

External Affairs
Supplementary Paper

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INTERNATIONAL COMMISSION FOR SUPERVISION
AND CONTROL IN CAMBODIA

FOURTH INTERIM REPORT

(For the period April 1, 1955, to September 30, 1955)

PHNOM-PENH, October 3, 1955

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CHAPTER I

INTRODUCTION

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2. The present report is concerned with the activities of the International Commission in the period April 1, 1955, to September 30, 1955.

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CHAPTER II

REINTEGRATION OF THE FORMER MEMBERS OF THE K.R.F.

3. The difficulties and problems of reintegration with which the Commission was concerned under Article 6 of the Geneva Agreement have been dealt with fully in the Commission's first and second Progress Reports, to the Co-Chairmen of the Geneva Conference. In earlier stages, complaints about arrests of former members of the KRF (Khmer Resistance Forces) when they presented themselves for obtaining their identity cards were fairly common, but after the Government had explained its policy to its village officials, such complaints ceased to be in evidence.

4. A few isolated complaints about the detention of ex-KRF persons on trumped-up charges and their release only on payment of bribes by relatives, indicated instances of corruption on the part of certain village officials rather than concerted action against the ex-KRF. Provincial and district officials, it must be said to their credit, took action whenever our Teams drew their attention to these cases.

5. Complaints about the police shadowing former members of KRF and about petty harassment, showed that these complaints arose out of over-zealous village officers' attempts at being "on the alert". No serious harm came to complainants. Similar complaints about "fear of arrest" were received quite often; but the International Commission did not entertain such nebulous complaints, always advising the complainants to return to their villages and promising help, should any harm come to them.

6. Three complaints from the Province of Kompong Cham and one from Kampot concerned "indiscriminate shooting by village officials and the police, to terrorise the villagers". In one case in Kompong Cham, the man was seriously wounded by bullets. Two things may be mentioned in this connection: the authorities resorted to shooting because they were expecting to find arms caches and, therefore, possible armed resistance to search; however, in these cases no arms were in fact found. Apart from these four cases, no such cases were reported.

7. The difficult cases have been those where the Government have arrested some of the ex-KRF on charges of criminal activities which the petitioners claim were part of "activity during the period of hostilities". The Government undertook to pardon all activity of the latter type. However, the Government stated to us that these were "mixed cases", involving both criminal and political activity. There are hardly a dozen such cases, but three of them concern the serious charge of murder.

8. Some cases have been found to be based on legal misinterpretation of the Geneva Agreement by the local or provincial authorities. For example, in one case, in the Province of Kampot, where an ex-KRF had been placed under arrest and the Commission had sought information, the provincial authorities had informed the Commission that the person concerned had "not been arrested for misdeeds

committed prior to 7th August 1954, the date on which all previous political infractions committed by former members of the Khmer Resistance have been amnestied." The Commission had, therefore, to make its position clear by stating that "according to Article 6 of the Geneva Agreement on Cambodia, the International Commission has to satisfy itself that no reprisals are taken against any ex-member of the KRF" and that, "for the effective discharge of its duty" it was necessary that "all information relating to the arrest and particularly information regarding charges framed, should be supplied to the Commission".

9. Another rather serious case was reported recently in a petition from the province of Pursat where 36 ex-KRF have been detained. The method of their arrest was rather unusual: the provincial authorities called upon one of the ex-KRF Chiefs in the area to collect all his former followers at the Salasrok (District Headquarters) in order to "select them for enrolment in the Defence Corps of the province": when the former Chief of KRF assembled his former colleagues, they were all placed under arrest, and charged with being "pirates". The Commission has sought "pertinent information" on these allegations from the Royal Government stating that the "Commission has special responsibility with regard to the question of their (ex-KRF) reintegration into the national community and to ensure that no discriminatory action or reprisals are taken against them." Disposal of these cases by the Government is awaited to conclude our investigation.

10. It may be stated, in conclusion, that every legitimate case that has come to the notice of the Commission and in which the Commission has thought it proper to intervene under Article 6 of the Geneva Agreement, has been brought to the notice of the Ministry of Justice. All replies from the authorities have not yet been forthcoming. Some of those already received were not entirely satisfactory. The Commission feels confident that all cases reported by it to the Royal Government are engaging their serious attention.

11. With the completion of general elections in Cambodia, a general political settlement may be said to have been achieved. The Commission's responsibility with regard to political matters concerning former resistants may, therefore, be regarded as having been concluded. On the other hand, there are still some cases with the Government, the Commission having received no official intimation with regard to their disposal. The Commission hopes that these pending cases will be disposed of quickly so that it can consider this chapter on reintegration as successfully closed.

12. No new major cases, necessitating the Commission's intervention, are expected. The Commission is confident that no reprisals will be taken against the former members of the Khmer Resistance Forces and that the policy of broad national reconciliation will be followed.

CHAPTER III

GENERAL ELECTIONS

13. General elections in Cambodia for the National Assembly were held on September 11, 1955. Polling took place in all the 91 constituencies on that day. The laws of the country provide for 70 days of political campaigning and the campaign opened on July 4, 1955:

14. The necessary notifications were issued by the Royal Government of Cambodia for the conduct of the elections. The numbers, names and demarcations of the electoral circumscriptions were determined. The procedures laid down in the Constitution and the Electoral Laws regarding nominations of candidates, approval of the nominations, etc. were complied with and the electoral machinery moved according to schedule. The relevant documents, including extracts from the Constitution, the Electoral Laws and Government notifications are given in Appendices "A" and "B".

15. By August 12, 1955, the nominations of candidates for the legislative elections were formally and finally approved. The following is the official list of candidates according to their party affiliations:

Sangkum Riyastr Niyum (Popular Socialist Community)	...	91
Democratic Party	...	91
Liberal Party	...	43
Redressment National (National Recovery Party)	...	28
Pracheachum (People's Party)	...	35
Khmer Ekreach (Khmer Independents)	...	13
Khmer Labour Party	...	3
Independents	...	5
Total	...	309

16. The part played by the Commission in the elections was regulated by the obligations entered into by Cambodian Government at Geneva in July 1954, and in particular by the provisions of Article 6 of the Cease-Fire Agreement relating to the rights of the former members of the Khmer Resistance Forces. The following propositions were accepted by the three Delegations as guiding principles:

(a) The elections were to be conducted by the Sovereign Government of Cambodia in conformity with the Cambodian Constitution and laws.

(b) The Commission had no authority to supervise the elections as a whole.

(c) But the Commission could not remain indifferent to the implementation of the Cambodian undertaking regarding free elections. A watching brief was necessary to discharge its responsibilities towards the former members of the Khmer Resistance Forces under Article 6 of the Geneva Agreement.

(d) These responsibilities of the Commission might be defined as follows:

(i) It had to examine the Electoral Laws to make sure that they do safeguard secrecy of ballot.

(ii) It had to study the application of the laws of the country in regard to democratic freedoms so as to understand the scope of Article 6.

(iii) It had to satisfy itself that there was no discrimination against the former members of the Khmer Resistance Forces. It followed from this obligation regarding non-discrimination that the Commission had to keep itself informed of the conduct of the electoral campaign, the nature of the electoral practices in the country, the liberties enjoyed by the participating citizens, etc., in order to assess the rights of the former members of the Khmer Resistance Forces towards whom it had a special responsibility.

17. All the practical steps that the Commission took in the electoral period were in accordance with the guiding principles enumerated above. Our main object was to secure basic information regarding the conduct of the elections. Our approach can be shortly described as one of general observation and not of supervision.

18. The role of the Commission in the elections came up for discussion with the Royal Government whose view was that the elections were an internal matter. We explained our stand as stated above. We impressed on the Prime Minister (who was also Minister for Foreign Affairs) that we had no intention of interfering in the internal affairs of Cambodia and that if we discussed certain electoral issues with him, it was in order to assist the Royal Government in its task of implementing its undertakings given at Geneva. The Prime Minister was satisfied with the exposition of our position and throughout the electoral period we had friendly relations with the Government. On the other hand, there was misunderstanding of our position among the parties. The opposition parties assumed that we had wide powers of supervision and besought us to intervene. The press of the Popular Socialist Community insinuated that we were exceeding our powers and interfering in the internal affairs of Cambodia. The Royal Government, however, stated in a communique that the Commission was adopting a correct attitude to the elections.

19. The Commission adopted the following practical steps in regard to the elections:

(a) It gathered information regarding the conduct of the electoral campaign from the Teams, newspaper reports and its own observations and received petitions from Cambodian citizens. Instructions were issued to our Teams in the provinces so that they could gather as much information as possible. A copy of these instructions is given in Appendix "C". It will be noticed that though we have only nine Teams, we so divided their responsibilities that all the fourteen provinces were covered in the electoral period and on polling day. This was the best we could do within the limits of our resources, but we provided for adequate observation of electoral practices. By periodic visits to the Teams, the Commissioners also gathered useful first-hand information of the electoral campaign in the provinces.

(b) It intervened with the Government if there was any major issue of possible discrimination against the former members of the Khmer Resistance Forces, as in the case of the Pracheachun party to be referred to later in this report.

(c) The Commission met the Prime Minister every week and in the electoral period seven such meetings were held. At these weekly meetings, many problems were discussed. There was free and frank exchange of views, as a result of which the Commission had a better understanding of the Government's point of view. The Commission also drew the attention of the Government to a number of petitions and complaints which it had received. Reference to these discussions is made in Paragraphs 26 to 28 below.

20. The Commission studied the Electoral Laws and satisfied itself that they did ensure secrecy of ballot. No opposition party had suggested that these laws needed amendment. Also, from what we had gathered, there had been no complaints on this score in the previous elections.

21. One opposition paper suggested that new instructions were being issued to alter Articles 56 and 57 of the Electoral Laws to modify the accepted practice of placing all unused ballot papers in a box in the polling station and instead voters would be asked to keep the unused ballot papers with them. The paper suggested that this was a means to find out for which party a citizen voted. The Commission discussed this newspaper report with the Prime Minister, who assured us that the rumours were false. Later a communique was issued by the Government denying that any change in the laws had been made.

22. A week before polling day, the following notification was issued:

"In case of contradiction between the name of the candidate and the distinctive sign of the political party, only the distinctive sign will prevail. The voting papers thus contested will not be null. They are valid for the benefit of the candidate of the political party represented by the distinctive sign."

This order was issued, according to the Prime Minister, because an opposition party was alleged to be printing ballot papers, with the name of their candidate accompanied not with the distinctive sign of the opposition party in question, but with a portrait of Prince Sihanouk. This portrait was used as the identifying symbol of the Sangkum Riyastr Niyum. Under Cambodian law, distinctive signs or symbols are used to assist voters in choosing between candidates. Also, under Cambodian law, ballot papers which bear the symbols, are printed by the candidates themselves, and the voter, who is given in the polling booth a ballot for each candidate, chooses among them which one he will cast into the ballot box.

23. There was one important issue in the early days of the electoral period on which the Commission intervened decisively with the Royal Government and that was in regard to the registration of a new political party organized by certain former members of the Khmer Resistance Forces. The following is a summary of the relevant facts of the case:

On June 20, 1955, Mr. AN-Meang, former member of the Khmer Resistance Forces, wrote to the Commission that an application submitted by him to the Minister of the Interior requesting permission to register a party to be called Pracheachun to participate in the elections had been turned down.

