

existing evidence and propose further measures as a means to bring about national reconciliation, strengthen democracy and address the issue of individual accountability.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 14, 15, 18, 39, 40, 57, 61, 62, 68; E/CN.4/1998/68/Add.1, paras. 62–65)

Cases were transmitted to the government related to deaths due to attacks or killings by security forces and paramilitary groups. One communication was in response to a report that a group of six children aged between 2 and 8 years were killed when a member of the "Special Military Region Forces", who was drunk, launched a B-40 rocket in their direction following an altercation with colleagues.

The Special Rapporteur stated that numerous allegations of extrajudicial, summary or arbitrary executions were received following the violent events that took place in July 1997 at Phnom Penh. Communications sent to the government related to the reported extrajudicial executions of at least 35 individuals, including a number of leading political figures, high level generals and ranking officials at the Ministry of National Defence. The report also cites information indicating that at least 17 persons were killed in March 1997 by grenades while participating in a peaceful demonstration of supporters of the "Party of the Khmer Nation" (KNP); soldiers present at the scene reportedly did not help the injured and prevented the arrest of two men identified as having thrown the grenades.

The government did not reply to any of the cases transmitted.

Freedom of opinion and expression, Special Rapporteur on: (E/CN.4/1998/40, para. 25)

In the section on media in countries of transition and in elections, the Special Rapporteur recalled that the report to the 1997 General Assembly on the situation of human rights in Cambodia (A/52/489, annex, para. 51) emphasized that fair and equal access to the media is a crucial requirement of a free and fair election.

Independence of judges and lawyers, Special Rapporteur on the: (E/CN.4/1998/39, paras. 32, 45–48, 184)

The Special Rapporteur (SR) visited Cambodia in June 1997 to address the opening of the training programme for the judges of Cambodia organized by the Cambodian Law Training Project. Discussions with the Minister of Justice covered a number of points, including: the failure of the government to convene the Supreme Council of Magistracy, the constitutional mechanism for the

appointment of judges; the fact that the few appointments of judges made by the government may be unconstitutional and could have very serious implications on the judgements and decisions of those judges; and, the difficulties in convening the Council because of political differences between the two parties that were sharing governmental power at the time.

GENERAL ASSEMBLY

The report of the Secretary-General (A/53/400) contains information on, *inter alia*: the missions of the Special Representative (17-24 April 1998, 2-13 May 1998, 31 May-5 June 1998, and 15-30 July 1998); protection against political violence; human rights in relation to the electoral process; the problem of impunity; rule of law and the independence of the judiciary; protection against torture; prison conditions; workers' rights; women's rights; rights of the child; rights of minorities; and the role of the High Commissioner for Human Rights in assisting the government and people in the promotion and protection of human rights.

The work of the Special Representative (SRep) focussed on three main areas: the problem of impunity, the upcoming elections, and issues surrounding the Khmer Rouge. The report refers to the SRep's previously stated concerns about the grave consequences of the delay in the investigations of the cases of extrajudicial executions and the 30 March 1997 grenade attack, and notes that in April 1998 two international experts were sent to assess progress made in the investigations and to clarify needs for further assistance. The report of the two experts was submitted to the government in May 1998 along with a memorandum documenting further cases of killings and disappearances since July 1997.

The experts noted that no serious investigation had begun in almost all instances, and in the two cases in which inquiries had been started — the grenade attack and the assassination of Secretary of State for the Interior — there was a lack of vigour and determination. In addition to the need for professional training in both the police and the judiciary, and the lack of appropriate material and financial resources, the experts cited a culture of impunity as one of the most serious obstacles to the establishment of a rule of law in the country. The memorandum prepared by the experts noted, *inter alia*: evidence concerning the alleged torture and execution of soldiers by military forces of the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC); verified evidence concerning an additional 42 instances of killings and 7 disappearances which appeared to be politically motivated; while there had been no serious efforts to investigate these incidents, government authorities had in many cases promptly concluded that they were robberies, personal disputes or acts of revenge, whereas such motives might have been arranged so as to obscure a political motive and/or there could have been mixed motives; the need for rigorous investigations to allow accurate and credible determinations in each case after consideration of all