

The Commission has not investigated the truth or otherwise of these reports of arrests. It is of the view that it would be appropriate for the Royal Government to check these reports.

The petitioners have in general argued that the arrested persons had not transgressed the law and that they were only engaged in legitimate electoral propaganda. They have alleged that persons are arrested on complaints lodged by partisans of rival parties and that arrests are effected on the complaint given with the thumb impression of one person. They have also complained that they are not being allowed to function freely in the electoral period and are prevented from enjoying the rights and freedoms for which the Constitution of the Kingdom provides.

As the Royal Government is aware, the International Commission has certain responsibilities to discharge in regard to the elections, under the terms of Article 6 of the Geneva Agreement. The Commission must satisfy itself that the former members of the Khmer Resistance Forces are allowed to participate freely in the elections and are allowed to enjoy, without any discrimination, all the freedoms guaranteed by the Constitution. For this purpose, the Commission would be grateful if the Royal Government would examine the cases of the arrested persons who belonged to the former Khmer Resistance Forces and who are listed in Annexure I. The Commission would like to know what the charges against these persons are and whether they are to be brought to trial in the near future.

In informing the Royal Government of these petitions, the International Commission's sole object is to fulfil the task assigned to it under the Geneva Agreement, and to assist the Royal Government in the implementation of that Agreement. We would request the Royal Government to examine these petitions carefully and to take such action as it may deem appropriate.

Please permit me, Your Excellency, to renew my assurances of highest consideration."

On September 8th, the Commission handed over to the Prime Minister a supplementary list of 17 arrested persons. Taking the two lists together, three candidates and 17 campaign workers of the Pracheachun and three candidates and 38 campaign workers of the other parties were arrested during the electoral period.

30. The Prime Minister explained to us at our next weekly meeting with him that all these persons had been arrested for infractions of the Penal Code and for well-defined offences. He pointed out that candidate deputies did not enjoy immunity under the law. He stated that the judiciary in Cambodia was independent and under the doctrine of separation of powers, the Government had no right to interfere. Even the King, added the Prime Minister, could not intervene. He could only order an amnesty or grant a pardon after conviction. The Prime Minister said that the lists sent by us had been handed over to the Chief of the Magistracy for a review of the cases. We are not able to express any opinion on these cases as the