Mr. AN-Meang requested the International Commission to intervene with the Royal Government to enable the former members of the Khmer Resistance Forces to take part in the elections as guaranteed in the Geneva Agreement. He enclosed copies of his correspondence with the Minister of the Interior.

The International Commission wrote to His Excellency the Minister of Foreign Affairs, on June 25, 1955, drawing his attention to Article 6 of the Geneva Agreement and requesting him to state the reasons for rejecting the application for registering the Pracheachun as a political party.

The Minister for Foreign Affairs stated in a verbal message to the Chairman that the Government objected to Article 3 of the Rules of the Pracheachun which read as follows;

"Article 3: The following is the aim and line of conduct of the Pracheachun Group:

To unite the whole Khmer people in the National Community without distinction of race (majority and minority), class, party or religion, in order to fight the imperialists and their servants, to defend peace, consolidate independence, realise democracy and raise the standard of living of the people."

The Government's objection was that Article 3 seemed to indicate that the Pracheachun would be an international association as it admitted all races and nationalities to membership and that in

Cambodia only associations of Cambodian citizens would be allowed. The verbal message was later confirmed in a letter by the Royal Government dated July 11, 1955.

The Commission consulted the founders of the Pracheachun on this point. There was some difference of opinion as to the interpretation of the Cambodian text of Article 3 of the Rules, but the founders agreed to amend Article 3 to meet the objections of the Government.

In spite of this, there was some difficulty and delay in Government accepting the application of the Pracheachun. The Commission at its weekly meeting with the Prime Minister made it clear that if the application of the former members of the Khmer Resistance Forces to form a party was turned down, it would lead to charges before the Commission of a violation of Article 6 of the Geneva Agreement and from that point of view the validity of the election would be questioned.

After some discussion, the Prime Minister agreed that he would take steps to expedite the registration of the party. However, he wanted the party to affirm its adherence to constitutional forms of activity. Although strictly such a guarantee was not called for from reintegrated citizens, the Commission advised the Pracheachun to give such an assurance.

The matter was satisfactorily settled and the Pracheachun was registered in time to enable it to nominate 35 candidates for the elections.

24. It will be appropriate to point out that there was more mediation than intervention in this case, as it indicates the spirit in which the Commission approached these problems. The Commission was most anxious to ensure the registration of the Pracheachun as otherwise the whole election would have been challenged on the ground of violation of Article 6 of the Geneva Agreement. After a great deal of effort, the matter was settled satisfactorily on the last day set for receiving nominations.

25. The electoral campaign did not begin to warm up till four or five weeks before polling. There was very little activity in the first month of the electoral period as parties and candidates were waiting for the final approval of the nominations. In the final stages, however, the tempo of electioneering was great. Meetings were being held all over the country and party banners could be seen everywhere. Processions were taken out and parties organised rallies and staged plays. The most active campaigning was done by the Popular Socialist Community. In every place there were banners exhibiting the picture of His Royal Highness Prince Sihanouk who is the Supreme Counsellor of the Popular Socialist Community or the Sangkum as it is called. The Prince himself toured the provinces and addressed large meetings. Prominent personalities, including some Ministers, spoke in

support of this party. Official media of news dissemination such as the radio and bulletins of official news agencies carried Sangkum propaganda material. Sangkum pamphlets and leaflets were dropped from the air on a few occasions. The two main opposition parties, the Democratic Party and the Pracheachun, also displayed their banners, held meetings and carried on their propaganda through their own newspapers. But judged by the standards of electioneering in other countries, there was not a great deal of activity. There were, however, moments of excitement and bitter controversy in the last two weeks making the situation tense on the eve of poll.

26. The Opposition parties complained to the Commission from the beginning that because of official pressure, the application of certain sections of the Penal Code and the arrest of some candidates and campaign workers, they did not have the freedom to carry on legitimate party propaganda. The problem of civil liberties and freedom of propaganda thus raised was a delicate one and gave us cause for concern. The Commission discussed with the Prime Minister the question of the extent of freedom in electioneering and the limits of propaganda. The Prime Minister told us that great latitude was being given, that criticism made in "good faith" would be permitted, but that the Penal Code would be applied to deal with abuses. He said that all parties had been informed that the Government would take action (a) if the Sovereign and the members of the Royal Family were attacked; (b) if there was calumny and defamation of the Government; and (c) if there was incitement to disorder. These offences were covered by Articles 297 to 301 of the Cambodian Penal Code which dates from the year 1912. The text of these penal provisions as also a copy of the communique issued by the Royal Government on the subject of electoral propaganda are enclosed as Appendix "D".

27. Most of the arrests were for crimes of "lese majeste" and for certain forms of criticism of the American military aid agreement. Questioned on the scope of the crime of "lese majeste", the Prime Minister stated that prosecutions were launched only when insulting attacks were made against members of the Royal Family. He also added that criticism of Prince Sihanouk as Supreme Counsellor of the Sangkum was allowed, but any disparaging remarks about him as Prince or ex-King would be punished. One reason for the arrests for "lese majeste" seemed to be the feeling in Government circles that the Democratic Party and the Pracheachun had republican leanings. There was one notorious instance of a leading member and candidate of the Democratic Party attacking the Kings of Cambodia from the days of Angkor in a speech at Phnom-Penh. But as against this, responsible members of both parties denied that they had or ever wanted to insult the Royal Family. As regards criticism of the Government, the Prime Minister gave as an example attacks on the American military aid agreement. If a person said that the American treaty was not in the interests of the country, no action would be taken. But if that person said, for example, that the Government had "sold the country to the U.S." and spread false reports that 20,000 American troops would be stationed in Cambodia, he would be prosecuted.

28. Drawing the attention of the Government to the petitions which it had received regarding arrests and charges of official pressure, the Commission tried to impress on the Prime Minister the need for permitting a wide measure of freedom in the electoral period. We pointed out that if criticism of the Government were to be penalised, electioneering for the opposition parties would become very difficult. The Prime Minister's reply was that Cambodian judiciary was well trained and independent and could be expected to do justice and allow criticism made in "good faith". The Commission expressed its views in general terms, using complaints in specific petitions as illustrations. We tried to use such influence as we had on the side of moderation and liberality.

29. By September 1st, the Commission had received petitions, from the Pracheachun and the Democratic Parties, in which it was stated that 44 persons had been arrested in the electoral period and these two opposition parties felt that the arrests had a cramping effect on their activities. We decided to write to the Royal Government drawing its attention to these reports of arrests. Accordingly, the following letter was sent by the Chairman of the Commission to the Minister for Foreign Affairs:

"In the course of the last few weeks the International Commission has had the benefit of discussing with you various aspects of the forthcoming elections. Electoral laws and practices, the scope of the rights and freedoms for which the Constitution of the Kingdom provides, the limitations imposed by the laws of the country, have all been considered at our weekly meetings.

The Commission has also drawn your attention at these meetings to certain petitions, for example, some relating to the arrests for alleged infractions of the Criminal Code, of certain candidates and campaign workers, to ascertain from you, the Royal Government's ideas regarding electoral freedom. These discussions have been on general lines to enable the Commission to understand the scope of the rights guaranteed to former members of the KRF under Article 6 of the Geneva Agreement.

This letter is not intended in any way to express an opinion on the manner in which the laws of Cambodia are being applied. The Commission merely wishes to transmit to the Royal Government lists of persons whom the petitioners say have been arrested in the past few weeks. These are attached as Annexures to this letter. Annexure I is the list of arrested persons who, the petitioners state, are former members of the Khmer Resistance Forces. It contains the names of two candidates and eight propagandists or party workers. Annexure II contains a list of arrested persons other than those of the former members of the Khmer Resistance Forces. This list contains 34 names, three of whom are those of candidates.

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

matter is still (30th September, 1955) pending with the Government. The Prime Minister informed us, however, three days before the elections that three candidates had been released.

31. During the period in which the Commission has been concerned with the elections, we have received about 100 petitions alleging that electoral abuses have taken place. These petitions were received by the Commission through the mails or handed in by visitors to our teams or central headquarters; some were from candidates, some from officials of the Democratic and Pracheachun parties, and some from individuals.

(a) These approximately 100 petitions involve some overlapping and the majority did not come from or relate to former members of the Khmer Resistance Forces. A few of these petitions were in general terms, alleging that the elections were not free and fair, but most made charges against certain local officials and against individuals and groups supporting the Popular Socialist Community. A certain number of persons claiming to be former members of the Khmer Resistance Forces stated that they and officials of the Pracheachun and Democratic parties were threatened with arrests and harassed by the Mekhums (village chiefs) by being summoned for interrogation or shadowed by the police, and in a few cases that criminal charges were made against them. The petitioners claimed that they were engaged only in legitimate electioneering activities. A few petitions alleged that the Mekhums threatened that if they did not vote for the Sangkum, they would be treated as traitors, or that the Mekhums tried to frighten them by firing shots in the air. Some members of the Pracheachun party complained that certain Mekhums withheld voting papers from opposition parties. There were a few complaints that Pracheachun and Democratic party electoral activity was hampered by the seizure of bundles of their newspapers and leaflets, by threats to those who read opposition newspapers, and by destruction of opposition party banners.

(b) Thirteen petitions were received making charges of the Government's para-military forces ("Les Forces Vives") exercising pressure in the villages to vote for the Sangkum threatening those who supported the other parties, and preventing people from attending meetings.

(c) The headquarters of one of the parties sent the Commission copies of circular letters allegedly issued by officials of a central Ministry asking local officials to make discreet propaganda for the Sangkum. We took this complaint up with the Prime Minister, who, after investigation, stated that these circular letters were sent out by an over-zealous official of one Ministry, acting in his personal capacity. Under Cambodian law civil servants are allowed to participate in politics outside office hours. We know of two instances where high-ranking officials known for their sympathy with the Democratic party were

dismissed: but it is a fact that among the civil servants there are many supporters of the Democratic party as well as the Sangkum.

(d) On the other hand, officials of the Sangkum stated publicly that their party workers had been "victims of aggression" by the Pracheachun and Democratic parties. On September 8, they announced that there had been three assassinations, two cases of injury and four cases of kidnapping among their followers.

32. The Commission did not investigate these individual petitions and charges and thus cannot make any judgment on their accuracy or otherwise. Although Cambodian law provides judicial remedies for abuses or for a denial of the rights laid down in the Constitution and laws of the Kingdom, the petitioners chose instead to apply to the Commission for redress. It was felt, however, that it would be quite improper and inexpedient for the Commission to investigate such allegations, particularly in view of the very limited authority regarding the elections which is given to the Commission under the terms of the Cease-Fire Agreement. The opposition parties in whose ranks were included many former members of the KRF, have charged that they did not have full freedom because of the alleged pressures. The Government on the other hand charged that the opposition parties were trying to sabotage the election by courting arrest and complaining about a lack of fair conditions for campaigning. It is difficult for us to assess the extent to which these charges and counter-charges may have been valid.

33. During the course of their observation of the electoral campaign, Commission personnel observed two occasions where Democratic party meetings were broken up by supporters of the Sangkum. The first case took place in the town of Battambang where a theatrical show organized by the Democratic party was disrupted by force. Policemen, although present, did not intervene. The second incident took place on the square just in front of the Commission Secretariat headquarters in Phnom-Penh on the eve of the poll. While a meeting of the Democratic party was in progress a high dignitary arrived and started a rival meeting. In the confusion which followed several shots were fired and the chauffeur of a Sangkum leader was killed. Later, the candidate of the Democratic Party, who had been addressing the meeting, was arrested for questioning in connection with the shooting incident.

