

remaining may go into the UNDP trust fund. Australia will almost certainly send monitors, although how many and when is to be determined.

e) Canadian Role

Canada has already taken an active part in helping Cambodia prepare for elections, most notably through CIDA support that allowed Elections Canada officer Theo Noel (and during his recent leave, Michelle Momy) to work in the Interior Ministry's Bureau of Elections and more recently to act as an advisor to the NEC. Ambassador Longmuir has been extremely active, working with the ambassador's group, and the UNDP in helping the Cambodian government develop an electoral framework that facilitates free and fair elections.

\$500,000 (Cdn) was announced for election assistance during the November visit of CIDA's Director-General for Indochina, Eric Yendall. Some of this sum is likely to be for continued support for maintaining Theo Noel in the NEC; other technical assistance for the NEC is under consideration. In addition, Canada may send monitors.

B. Legal System

1. Issues

Three issues mark the Cambodian legal system: impunity; corruption; and lack of capacity.

Impunity has several elements:

- first, the lack of action taken in respect of crimes against humanity, most notoriously those committed by the Khmer Rouge, particularly during their period of government (1975-79). In a letter by the two Prime Ministers in June 1997 to the SRSG (HR), the Cambodian government requested the assistance of the UN and international community in bringing to justice those responsible in the Khmer Rouge regime. Following the SRSG (HR)'s recommendation, the November UN General Assembly Resolution on Human Rights in Cambodia included a provision calling for the examination of any Cambodian government request in responding to "past serious violations of Cambodian and international law" in order to bring about national reconciliation, and to strengthen democracy and individual accountability.

- second, despite, in some cases, a number of witnesses being present, there has been no prosecution for any of the at least 41 extra-judicial killings documented in the SRSG (HR)'s November 1997 report, including the murder of Canadian Michael Senior. Nor has there been any prosecution for the March 30, 1997 grenade-throwing incident which killed 19 at a KNP rally in Phnom Penh. A number of other murders with political overtones, including murders of journalists, have occurred since 1993, again without