics. Such cases included, for example, the execution of a group of nine villagers by military personnel in Kompong Thom province; and excessive use of firearms, including the frequent lethal shooting by policemen of suspects during arrest or even after they had been apprehended.

Concerning reform of the system of justice, the need to correct the overlap in the mandates of the judicial police and the gendarmerie was noted, stating that the overlap had led to rivalries and refusals to cooperate, tensions and, in some cases, even armed confrontation between the two bodies. Conflicts, including armed threats, had also arisen between the gendarmerie and the courts making it difficult for the latter to work.

In June 1998 a provisional Cambodian Human Rights Committee (CHRC) was formally established by a sub-decree signed by the First and Second Prime Ministers who each appointed two representatives to the Committee as permanent members. The Chairman of the CHRC pledged to investigate all instances of human rights violations brought to its attention and stated that, with regard to the killings which occurred during the electoral campaign, the results of the investigations would be made public after the announcement of the final results of the election by the National Election Committee. The Chairman also stated that the Committee planned to recruit several thousand human rights observers to monitor the human rights situation in villages and mediate local disputes.

With regard to human rights and the electoral process, the report notes: following the military confrontation and the removal of the First Prime Minister in July 1997, political party activities largely ceased; FUNCINPEC radio and television were shut down; a number of parliamentarians went into exile; party signboards were removed; individuals accused of involvement in the July fighting were actively sought; senior and middle-ranking officials close to FUNCINPEC, particularly in the armed forces and the police, were marginalized or pressured to change party affiliation; and there was widespread intimidation and a number of supporters of opposition parties, particularly in the countryside, experienced intimidation and feared for their security. The report refers to a campaign by the Cambodian People's Party (CPP) to boost its membership through, for example, duress, the offer of money and gifts, promises of development and humanitarian aid, and suggestions that the security of non-supporters could not be guaranteed. Irregularities related to a widespread collection of voter registration cards from persons who had registered to vote were also noted. The report states that thumb-printing, registration card col-

lection and mock elections contributed to concerns that voters would not be convinced that their ballot would be secret. Reference is made to the fact that in the days after the election, members of opposition parties were reported to have received threats against their lives and property from local CPP officials and others associated with the party.

The report notes that during the election campaign there was a pattern of discrimination against ethnic Vietnamese, including during the voter registration process. The report refers to ethnic hatred in Cambodia at a critical stage in which, under the wrong socio-political circumstances, devastating consequences may result. Other concerns arising from the electoral process included, a lack of equitable access to the electronic media by all parties contesting the election and allegations of intimidation and violence, some of which were later proved credible.

Commentary on the problem of impunity notes, *inter alia*: it is widespread and continues; impunity is legally protected in article 51 of the 1994 Law on Civil Servants; revisions in June 1997 restricted the scope of article 51 by excluding its application to military personnel; and the crimes committed by the Khmer Rouge in the 1970s have gone unpunished. On the last point, the report recalls that pursuant to resolution 52/135 of the General Assembly, a group of experts was appointed by the Secretary-General to examine existing evidence and make recommendations on how work in this area may proceed. The group was scheduled to undertake a mission to Cambodia in September 1998.

With regard to rule of law and the independence of the judiciary, the report refers to the establishment of institutions called for by the Constitution including the Supreme Council of the Magistracy and the Constitutional Council. The report notes the continuing problem of frequent interference by the executive in judicial matters and the lack of independence of the judiciary, as seen by the public statements of government leaders in the two court cases against H.R.H. Prince Norodom Ranariddh and his co-defendants (March 1998). Information was also received related to, *inter alia*: intimidation, threats or use of violence against the courts by representatives of the executive branch; an incident in June 1998 in which approximately 50 heavily armed gendarmes from Khan Daun Penh in Phnom Penh surrounded the Phnom Penh municipal court, apparently in an effort to reverse the court's decision to release two suspects in a murder case; extraction of confessions under torture and presentation of those statements in evidence in courts; suspension of judges whose decisions did not accord with the government's position; and the need to clarify the role of the Ministry of Justice in relation to the working of the courts. The report states that low salaries of court staff, detention in police custody exceeding the 48 hours authorized by law, disrespect for the pre-trial detention periods foreseen by law for minors, and lengthy periods of imprisonment for debts — which should be recovered through a civil procedure —