34. As polling day approached, the tenseness in the political atmosphere began to increase. Charges and counter-charges were made by the parties. In the last two weeks, the Prime Minister, who was the neutral chief of an Elections Government, expressed concern over the developments. He told us that the present elections were different from the previous three held in the country. In his view the reason was that the Pracheachun and Democratic parties were out to subvert the regime. He affirmed that this Government would do all in its power to defend the monarchical character of the State. He stated that there were some armed bands in the country which had affiliations with political parties and were terrorizing the rural population to vote against the Sangkum. The Prime Minister also stated that some of the unsubmitted members of the Resistance movement were now coming out to cause trouble. The Prime Minister gave as one instance the pillaging of a

village in Kompong Speu province and the kidnapping of villagers and suggested that the band of SEAP was working for the Democratic party, but an investigation by our Team showed that this was a case of banditry in which the motive was loot and ransom. On the other hand, the Commission Team investigating an incident in Voeunsai srok (which is referred to in Chapter IV) found evidence of the presence in the inaccessible areas of the Stung Treng province of armed bands engaged in anti-Government propaganda. Another investigation regarding a charge by the Government that some former KRF persons had crossed into Cambodia from South Vietnam for the purpose of engaging in anti-Government propaganda during the elections, failed to provide evidence to sustain the charge.

35. The Commission was concerned lest fears of insecurity in certain parts of the Kingdom might lead to postponement of the elections or postponement of polling in certain areas. Indeed at one time the Prime Minister informed us that the Government might possibly have to alter the location of polling stations in a few constituencies. Later the Prime Minister said that the Government considered that opposition elements were creating conditions of insecurity with a view to preventing the holding of the elections. The Government charges and proclamations alleging renewal of Viet Minh invasion had played its part in creating an element of uncertainty during the electoral period and reacted against the Opposition parties. However, fears regarding postponement were belied and elections were held as scheduled on September 11.

36. Throughout the campaign period, as indeed since the inception of the Commission, we and our Teams have moved at will and without notice throughout the country observing freely. For polling day, we had made special arrangements for our Teams to go round on a general tour of observation, but we had cautioned them not to be obtrusive. Fourteen Teams covered the fourteen provinces and reported on the general atmosphere in the polling stations and their environs and also gave a brief description of the voting procedure as they observed it. The arrangements made for polling were good. Polling stations were either inside buildings or, as in most cases, open structures with thatched roofs were specially constructed for the purpose. Polling was orderly and peaceful throughout the country. No incidents either during the polling or during the counting were reported. From the Team reports and our own observations in the capital and the surrounding area, it is established that the voting procedure laid down in the Electoral Laws was correctly followed. Secrecy of ballot was ensured in each polling station by the provision of a partitioned booth where the voter could make his choice. Elaborate precautions had been taken by the police to preserve order. Groups of soldiers were seen in certain areas, but, except in a few places, no soldiers were seen near the polling stations. Most polling stations carried a picture of Prince Sihanouk. Reports by three of our Teams giving their observations on polling day is attached as Appendix "E". Section 71 of the Cambodian Electoral Regulations provides a period of fifteen days after polling for appeals against electoral operations and according to our information no appeals have been filed.

37. In accordance with the regulations, counting of votes was done as soon as the poll was over. By September 12, it was unofficially known that the Popular Socialist Community (Sangkum) had won all the 91 seats in the National Assembly. The following is the summary of the votes cast for each contending party:

<u>Party</u>	<u>Number of votes cast</u>	<u>Percentages of votes</u>
Sangkum Riyastr Niyum (Popular Socialist Community)	630,625	83
Democratic Party	93,919	12
Pracheachun (People's Party)	29,503	4
Liberal Party	5,488	}
Redressment National (National Recovery Party)	1,154	
Khmer Ekreach (Khmer Independents)	794	
Khmer Labour Party	289	1
Independents	186	}

Total votes polled: 761,968 = 75% of registered electors.

Although the Sangkum's clean sweep of all seats in the National Assembly inevitably gave rise to some scepticism both inside Cambodia and abroad, it has to be noted that the Opposition parties recorded about 17% of the popular vote. It is inherent in the single-member-district plurality system of voting provided for in Cambodian electoral law, (as in that of many countries, unlike the system of proportional representation which is adopted in many other countries) that the strongest party receives a higher proportion of seats than of popular votes. In twenty-five of the ninety-one electoral districts into which Cambodia is divided, one of the opposition candidates received 25% or more of the Sangkum vote, and in six of these districts one of the opposition candidates received 50% or more of the Sangkum vote.

38. The entrance of Prince Sihanouk into public life transformed the national scene and served as a major factor in the overwhelming victory of the Popular Socialist Community.

39. The Cambodian elections have been followed with widespread interest throughout the world, particularly in view of the forthcoming general elections in Laos and Vietnam also which are envisaged under the Geneva Agreement. In spite of the fact that conditions of war and civil strife prevailed in Cambodia until a year ago and that sharp differences had arisen between the Government and the Opposition, which alleged that it did not have full freedom, the elections passed off peacefully.

40. The Commission did not supervise or control the elections but had only an observatory role. Therefore, it has no right to draw any conclusions on the elections as a whole. It considers, however that the settlement foreseen under Article 6 of the Geneva Agreement has been completed.

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CHAPTER IV

ALLEGED VIOLATION OF CAMBODIAN TERRITORY

VOEUNSAI INCIDENTS - AUGUST 1955

41. On 20th August, 1955, the Royal Government of Cambodia advised the International Commission that harassment and attacks by Viet Minh elements had taken place in the region of Voeunsai in Stung Treng province on 5, 14, and 16 August 1955.

42. The following is the text of the Royal Government's letter to the Chairman of the International Commission:-

"I have the honour to inform you that in the province of Stung Treng the Viet Minhs have resumed their activities against the legal forces.

It is thus that on the night of 5/6th instant about ten Viet Minhs harassed the Salasrok of Voeunsai but withdrew before the counter-attack of the Provincial Guards. Two other attacks were launched on the night of 14/15th instant by the band of Syda composed of 200 to 300 Viet Minhs against the same post.

Finally, on the night of 16/17 August 1955, these elements once again harassed the Salasrok and the military post of Voeunsai.

After the failure of this attack which lasted from 22.30 O'clock to 05.10 O'clock, the Viet Minh, of whom five regular battalions are said to have been seen at Siempoy (Laos) situated near the Cambodian frontier, are said to be planning to recommence their aggression on 20th August. In bringing, what is said above to your knowledge, the Royal Government wishes to draw the attention of the International Commission for Control to the gravity of the situation so created and to protest against this violation of the Geneva Agreement."

43. The Commission held an extraordinary meeting on Sunday, 21 August, 1955, and an inquiry was ordered. A Special Investigation Team was detailed and briefed to inquire into the Voeunsai incidents, with particular reference to the following:

(a) On what date or dates and on which localities did the alleged attacks take place?

(b) What damage and casualties, if any, were suffered by the Royal Government Forces, the Provincial Guards and the civilian population of Voeunsai?

(c) What was the estimated size of the attacking bands and what was the method of their attacks?

(d) Identification of the attackers, uniform worn and arms carried. Any other evidence such as documents captured, fired cases picked up, etc.

(e) Whether any attackers were captured or killed when the Provincial Guards delivered a counter-attack?

44. The Special Team arrived at Stung Treng on 22nd August, 1955, and proceeded to Voeunsai the next day arriving there late at night after a gruelling road journey of over twelve hours. The Royal Government of Cambodia and the local authorities at Stung Treng were most cooperative in making all necessary arrangements for the team's visit to Voeunsai. A special aircraft and a helicopter were placed at the team's disposal and these were of great use in carrying out reconnaissance of the border area and the Siempoy region.

45. In the meantime, a request was made to the ICSC in Laos and they were asked to investigate the alleged presence of five battalions of regular Viet Minh troops said to be concentrated at Siempoy in Southern Laos.

46. Our Mobile Team at Stung Treng was also ordered to work with the Special Team and also liaise with the Team from Pakse which was to reconnoiter the Siempoy area in Laos, so that the investigation would be as thorough as possible.

47. The Special Team stayed two days at Voeunsai during which it examined nine witnesses and twice flew over the Cambodian-Laotian border. A summary of the case and the Team's observations are attached as Appendix "F".

48. The Pakse Team twice flew in a helicopter over the Siempoy area but they were unable to land owing to trees and lack of suitable landing space near the village of Siempoy. They confirmed, however, that from their air reconnaissance over Siempoy, they could not see any troops in the area.

49. The Stung-Treng Team visited Voeunsai on 28 and 30 August, 1955, and examined four more witnesses. A summary of their investigation and the Team's observations are attached as Appendix "G".

50. When the teams had reported back, the Commission held an extraordinary meeting and after a long and careful deliberation communicated the following findings to the Royal Government of Cambodia on 8th September, 1955, in reply to their letter of 20th August, 1955:-

1. During the night of 5/6 August, 1955, hostile activity in the form of rifle fire, of an undetermined volume, took place against the Salasrok at Voeunsai in the province of Stung-Treng. Again, during the nights of 14/15 and 16/17 August, 1955, hostile activity in the form of rifle fire of an undetermined volume took place against the military post and the Salasrok at Voeunsai in the province of Stung-Treng. The guards of the Salasrok and the military post returned the fire but did not follow up the hostile elements.

2. There were no casualties suffered by the Royal Government forces or the civilian population of Voeunsai in the attacks on the

Salasrok and the military post except for one Provincial Guard who sustained a light bullet graze on the toe. Slight damage in the form of three bullet holes on the Chauvaysrok's residence and three bullet holes on a perimeter sentry box was suffered.

3. No prisoners were taken in the attacks by either side.

4. No accurate estimate can be made of the size of the hostile elements which attacked the Salasrok and the military post. However, the number of 200-300 alleged to have been involved in the attacks on the latter two nights appeared to be exaggerated.

5. Since the attacks took place under cover of darkness and since no prisoners were taken, the identity of the attacking elements cannot be established.

6. The evidence indicates that small bands of different hostile elements with some semblance of uniformity in dress and armed with machine guns, mortars and rifles have been seen in the villages located in the province of Stung-Treng, north of Voeunsai, near the Laotian border, during the past three months. Part of the activity of these bands consists of spreading propaganda. According to eye-witness who fought against the Viet Minh during the hostilities, these bands include some old Viet Minh elements who are said to have remained behind in the inaccessible areas of Stung-Treng Province after the Cease-Fire.

7. There is some evidence that Syda, a Cambodian, who was once a member of the KRF, and who served on the Joint Commission group and subsequently disappeared without rallying and two of his associates named Ples-Teun, a Cambodian of Laotian origin, and Thuc, allegedly the Viet Minh area organizer, all of whom are hostile to the Cambodian Government, are operating in the villages in Stung-Treng in the area north of Voeunsai and are spreading propaganda against the Royal Government of Cambodia. These individuals are said to have organized a band of sympathisers with a strength variously estimated between 178 and 400 and are creating disturbances in the area.

8. There was no attack during the night 20/21 August, 1955, and the team did not notice any excitement in Voeunsai on the two nights of 23/24 and 24/25 August, 1955, which the team spent at Voeunsai. The Mobile Team at Stung-Treng visited Voeunsai and Siem Pang again on 28 and 30 August, 1955, and found all quiet.

9. There is no evidence to show that the armed bands in the region, or the attackers of Voeunsai, were regular units of the Viet Minh forces.

10. To check on the report that five Viet Minh battalions were concentrated in the Siempoy area in Laos, the Teams of the Cambodian Commission flew over that area by helicopter on three different occasions between August 25 and August 31, 1955. The ICSC Team at Pakse in Laos also flew over the area twice. In this aerial reconnaissance, none of the Teams saw anything significant, either by way of troops or barracks. The International Commission in Laos, however, has informed us that any investigation on the ground in Siempoy is not possible as Siempoy cannot be reached either by air or by road."

51. The above findings, together with the relevant documents, were also communicated to the Democratic Republic of Vietnam for its information and comments.

52. The Commission is happy to record that no further incidents have taken place in the Voounai region since 17 August, 1955.

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HANOI RADIO BROADCASTS

53. At our weekly meeting with the Royal Government on August 25, 1955, the Prime Minister informed us that Hanoi Radio had been broadcasting items in its transmissions in Cambodian language, some of them being reproductions of reports appearing in opposition papers here, which were aimed to suggest that the Royal Government was not allowing liberty to the people to participate freely in the elections. He charged that it was a campaign of interference in the internal affairs of Cambodia which was a violation of the Geneva Agreement and of the Panch Shila or Five Principles of peaceful co-existence. On 27th August the Prime Minister sent us copies of extracts of Hanoi Radio broadcasts as monitored by the Cambodian authorities.

54. The Commission decided on September 2nd to forward these extracts to the Government of the Democratic Republic of Vietnam for its comments.

55. On 8th September, the Vice-Minister of the D.R.V.N. replied to our letter and also enclosed a letter from the Director of the "Voice of Vietnam" and also extracts of Cambodian broadcasts emitted by Hanoi Radio. The Vice-Minister, in the course of his reply, protested against the charges made public by the Royal Government which alleged that Viet Minh troops had attacked the post of Voeunsai. He stated that these charges were calumnies and contrary to the Panch Shila accepted by the Royal Government of Cambodia.

56. The Director of the "Voice of Vietnam", in his letter, stated that there were discrepancies in the monitored versions as provided by the Royal Government and the texts of the Cambodian broadcasts as emitted by Hanoi Radio. He also stated that broadcasting of newspaper extracts was a recognized practice in all countries.

57. After considering the two letters, the Commission decided on September 30th to address both the Government of the D.R.V.N. and the Royal Government on this subject. The following are the texts of the two letters:

(1) Letter dated 30th September, 1955, from the Chairman of the Commission to His Excellency General Vo-Nguyen-Giap, General Commander-in-Chief, Popular Army of Vietnam, Hanoi:

"I have the honour to acknowledge receipt of the letter addressed to this Commission by Vice-Minister Ta-Quang-Buu on September 8, 1955, concerning certain broadcasts made in the Khmer language by the Hanoi Radio and which were the subject of a recent complaint on the part of the Royal Government of Cambodia. Attached to this letter of September 8 was a letter of the same date from the Director of "Voice of Vietnam" to the High Command of the Vietnam Popular Army.

The International Supervisory Commission in Cambodia has noted the statements contained in the letter from the Director of the

"Voice of Vietnam" that many of the broadcasts made by Hanoi Radio were quotations from newspapers. We are sure, however, that you will appreciate that the diffusion by radio, in the language of another country, of excerpts from selected press articles, may, in certain circumstances, lead to misunderstanding and be construed as interference in the domestic affairs of that country.

The International Commission in Cambodia hopes to receive responsible cooperation from all signatory governments in their radio programmes as well as in their other activities for the maintenance of harmonious international relations and for ensuring the proper implementation of the Geneva Agreement. In this connection we wish to draw your attention to the discussions in October 1954 in the Joint Commission in Cambodia in which both parties to the Cease-Fire Agreement agreed to find ways and means of stopping hostile propaganda.

In the light of what has been stated above, and in view of the misunderstanding that has arisen, the Commission hopes that the Government of the Democratic Republic of Vietnam will ensure that broadcasts by the Hanoi Radio cannot be construed as interference in the internal affairs of Cambodia.

The Commission is attaching the copy of a letter that it has sent to the Royal Government of Cambodia.

Please accept, Your Excellency, the assurances of my highest consideration."

(2) Letter dated 30th September, 1955, from the Chairman of the Commission to His Excellency the Minister for Foreign Affairs, Royal Government of Cambodia, Phnom-Penh:

"Further to our letter of 2nd September, 1955, relating to the broadcasts of the Hanoi Radio, I have the honour to inform you that we have received a reply from Vice-Minister Ta-Quang-Buu of the Government of the Democratic Republic of Vietnam, in which are enclosed a copy of a letter from the Director of "Voice of Vietnam" and also excerpts from the broadcasts in question

The Director of "Voice of Vietnam" states that there are discrepancies in the monitored versions as provided by the Royal Government of Cambodia and the texts of the Cambodian broadcasts as emitted by the Hanoi Radio.

The Government of the Democratic Republic of Vietnam has suggested that questions which might lead to misunderstanding between the Royal Government and the Government of the Democratic Republic of Vietnam should be settled through

the channel of direct diplomatic negotiations.

Vice-Minister Ta-Quang-Buu in his letter also takes exception to the charges made public by the Royal Government of Cambodia which alleged that Viet-Minh troops attacked the post of Voeunsai. He has registered a protest against these charges on behalf of the Democratic Republic of Vietnam.

In this connection we wish to draw your attention to the discussions in October 1954 in the Joint Commission in Cambodia in which both parties to the Cease-Fire Agreement agreed to find ways and means of stopping hostile propaganda. We are sure that the Royal Government is aware that publicity to the charges of "Viet Minh aggression", while the matter was under investigation, has led to misunderstanding and consequently the maintenance of harmonious relations between the signatory Governments becomes more difficult.

The International Commission has sent a reply to the Government of the D.R.V.N. a copy of which is enclosed for your information.

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

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

CHAPTER VI

ENTRY OF WAR MATERIAL INTO CAMBODIA

58. A brief reference was made to this subject in the Commission's last progress report dated 11th April, 1955. The procedure of checking the entry of war material into Cambodia is working smoothly. The Inspection Team at Phnom-Penh obtains information from the Ministry of National Defence regarding the arrival of convoys carrying war material and stores and proceeds to carry out an on the spot check before convoys are unloaded.

59. Most of the war material and stores received by Cambodia so far come by land route along the main Saigon - Phnom-Penh road. Thus, the Commission's team at Svay Rieng has also been able to carry out a general check as soon as road convoys enter Cambodian territory. War material coming into Cambodia by the river route is checked at the port of Phnom-Penh. So far, only small quantities of material and equipment have come by river.

60. Since January 1955, Cambodia has received only very small quantities of war material. These warlike stores are mostly made up of small arms, a few howitzers, explosives and ammunition of various types, engineer, pioneer and medical stores, light vehicles and parts. In addition, a few training aircraft and other training stores, parachute equipment, clothing and necessaries and some items of daily maintenance have also been received. Most of the stores received were of French or U.S. origin and were despatched from Saigon by the Cambodian Liaison Detachment stationed there.

61. As regards the Khmero-American Military Aid Agreement concluded between the two countries on 16 May, 1955, a small Military Assistance Advisory Group, about thirty in number, headed by a US Brigadier-General, has arrived in Cambodia. This group is now busy assessing the defence needs of the country. No equipment or war material has so far entered Cambodia under this new Agreement.

62. In the matter of the establishment of bases and the conclusion of foreign military alliances, the Commission has nothing to report in the period under review.

ENTRY OF WAR MATERIAL INTO CAMBODIA

58. A brief reference was made to this subject in the Commission's last progress report dated 15th April, 1955. The procedure of checking the entry of war material into Cambodia is working smoothly. The Inspection Team at Phnom-Penh obtains information from the Ministry of National Defence regarding the arrival of convoys carrying war material and stores and proceeds to carry out an on the spot check before convoys are unloaded.

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CHAPTER VII

REDUCTION OF ACTIVITIES OF THE COMMISSION

63. With the conclusion of the elections in Cambodia held on September 11, 1955, the major part of the work of the International Commission has come to an end. Consideration was given to a progressive reduction of the activities of the Commission as envisaged in Article 25 of the Geneva Agreement. The International Commission in Vietnam and Laos were also consulted before we took a final decision.

64. During the remaining period of its work here, the Commission will be engaged in the following tasks:

(1) Under Article 21 of the Geneva Agreement, the Commission has a responsibility regarding questions of violations or threats of violations, which might lead to a resumption of hostilities.

(2) The Commission will supervise the entry of military personnel and war materials on grounds of foreign assistance as envisaged in Article 13(c). It has also to supervise the implementation of Article 7 relating to foreign military bases and military alliances. In this regard, the Commission would bear in mind the assurances given by the Royal Government in connection with the implementation of the Khmero-American military aid agreement of May 16, 1955 (vide letter from the Commission to the Royal Government dated July 5, 1955, the Royal Government's reply of July 13, 1955, and the Commission's Resolution of July 23, 1955).

(3) The conclusion of the general elections is the culmination of the process of re-integration of the former members of the Khmer Resistance Forces into the national community envisaged in Article 6 of the Geneva Agreement. Certain cases pending with the Government, based on petitions by the ex-KRF and investigations by our Teams, will be followed up, but no new major cases, necessitating the Commission's intervention, are expected. The Commission is confident that no reprisals will be taken against the former members of the Khmer Resistance Forces and that the policy of broad national reconciliation will be followed.

65. In view of what has been stated in paragraphs 63 and 64 above, the future tasks of the Commission are of a limited character justifying reduction in its personnel. A scheme of reduction as outlined in the succeeding paragraphs was adopted by the Commission.

66. There are at present five Fixed and four Mobile Teams. This number would be reduced to four Fixed and one Mobile Teams located as under:-

- (a) Fixed Team, Phnom-Penh.
- (b) Fixed Team, Svay-Rieng.
- (c) Fixed Team, Kampot.
- (d) Fixed Team, Kratie.
- (e) Mobile Team, Battambang.

67. Much of the work at present being done by the International Secretariat will cease to exist and, therefore, major reduction of staff has been decided on.

68. There is room for reduction in the strengths of the National Delegations of the three member nations as the number of Inspection Teams has been cut down.

69. The overall reduction in the personnel of the Commission agreed upon may be summarised as follows:-

	<u>Present strength</u>	<u>Future strength</u>	<u>Reduction</u>
1. Administrative set up of the International Secretariat	19	(1) 11	8
2. Indian Military components of the International Secretariat and the National Delegation of India	182	(8) 116	66
3. Indian National Delegation	12	6	6
4. Polish Delegation	62	30	32
5. Canadian Delegation	32	23	9
	307	186	121

(G. Parthasarathi)
Representative of India,
Chairman of the
International Commission

(Arnold Smith)
Representative of Canada

(Z. Wolniak)
Representative of Poland

Phnom Penh,
October 3, 1955.

- (a) Fixed Team, Phnom-Penh.
- (b) Fixed Team, Svay-Rieng.
- (c) Fixed Team, Kampot.
- (d) Fixed Team, Kratie.
- (e) Mobile Team, Battambang.

CHAPTER VIII

DEPARTURE OF AMBASSADOR G. PARTHASARATHI,
CHAIRMAN OF THE INTERNATIONAL COMMISSION IN CAMBODIA.

After signing this report yesterday, His Excellency G. Parthasarathi, Chairman of the International Commission for Supervision and Control in Cambodia, returned to India this morning on completion of his tour of duty in Cambodia.

Minutes of the 61st meeting of the Commission held on 3rd October, 1955, are attached as Appendix "H" to this report.

(Brig.Gen. G.I.S.Kullar)
Representative of India,
Chairman of the
International Commission

(Arnold Smith)
Representative of Canada

(Z. Wolniak)
Representative of Poland

Phnom-Penh,
October 4, 1955.

CHAPTER VIII

DEPARTURE OF AMBASSADOR G. PARTHASARATHI,
CHAIRMAN OF THE INTERNATIONAL COMMISSION IN CAMBODIA.

After signing this report yesterday,
His Excellency G. Parthasarathi, Chairman
of the International Commission for Super-
vision and Control in Cambodia, returned
to India this morning on completion of his
tour of duty in Cambodia.

Minutes of the last meeting of
the Commission held on 3rd October, 1955,
are attached as Appendix "H" to this
report.

(Brig. Gen. G. I. S. Kulkarni)
Representative of India,
Chairman of the
International Commission

(Arnold Smith)
Representative of Canada

(Z. Wolniak)
Representative of Poland

Phnom-Penh,
October 4, 1955.

APPENDIX "A"INTERNATIONAL COMMISSION FOR SUPERVISION
AND CONTROL IN CAMBODIA

No. IS/VII/2

Phnom Penh, 30th June, 1955.

From

The Deputy Secretary General (Records)

To

All Teams.

Subject: 1. Constitution of the Kingdom of Cambodia.
2. Election of Deputies (Kram No.363-NS
of 26.9.47)

1. English translations of the above mentioned documents are being circulated to all teams.

2. It is recommended that all team members familiarise themselves with their contents, in view especially of the incoming period when these Acts will assume an immediate importance.

3. Your attention is drawn more particularly to the following sections of the Constitution:

- Title 1 -- Nature and form of the State.
- Title 2 -- Liberties, rights and duties of Cambodians.
- Title 3 -- The Law and powers.
- Title 5 -- The National Assembly.
- Title 9 -- General provisions.

Articles 48, 49 and 50 concern the Electoral Law and define who can be electors and who are eligible to be candidates to the National Assembly.

To be an elector, a person must:

(a) be a Cambodian citizen Although neither the Constitution nor the Electoral Law specifies the male sex, the French text uses the masculine gender "citoyen" and only males can be electors;

(b) be fully 20 years old "at the date of the closing of the electoral lists of one of the Khums of Cambodia";

(c) "be regularly inscribed on the said list";

(d) not be deprived of his civil rights, i.e., condemned criminals, bankrupts, dismissed civil servants, etc.;

(e) not be a soldier or officer on the active list;

(f) not be a monk.

To be eligible as a candidate, a person must:

(a) be an elector at least 25 years old "fulfilling the conditions set forth in Chapter 1 of the

Electoral Law";

(b) not come under the conditions of ineligibility specified in the Electoral Law under articles 12, 13, 14, 16 and 17.

N.B. The expressions put within inverted commas are taken from the Electoral Law.

4. The Electoral Law is divided into five chapters the last of which concerns by-elections and, therefore, has been omitted from your copy of the Act. The 72 remaining articles are all important and if we underline those we think of a more immediate interest, this must not detract from the importance of the others.

Chapter I deals with elections generally.

Article 1 states that deputies are elected on the basis of direct universal suffrage and secret ballot.

Chapter II deals with candidates and specifies the conditions of eligibility.

Chapter III deals with electoral lists. These are of the utmost importance since they will determine who can be an elector and who can be a candidate.

Chapter IV is undoubtedly the most important for our purpose as it deals with the poll itself and determines the actual machinery of the voting. Articles 38 to 68 incl. will be carefully studied by all members of the teams.

5. This memorandum is issued under the directive of the Chairman.

EXTRACTS FROM THE CONSTITUTION OF THE KINGDOM OF CAMBODIA

TITLE No. 1

NATURE AND FORM OF THE STATE

Article 1 - Cambodia is a Monarchy.

Article 2 - The official tongue is Cambodian.

French is the official language for the proceedings concerning the French Union and its use is admitted in the other cases until the Cambodian language is sufficiently enriched and adapted to the needs of a modern nation.

TITLE No. 2

LIBERTIES, RIGHTS AND DUTIES OF CAMBODIANS

Article 3 - Liberty is the power of doing everything that does not injure other people's rights. The conditions upon which that liberty can be exercised are stated by the Law.

No one can be compelled to do what the Law does not ordain.

Article 4 - No one can be prosecuted, arrested, or detained except in cases determined by the Law and according to the forms it has prescribed.

No one can be kept into custody unless the lawfulness of his arrest be laid before a Magistrate and confirmed by his justified decision within the time stipulated by the Law.

Any useless harshness or coercion in the course of an arrest, any moral pressure or bodily cruelty towards a prisoner, any treatment that increases the severity of the penalty lawfully to be applied to a condemned person are forbidden by the law and engages the personal responsibility of their instigators, promoters or accomplices.

Article 5 - Any accused person is presumed not guilty until he has been declared guilty.

Privative or restrictive penalties must direct towards the re-education of the offender.

Article 6 - The Cambodians cannot be turned out of the Cambodian territory. They cannot be forbidden to stay in some locality or compelled to settle in a determined place except in cases stipulated by the Law.

Article 7 - Property is under the protection of the law.

No one can be deprived of his property except for reason of public necessity, in the cases established by the law and after due indemnification.

Article 8 - Liberty of conscience is absolute. So is that of worshipping which suffers no other restrictions than those made necessary by the maintenance of Public order.

Buddhism is the State religion.

Article 9 - Every Cambodian is free to speak, write, print, publish. He may, either by way of the press or any other means express, spread, defend every opinion so long as he makes no unauthorised use of that right or does not tend to disturb the public order.

No demonstration of opinion can be imposed.

Article 10 - All Cambodians have a right to associate freely, unless their association endangers or tends to endanger the liberties guaranteed by the present Constitution. They are also granted liberty of meeting.

Article 11 - The domicile is inviolable. No one may get in except in the cases specified by the Law and according to the forms it prescribes.

Article 12 - The secrecy of letters is inviolable, temporary derogations being explicitly provided for by the Law when the higher interest of the Nation makes it necessary.

Article 13 - All the Cambodians may equally aspire to all public offices, their own merit or efficiency being the only cause of preference.

Article 14 - Each Cambodian is entitled to send a written petition to the Constituted authorities, in order to provoke the study of problems of either private or collective interest.

Article 15 - The exercise of the rights warranted by the present Constitution cannot be suspended. However, when the nation is proclaimed in a State of emergency, the rights enumerated in the articles 4, 9 (1st paragraph), 10 (2nd paragraph) and 12, may be suspended within the limits and forms fixed by the law.

That measure should not be taken for a period exceeding six months, to be renewed in the same form. Whoever ever misuses it, to injure arbitrarily the material or moral rights of others, will thus engage his own responsibility.

At the end of the period of exception, whoever thinks himself arbitrarily wronged in his person or his property may claim moral or material redress before the court.

Article 16 - Every Cambodian owes loyalty to the King, must respect the Laws, defend the country and help the Government by paying his taxes and by all the means within the scope of the law.

TITLE No. 3.

THE LAW AND POWERS

Article 17 - The Law is the expression of the will of the nation. It applies to every one, whether it protects, punishes or constrains.

Warranting to all the Cambodians the exercise of the liberties and rights enumerated in the preceding title, the Law cannot, in any circumstances, infringe upon them.

Article 18 - The Law guarantees to every one the right to be rendered justice, and lack of means cannot oppose.

Article 19 - Save special stipulations explicitly provided for, the Law cannot have any retrospective effect.

No one, however, can be judged and punished except after breaches of the Law stipulated by an act promulgated and made compulsory previous to those breaches.

Article 20 - An act is compulsory in Phnom-Penh a clear day after it has been published in the Gazette and everywhere else, within the area of each srok, five clear days after the Gazette, in which it is published, has come to the Salasrok.

However, in the case of emergency declared by the Law, it is compulsory in Phnom-Penh immediately after it has been posted up at the Town Hall. And in each Srok immediately after it has been posted up at the Salasrok.

Article 21 - All the powers proceed from the King. They are exercised as it is stated in the present Constitution.

Article 22 - The legislative power is exercised in the name of the King by the National Assembly.

The initiative of the Laws belongs to the King, to the Cabinet Council, the Members of the National Assembly and the Council of the Kingdom.

Article 23 - The executive is exercised in the name of the King by the Ministers.

Article 24 - The judicial power is exercised in the name of the King by the Courts of Justice of different degrees and jurisdictions.

TITLE No. 5

THE NATIONAL ASSEMBLY

Article 48 - Any Cambodian citizen, who is fully twenty years old is an elector, provided that he is not deprived of his civil rights and that he fulfils the conditions determined by the Electoral Law.

Soldiers and officers on the active list can neither be electors nor eligible. It is the same for the monks on account of the Buddhistic dogmas.

Article 49 - The electors that are at least 25 years are eligible. The cases of ineligibility are fixed by the Electoral Law.

The mandate of Deputy is incompatible with the exercise of any public office in active service.

Article 50 - The deputies at the National Assembly are elected for a period of four years, at the direct and universal suffrage.

The powers of an Assembly end when the new Assembly takes up its duties. Whenever the circumstances make it impossible, at the end of a legislature to make new elections, the King may keep in office that legislature for periods of one year.

In case of the decease, resignation, exclusion of a deputy the vacancy will be filled according to the Law.

Article 51 - Before proceeding with its duties the Assembly must validate its members.

Article 52 - At the opening of each legislature, and before taking up their duties, the members of the Assembly whose mandate is validated, take at the meeting of the House, and in the presence of the King, the following oath:

"I swear to be true to the King and to the Constitution and to bear all my efforts to the welfare of the country."

The Deputies elected in the course of a legislature and whose mandate is validated, take the oath in the presence of the King, at the next Tang-Toc, together with the officials.

Article 53 - The members of the National Assembly are the representatives of the whole Cambodian Nation and not only of those by whom they have been elected, they cannot be bound by any imperative mandate.

Article 54 - No deputy can be prosecuted, wanted, arrested, taken into custody and tried for the opinions or votes expressed by him while assuming the charges of his office.

The stipulations of the preceding paragraph constitute the immunity of the members of the Assembly from arrest.

Article 55 - During his mandate no deputy can be prosecuted or arrested for criminal or minor offence unless it is sanctioned by the National Assembly; except in the case of "Flagrante delicto". The detention or prosecution of a deputy is suspended if the Assembly applies for it at the majority of 4/5 of its members.

Article 56 - Any deputy who during his mandate incurs a penalty entailing the incapacity of being elected, forfeits his quality of a member of the Assembly. This forfeiture is pronounced by the Assembly.

Article 57 - The deputies receive emoluments, fixed by reference to the salary of a class of civil servants.

Article 58 - The Assembly sit in normal session twice a year at least. Each of those session lasts at least three months. One of them takes place in September.

For an ordinary session the Assembly is summoned by the King.

Article 59 - The Assembly is summoned for a special session by its Board either by the King's orders, or on the motion of the Cabinet Council, or at the request made by at least one-third of the Assembly. The order of the day

of those sittings is published at the same time as the date of the summons.

Article 60 - The sittings of the Assembly take place in the Capital of the Kingdom and in a specially fitted up Hall, unless it be decided differently in the act of summons, on account of the circumstances.

Article 61 - Besides the cases provided for by the above articles any meeting of the Assembly outside the appointed place and the lawful time is illicit and lawfully null.

Article 62 - At the opening of each session the King reads or has a message read to the Assembly.

Article 63 - The Assembly works out the order of the House.

Article 64 - The National Assembly alone, passes the acts. It may not delegate that right.

Article 65 - Amnesty can be granted only by an act of grace.

Article 66 - The National Assembly votes the Budget of the nation, and passes the administrative accounts. It votes also the National loans.

However, the Government alone holds the initiative of the estimates for the staff. The Assembly besides, is not qualified to discuss the amount of supplies of the National Budget granted as a subsidy to the Crown estimates.

Article 67 - The debates of the National Assembly are valid only as far as $\frac{2}{3}$ of the members are present.

Article 68 - The debates of the Assembly are public. However, the National Assembly may decide, by a vote made at the request of the Government, of the President of the Assembly or at least five members to hold a secret sitting.

The accounts of the debates of the public sittings will be published in the gazette.

Article 69 - Should, during the same period of eighteen months, two cabinet crises occur in the conditions stated in the articles 84 and 85 hereunder, the dissolution of the National Assembly may be decided within the Cabinet Council, the opinion of the President of the Assembly being previously given. The dissolution will then be pronounced by the King in accordance with that decision.

The stipulations of the above paragraph can be applied only at the end of the first eighteen months of the Legislature.

TITLE No. 9

GENERAL PROVISIONS

Article 97 - The provisions referring to the Monarchic form of the State, to the representative character of the system of government and the principles of liberty and equality guaranteed by the present Constitution cannot be subjected to any motion of revision.

Article 98 - No revision can bring about the limitations of the rights reserved to the Royalty by the present Constitution.

Article 99 - The initiative of the revision of the Constitution belongs to the King, the Prime Minister and the Presidents of the two Houses, these last taking steps after a favourable vote of the House which they preside over, made at the request of at least one-fourth of the members of that House.

Article 100 - The procedure of revision of the Constitution is identical with that fixed for the vote of ordinary acts.

However, a majority of 3/4 is required of the National Assembly and the case of emergency cannot be declared.

Article 101 - The right of interpretation of the Constitutional texts belongs without appeal to the National Assembly.

Article 102 - For determining the absolute majority of the members of a House, the deceased members, those who have given in their resignation who have been dismissed or unseated, belong to the government or have been detached on a mission, are not taken into account.

Article 103 - All similar provisions not contrary to the present Constitution remain in force.

Done in our Royal Palace in Phnom-Penh

May 6th, 1947.

sd. Norodom Sihanouk.

TITLE No. 9

GENERAL PROVISIONS

Article 97 - The provisions referring to the Monarchic form of the State, to the representative character of the system of government and the principles of liberty and equality guaranteed by the present Constitution cannot be subjected to any motion of revision.

KRAM NO. 363-NS dated 26-9-1947 relating to the election of Members of Parliament.

The day of elections must be a Sunday.

CHAPTER 1

ELECTIONS

ARTICLE 1. Deputies are elected by direct and secret universal suffrage.

ARTICLE 2. All Cambodians aged 20 years on the date of the closure of the electoral list of any of the khums of Cambodia, -- and regularly inscribed in the said list -- are electors, excepting in the cases given in Article 48 of the Constitution and Article 3 of the present Kram.

ARTICLE 3. Those condemned by common law are deprived of their electoral rights:

1) -Perpetually: for any offence qualified as a crime whatever be the sentence pronounced;

2) -Temporarily: a) - for 10 years from the termination of their punishment, for all periods of imprisonment of more than one year;

b) - for 5 years from the termination of their punishment, for all imprisonment from one month to one year;

c) - till the end of the period pronounced by a Court in those cases where civic degradation is decreed;

d) - till the end of the duration of their penalty for those condemned in absence or for correctional or simple police matters.

Also deprived of electoral rights are: a) - for three years from the declaration of insolvency, those declared to be insolvents without being sentenced either as simple or as fraudulent bankrupts;

b) - for three years from the date of dismissal for those officials who were dismissed even by simple disciplinary measures.

Are suspended from the exercise of their electoral rights:

Prisoners, those condemned in their absence, lunatics and interned people.

ARTICLE 4. The electoral period and the date of elections ulteriorly fixed by a decree of the Minister of Interior.

The day of elections must be a Sunday.

ARTICLE 5. The electoral period, in so far as it concerns the elections to the first National Assembly, shall open at the latest two months after the signature of the present Kram.

In subsequent cases, the electoral period shall begin at the latest two months after the end of each legislature.

ARTICLE 6. The elections shall take place at the latest 10 weeks after the opening of the electoral period.

ARTICLE 7. In each electoral circumscription, the elections put an end to the electoral period.

ARTICLE 8. The number of Deputies to be elected for each Province (Khet) and for the town of Phnom-Penh shall be one Deputy for 10,000 inscribed Cambodians. All fractions of above 5,000 inscribed Cambodians shall count for 10,000; but for the town of Phnom-Penh the minimum number of Deputies is fixed at two.

The number shall be fixed by a decree of the Minister of Interior on the proposition of the Chauvaykhet and Chauvaykrung (local authorities) at least 70 days before the date of the poll.

ARTICLE 9. In the same decree, the Minister shall, on the proposition of the Chauvaykhet, divide each province (khet), in as many electoral circumscriptions as there are possible seats for the province.

As the case may be, he divides the town of Phnom-Penh, on proposition by the Chauvay krung in as many electoral circumscriptions as there are deputies to be elected for the town.

Each electoral circumscription must include a whole number of khums, geographically grouped and a fairly equal number of inscribed Cambodians.

Each electoral circumscription takes the name of that one of the khums included in it which has the largest number of inscribed Cambodians. The Chauvay krung of Phnom-Penh, the Chauvaykhets and the Chauvaysroks must terminate the publication of these measures in all the khums under their authority at the latest 20 days before polling day.

ARTICLE 10. Each electoral circumscription shall elect one Deputy and only one.

ARTICLE 11. The number of candidates in each electoral circumscription is not limited. However, each political association whose legal existence will (have been recognised in conformity with Kram 167-NS dated 15-4-46 can present but one candidate for each electoral circumscription.

CHAPTER II

CANDIDATES FOR ELECTION

ARTICLE 12. All Cambodians of the age of 25 years and above

and who fulfil all the conditions set forth in Chapter 1 of the present Kram are eligible to stand for election.

Any one who is not a naturalized Cambodian since at least 10 years cannot be a candidate to the National Assembly.

The acceptance of a candidature as Deputy is dependent on the prior payment to the Ministry of the Interior of a deposit of 300 piastres. This deposit shall be confiscated for the profit of the national budget in case the candidate does not obtain at least 1/4th of the votes cast.

ARTICLE 13. Civil servants in active employment are not eligible. However, they have the right to obtain special leave with net pay less allowances, for the duration of the electoral campaign, in order to present themselves as candidates.

They will resume their service after the electoral period, if they lose, or after the duration of the legislature, if they are elected. Civil servants who are elected deputies are compulsorily made unattached without pay, from the date of validation of their mandate.

ARTICLE 14. Civil servants of the superior or secondary cadres of the administrative or judiciary orders and of the police services as well as civil servants of the cadres of smiens and of the clerks cannot be elected in the khets where they last served during the twelve months preceding polling day. In the cases of people who have lost the election, they shall not be made such officers in these electoral circumscriptions before 3 years from the date of the election.

Excepting those who work in the administration of the province of Kandal, all officers of the Capital are considered as being out of said province. All of them can present their candidature in the town of Phnom-Penh.

ARTICLE 15. No unsuccessful candidate for Deputy can exercise the functions of Mekhum in any Khum of the electoral circumscription in which he has been defeated before 3 years from the date of the poll.

ARTICLE 16. No Mekhum can present his candidature in the circumscription where his khum is situated.

ARTICLE 17. No one can present himself for election in more than one electoral circumscription.

ARTICLE 18. Every candidate must, by a declaration signed by himself make known in what electoral circumscription he is running and as the case may be to which political association he is connected with. The declaration of candidature must be given to the Ministry of Interior together with the birth certificate and an extract of the police record as well as the receipt of the payment of the deposit not later than fifty five days before the polling day. Naturalised people must also file a copy of the kret granting them naturalisation. A receipt for it will be given.

ARTICLE 19. Every candidate for Deputy must elect domicile in Phnom-Penh for at least the entire duration of the electoral period; all notifications or services relative to the elections will validly be made at that domicile.

ARTICLE 20. In the 10 days that follow the deposit of the declaration, the Minister for the Interior shall provisionally accept for each electoral circumscription, the names of the candidates who fulfil the conditions of eligibility.

ARTICLE 21. Should a candidature not be accepted by the Minister, notification of the decision taken and of the reasons which motivate it shall be made to the interested party within three days after the deposit of the declaration.

ARTICLE 22. Rejected candidates may, within three days following the notification of the Minister, present an appeal before the Sala Vinichhay sitting in plenary session which must, without costs and within three days of the appeal, render a decision. This juridical body must give notice of its decision within forty eight hours.

ARTICLE 23. In case of rejection of the candidature by the Minister or in case of the rejection of the appeal by the Sala Vinichhay, a substitute candidate may be nominated in the same electoral circumscription, by the same political association, in the 5 days which follow the notification of the rejection.

ARTICLE 24. The new candidatures shall be immediately examined, accepted or rejected, without appeal, by the Minister.

ARTICLE 25. 30 days before polling day, the Minister for Interior shall approve finally by decree the list of candidates accepted for each electoral circumscription.

This list shall carry the surname, name, date and place of birth, residence, distinctive symbol, and, as the case may be, the political association of each candidate.

The Chauvaykhet concerned or the Chauvaykrung shall be notified of this list. The greatest publicity must be given to this decree, against which no appeal is admissible.

ARTICLE 26. Within the three following days, the Chauvaykhet will publicise this decree in all the sroks where it will immediately be displayed in the Salasroks and in the Salakhums.

ARTICLE 27. At the latest 24 days before polling day, the Chauvaysroks of the interior and the Chauvaykrung of the town of Phnom-Penh must under their own responsibility make sure that the ministerial decree has been adequately publicized in all the khums under their jurisdiction and shall report to that effect.

CHAPTER - III

ELECTORAL LISTS

ARTICLE 28. For the purpose of establishing the electoral lists each year, in the country, town (chiefliou) of each khum, there shall be instituted by decision of the Chauvaykhet or the Chauvaykrung an Administrative Commission composed of:

The Mekhum Chairman

One Chumtup Member

One Smien of the
Salakhum Secretary.

ARTICLE 29. The Administrative Commission of each khum shall proceed with its work from the 17th April each year.

The list of those inscribed for the national contributions of 1947 shall serve as the basis for the establishment of the first electoral lists.

Each year the Administrative Commission shall: at their domicile, at the latest on the 28th May of each year of the decision of the Administrative Commission concerning the applications.

A) Ex-officio: Those citizens, who, having completed their twentieth year of age by the 15th of June have their actual domicile in the khum or have resided there since at least six months.

B) Upon demand and upon presentation of a certificate attesting that they have been stricken off the lists of the khum where they were previously inscribed:

1) The electors who were domiciled in the khum or have resided there since at least six months;

2) The electors who have paid a direct contribution there.

The electoral lists are compiled in a register kept in the archivist's office.

ARTICLE 30. The electors; the deceased; those who have been deprived of their electoral rights in accordance with Article 3 of the present Kram;

Those citizens who have been deprived of their electoral rights in accordance with Article 3 of the present Kram; and

Those citizens who are known as having been unduly inscribed, whether their inscription has or has not been challenged.

ARTICLE 30. The Administrative Commission shall draw a list of citizens deprived of their electoral rights, which shall include the various categories of people deprived of their rights according to Article 3 of the present Kram. This list is to be kept up-to-date by additions and deletions as necessary.

ARTICLE 31. The Chauvaykhets or the Chauvaykrung shall keep, for their respective localities, lists of civil servants, commissioned or not, and shall keep these lists up-to-date as regards movements of personnel. In the case of legislative elections, these lists are communicated to the Presidents of the polling booths concerned at least three days before polling day.

ARTICLE 32. The demands for inscription on striking off of names shall be received by the Administrative Commission from the 17th April to the 25th of May of each year.

ARTICLE 33. Any elector may request from the President of the Administrative Commission the inscription of electors in any case where this operation could not have been done ex-officio. He can also request from the President of the

Administrative Commission the striking off of electors whom he asserts to have been unduly inscribed.

He must, as the case may be, supply proof to establish whether or not these electors fulfil the conditions imposed by this Kram.

ARTICLE 34. Interested parties must be notified in writing at their domicile, at the latest on the 28th May of each year, of the decision of the Administrative Commission concerning the applications for inscription.

ARTICLE 35. An appeal against the decision of the Administrative Commission can be made before the Sala Dambang, within ten days following the notification of the decision. The decision of the Administrative Commission must be produced.

The President of the Sala Dambang must give a final ruling, even by default, without costs and without recourse by a decision given within ten days.

ARTICLE 36. Electoral lists shall be closed on 15th June. The Administrative Commission shall prepare a table of all the corrections and finally approve the electoral list which is established by Cambodian alphabetical order. The President of the Commission must immediately transmit to the Chauvaykhet or the Chauvaykrung a copy of the final table of rectifications.

The electoral lists are compiled in a register kept in the archives of the khum.

ARTICLE 37. The electoral lists shall remain as they have been finalised until the 15th of June of the following year, excepting nevertheless the changes made in virtue of a decision of the President of the Sala Dambang and excepting the striking off of the deceased electors or of those deprived by a judgment of their civil and political rights. Elections are held according to the list as revised for the year following the closure of the lists.

The electoral list kept by the Chauvaykhets, the Chauvaykrung and the Mekhums shall be communicated to any person requesting it.

CHAPTER - IV

VOTING

ARTICLE 38. Voting shall take place by khums.

ARTICLE 39. In each khum, there shall at least be one polling booth for each 500 electors.

The number and the location of the polling booth in the khum shall be fixed by the Chauvaysrok at least 15 days before polling-day. In Phnom-Penh these decisions shall be taken within the same period of time by the Deika of the Chauvaykrung.

ARTICLE 40. At least one private voting compartment shall be laid out in each polling booth.

ARTICLE 41. At least 10 days before polling day each Mekhum will verify, on his responsibility, the posting at the Salakhum of the final lists of those deprived of their electoral rights, temporarily or finally, as is stated in Article 3 as well as that of the final list of candidates for Deputy running for election in the electoral circumscription in which the khum is situated.

ARTICLE 42. The polling booth shall be presided by a Mekhum or, when there are more than one, by a representative of the Mekhum designated by the latter. The President is assisted by two electors chosen by him.

The polling officials cannot leave the room more than one at a time.

ARTICLE 43. The candidates or a representative designated by name by each of them can assist at the electoral operations in all the polling booths.

ARTICLE 44. Voting shall commence at 7 A.M. and finish at 5 P.M. No elector can be admitted to vote after 5 P.M.

ARTICLE 45. Before the opening of the poll, the President of the polling booth must open the ballot box and show to the scrutineers and to all people present who request it, that it is empty, the ballot box must then be locked and placed well in view on the table.

ARTICLE 46. The electoral lists must be deposited on the table.

ARTICLE 47. At the hour of the opening of the poll, the President of the polling booth shall declare the poll open. From then on, only electors may enter the voting room, without loitering.

It is strictly prohibited for any person whatsoever carrying a weapon, visible or hidden, to enter the room.

ARTICLE 48. The President of the polling booth is responsible for the keeping of order in the room. Any person trying to disturb public order will be liable to the penalties provided for in Article 284 of the Penal Code. He will be immediately arrested and a record shall be drawn against him.

ARTICLE 49. Voting by mail is prohibited.

ARTICLE 50. Ballot papers are made of sheets of plain white paper of an approximate size of 10 cms by 5 cms.

ARTICLE 51. From top to bottom on the front, the following is printed:

- The surname and name of the candidate in Cambodian characters;

- The distinctive symbol of the candidate.

ARTICLE 52. There will be no inscription on the back.

ARTICLE 53. The candidates are responsible for the printing of the ballot-papers, at their own expense, and in accordance with a model which conforms with the dispositions of Article 50 and which is available at the Ministry of the Interior.

The candidates must supply the Presidents of the polling booths with the ballot papers in time and in a strictly necessary quantity.

On the morning of the voting and before the opening of the poll, the President of each polling booth in the voting room sees to it that these ballot papers are placed at the disposition of the voters, in sufficient number and in one packet per candidate on a table placed in full view outside the private voting compartment.

ARTICLE 54. Each elector in turn passes in front of the table where are deposited the ballot papers, and shows to the President a document justifying his identity. A member of the polling booth then gives him the ballot papers, one for each candidate.

ARTICLE 55. Supplied with these papers, the voter enters the private voting compartment, chooses the ballot of the candidate in favour of whom he desires to vote, folds it in four and keeps it in one hand; in the other hand he keeps the other ballot papers which are also folded in four.

ARTICLE 56. The elector, after leaving the private voting compartment and keeping in his hands the ballot-papers, goes before the President, who, after satisfying himself that the voter appears on the electoral lists, initials the identity card, returns it to the elector and authorises him to vote.

ARTICLE 57. The voter drops one by one in an open box kept for this purpose, and in the presence of the members of the polling booth, the ballots of those candidates for whom he does not desire to vote, and introduces in the ballot box the ballot of the candidate in favour of whom he desires to vote and then immediately leaves the room.

ARTICLE 58. The folding into four of a ballot paper is done in such a way that only the reverse side is visible outside.

ARTICLE 59. After each vote, the President of the polling booth marks the name of the voter on the electoral list.

ARTICLE 60. At 1700 hours these operations finish excepting for those voters who have already received their ballot papers. The counting of the votes starts immediately.

ARTICLE 61. The counting of the votes is effected publicly by the members of the polling booth.

ARTICLE 62. At that moment the voting table must be cleared of all ballot papers which may be on it.

Excepting the ballot-box, there must be nothing but the electoral lists and the counting sheets.

ARTICLE 63. The members of the polling booth count the number of the voters as shown by the marks on the electoral lists. The number counted is noted in the minutes of the election.

ARTICLE 64. The President then opens the ballot-box. He then counts the number of ballot papers in the ballot-box without unfolding them. The number counted is also recorded on the minutes of the election.

The ballot-box is then removed from the table, after the President has shown that no ballot paper remains in it.

ARTICLE 65. The counting of the ballot papers is done by the members of the polling-booth; the names of the candidates are read loudly and marked on the counting sheets, in order to be added after the process is finished.

ARTICLE 66. Blank ballot-papers and those carrying any signs whatsoever, except those of the candidates, are void.

Also void are those ballot-papers which carry the names of unaccepted candidates, as well as those which carry the names of more than one candidate, and those, which in a general fashion, are established to be in disagreement with the rules fixed by the present Kram.

ARTICLE 67. Immediately after the operations of counting each President of a polling booth proclaims the results of the poll in the minutes, indicating the number of voters, the number of votes obtained by each candidate and the number of void ballot-papers.

All minutes of all the polling-booths are made in two copies and together with the bundles of void ballot papers are immediately centralised at the Salakhum.

The Mekhum adds up the results obtained in the khum, proceeds to the posting of the results and transmits the minutes and the void ballot-papers to the Chauvaykhet or the Chauvaykrung.

The ballot-papers which are not contested as also those which are contained in the open box, and those which have not been used are immediately burnt.

ARTICLE 68. The first Sunday following the election, a Commission composed of:

- The Chauvaykhet or Chauvaykrung .. as Chairman.
- The President of the Sala Dambaung .. as Member
- and one official of the Salakhet .. as Secretary.
- or the Salakrung

centralises the minutes in each Salakhet and Salakrung, and proclaims the provisional results for each electoral circumscription. These minutes are considered authentic unless proven wrong.

The interested candidates or their representatives assist in the work of this commission and sign the minutes in recognition of this fact.

ARTICLE 69. Those candidates are declared provisionally elected who have obtained a majority of the valid votes cast. In the case of equality in the number of votes, the elder candidate is declared elected.

ARTICLE 70. The results concerning the polls are immediately telegraphed by the Chauvaykhet to the Minister for the Interior who, by Decree, proclaims the provisional results of the electoral operations, and the names of the elected candidates, within 7 days from the reception of the minutes of all the electoral circumscriptions.

ARTICLE 71. All appeals against the electoral operations must be addressed, within 15 days following the date of the elections, to the Minister for the Interior, who shall give receipt on receiving the complaint duly substantiated.

ARTICLE 72. After the end of the period fixed in the preceding article, all appeals that have arrived at the Ministry of the Interior are transmitted by the Minister to the provisional bureau of the National Assembly.

Also void are those ballot-papers which carry the names of unsuccessful candidates, as well as those which carry the names of more than one candidate, and those, which in a general fashion, are established to be in disagreement with the rules fixed by the present law.

ARTICLE 67. Immediately after the operations of counting each President of a polling booth proclaims the results of the poll in the minutes, indicating the number of voters, the number of votes obtained by each candidate and the number of void ballot-papers.

All minutes of all the polling-booths are made in two copies and together with the bundles of void ballot-papers are immediately centralised at the Salakum.

The Mekum adds up the results obtained in the khum, proceeds to the posting of the results and transmits the minutes and the void ballot-papers to the Chauvaykhet or the Chauvaykrung.

The ballot-papers which are not contested as also those which are contained in the open box, and those which have not been used are immediately burnt.

ARTICLE 68. The first Sunday following the election, a Commission composed of:

- The Chauvaykhet or Chauvaykrung .. as Chairman.
- The President of the Sala Damuang .. as Member
- and one official of the Salakhet
- or the Salakrung .. as Secretary.

centralises the minutes in each Salakhet and Salakrung, and proclaims the provisional results for each electoral circumscription. These minutes are considered authentic unless proven wrong.

The interested candidates or their representatives assist in the work of this commission and sign the minutes in recognition of this fact.

ARTICLE 69. Those candidates are declared provisionally elected who have obtained a majority of the valid votes cast. In the case of equality in the number of votes, the elder candidate is declared elected.

ARTICLE 70. The results concerning the polls are immediately telegraphed by the Chauvaykhet to the Minister for the Interior who, by Decree, proclaims the provisional results of the electoral operations, and the names of the elected candidates, within 7 days from the reception of the minutes of all the electoral circumscriptions.

APPENDIX "B"

INTERNATIONAL COMMISSION FOR
SUPERVISION & CONTROL IN CAMBODIA
(International Secretariat)

THE MINISTER OF THE INTERIOR

No. IS/VII/2 DECRETES

Phnom Penh, July 19, 1955.

From

DSG (Records) Article 1: The camp elections

To the National Assembly will open on Monday,

To

All Teams

4th July, 1955.

Article 2: The date of the poll will be

Subject: Electoral period

Sunday, 11 September, 1955.

Article 3: The Office Director of the

1. The following documents are enclosed
Department of the Interior: herewith: Governor

a) Prakas No. 2281 of 21 June 1955,
fixing the date of the opening of the
electoral campaign and that of the
elections.

b) Prakas No. 2323 of 23 June 1955, as
amended, determining the number,
names and locations of electoral
circumscriptions. (in summarised
form).

c) Memorandum giving a time-table of
electoral operations provided
for in the Electoral Law.

sd. Prak Prebounng.

P R A K A S

INTERNATIONAL COMMISSION FOR
SUPERVISION & CONTROL IN CAMBODIA
No. 2.281
(International Secretariat)

THE MINISTER OF THE INTERIOR

Phnom Penh, July 19, 1955.

DECREES No. 18/VII/S

Article 1: The campaign for the elections
to the National Assembly will open on Monday,
4th July, 1955.

Article 2: The date of the poll will be
Sunday, 11 September, 1955.

Article 3: The Office Director of the
Department of the Interior and the Governors
of the City of Phnom Penh and of the
Provinces are respectively responsible for
the execution of the present Prakas.

Phnom Penh, dated 21st June, 1955.

sd. Prak Praproeung.

MEMORANDUM

KINGDOM OF CAMBODIA

COUNCIL OF MINISTERS

No.2323 dated 23 June 1955 as amended by Prakas No. 2546 dated 6 July 1955.

P R A K A S

THE MINISTER OF THE INTERIOR

DECREES:

Article 1: The number of deputies to be elected for the City of Phnom Penh and for each Khet of the Kingdom will be as follows:-

- 4 for the City of Phnom Penh
- 14 for the Province of Kompong-Cham
- 13 -do- Kandal
- 8 -do- Prey-Veng
- 7 -do- Battambang
- 7 -do- Kompong-Thom
- 6 -do- Kampot
- 6 -do- Takeo
- 5 -do- Siemreap
- 6 -do- Kompong-Speu
- 5 -do- Svay-Rieng
- 4 -do- Kompong-Chhnang
- 3 -do- Pursat
- 2 -do- Kratie
- 1 -do- Stung-Treng.

Article 2: The City of Phnom-Penh and the Khets of the Kingdom are divided into 91 electoral circumscriptions corresponding to the number of Deputies to be elected to the National Assembly, determined as follows:

(The name of the Khets, name of circumscriptions, name of the Khums, number of electors, and the total number of electors in each circumscription are given in detail.)

The Office Director of the Department of the Interior and the Governors of the City of Phnom-Penh and of the Provinces are respectively responsible for the execution of the present Prakas.

Phnom Penh, the 23rd June, 1955.

sd. Prak-Praproeung.

MEMORANDUM

Election of Representatives of the People to reconstitute the National Assembly.

(Prakas No.2281 of 21st June 1955 from the Ministry of the Interior)

1. - Opening of the electoral period (Arts. 4 & 5):

Monday, 4 July 1955.

II. - Polling day (Art. 6):

Sunday (11 September 1955).

III. - Period during which the declaration of a candidature can be made at the Ministry of Interior (Art. 18):

From 4 to 18 July, midnight.

IV. - Period during which the number of electoral circumscriptions to be determined (Arts. 8 & 9):

To be determined by Prakas of the Ministry of the Interior before Monday, 4 July 1955.

N.B. This was done by Prakas No.2323 of 23 June 1955 as amended by Prakas No.2546 of 6 July 1955.

V. - Publication of the Ministerial Prakas determining the limits and the name of the electoral circumscriptions together with the names of the Khums and the number of electors forming each circumscription (Art. 9):

To be done before Monday, 22 August 1955 by Provincial authorities.

VI. - Provisional approval of the list of candidates (Art.20):

From 19 to 28 July 1955 inclusive.

VII. - Period for the notification of the non-acceptance of a candidature (Art. 21):

Within the 3 days following the filing of a declaration.

VIII.- Appeal before the Sala Vinichhay by rejected candidates (Art. 22):

Within 3 days after the notification by the Ministry of the Interior.

IX.- Presentation of another candidature where there has been rejection (Art. 23):

Within 5 days following the notice of rejection.

X. - Final approval of the list of accepted candidates (Art. 25):

Friday, 12 August 1955, Ministerial Prakas.

NOTE: Immediate notification to Governors -- large publicity.

XI. - Circulation by the Governors of the Ministerial Prakas (Art. 26):

Within 3 days after notification to the Khets.

NOTE: Immediate posting at Salasrok and Salakhum.

XII. - Verification of the circulation of the Ministerial Prakas (Art. 27):

At the latest Monday, 22 August 1955.

NOTE: Responsibility of the Chauvaysrok and Chauvaykrung. Chauvaysrok will report to Salakhets who, in turn, will report to the Minister of the Interior. The Governor of Phnom-Penh will report to the Minister of the Interior.

XIII. - Communication to the President of the polling booth of the list of civil servants (Art. 31):

At the latest Thursday, 8 September 1955.

XIV. - Setting up the number and location of polling booths (Art. 39):

To be done before Saturday, 27 August 1955.

NOTE: In the provinces by Deka of the Chauvaysrok. In the City of Phnom Penh, by Deka of the Chauvaykrung.

XV. - Verification of the posting of the lists of those deprived of their electoral rights and of the candidates (Art. 41):

To be done before Thursday, 1st September 1955.

NOTE: To be done by the Mekhums.

XVI. - Counting of the votes (Art. 60):

Sunday, 11 September 1955 immediately after 1700 hrs.

NOTE: The results to be announced immediately after the counting of the votes.

Minutes in duplicate to be immediately centralised at the Salakhum.

Mekhums will total up and display the results of the poll in his Khum.

Minutes with ballots annexed to be transmitted to the Chauvaykhet and Chauvaykrung.

XVII. - Meeting of the Commission at the Salakrung and Salakhet (Art. 68):

Sunday, 18 September 1955.

NOTE: Provisional results to be announced.

Minutes to be drafted and signed by the candidates concerned or their representatives in lieu of notification.

Results to be cabled immediately to the Minister of the Interior.

XVIII. - Proclamation by the Minister of the Interior of the provisional results (Art. 70):

Within 7 days after receiving the minutes of all electoral circumscriptions.

(Prakas of the Minister of the Interior)

XIX. - Period when appeal against electoral operations can be made (Art. 71):

From 12 to 26 September inclusive.

XX. - Validation:

To be validated by the provisional office of the National Assembly:

To be done before Saturday, 27 August 1955.

NOTE: In the provinces by Deka of the Chauvaykrung. In the City of Phnom Penh, by Deka of the Chauvaykrung.

XV. - Verification of the posting of the lists of those deprived of their electoral rights and of the candidates (Art. 41):

To be done before Thursday, 1st September 1955.

NOTE: To be done by the Mekhmas.

XVI. - Counting of the votes (Art. 60):

Sunday, 11 September 1955 immediately after 1700 hrs.

NOTE: The results to be announced immediately after the counting of the votes.

Minutes in duplicate to be immediately centralised at the Salakhet.

Mekhmas will total up and display the results of the poll in his Khum.

Under Prakas No. 3126 of 12th August, 1955, the list of accepted candidates with their political association were notified for each electoral circumscription.

A statement showing the number of candidates of each party in each province is attached.

The following are the distinguishing emblems of the parties contesting the elections as notified:

<u>Party</u>	<u>Emblems</u>
Sangkum Reastr Niyum (S.R. Niyum)	Portrait of H.R.H. Norodom Sihanouk
Democratic	Head of Elephant
Liberal	Temple of Angkor
Pracheachun	Plough
Khmer Ekareach (Khmer Independent)	Five lotus flowers
Redressement National (National Recovery)	Hanuman
Travailliste Khmer (Khmer Labour Party)	Wreath of leaves

INDEPENDENTS

EMBLEMS

IN OR	5th District Phnom Penh	Ruler
IN TY	Speu (Kg. Cham)	Key
OM OUCH	Phmit (Battambang)	Constitution on a cup
SO PINN	Beng-Tranh (Takeo)	Constitution on a cup
OUCH EK	Lomphat (Stung-Treng)	Nil

Vertical text on the left side of the page, including the word 'PROVINCES' and various Khmer characters, likely serving as a header for a table of provincial data.

PROVINCE	S. R. Niyum	Democratic	Liberal	Pracheachon	National Recovery (Red. Nat)	Khmer Independent K. Ekreach	Khmer labour (T. Khmer)	Independents	Total
Phnom Penh	4	4	-	-	-	-	-	1	9
Kompong Cham	14	14	10	9	2	3	-	1	53
Kandal	13	13	7	1	12	3	3	-	52
Prey Veng	8	8	4	4	1	2	-	-	27
Battambang	7	7	1	2	1	-	-	1	19
Kompong Thom	7	7	5	1	1	-	-	-	21
Kampot	6	6	4	4	1	-	-	-	21
Takeo	6	6	5	3	2	3	-	1	26
Siem Reap	5	5	-	-	-	-	-	-	10
Kompong Speu	6	6	5	3	6	-	-	-	26
Svay Rieng	5	5	2	4	1	1	-	-	17
Kompong Chhnang	4	4	-	3	1	-	-	-	12
Pursat	3	3	-	-	1	-	-	-	7
Kratie	2	2	-	1	1	1	-	-	6
Stung Treng	1	1	-	-	-	-	-	1	3
TOTAL:-	91	91	43	35	28	13	3	5	309

The following are the distinguishing emblems of the parties contesting the elections as notified:

The following are the distinguishing emblems of the parties contesting the elections as notified:

Under Prakas No. 328 of 13th August, 1955, a list of accepted candidates with their political affiliations were notified for each electoral constituency. A statement showing the number of candidates of each party in each province is attached.

Emblems

Party

Portrait of H.R.H. Norodom Sihanouk (S.R. Niyum)

Democratic

Liberal

Pracheachon

Khmer Ekreach (Khmer Independent)

Wreath of leaves

Five lotus flowers

Temple of Angkor

Head of Elephant

Plough

Khmer Ekreach (Khmer Independent)

Redressment National (National Recovery)

Travelist Khmer (Khmer Labour Party)

IN OR

IN TY

OM OUCH

SO PINN

OUCH EK

5th District

Spun (K. Cham)

Phmit (Battambang)

Beng-Treng (Takeo)

Lomphat (Stung-Treng)

APPENDIX "C"

INSTRUCTION TO TEAMS IN CONNECTION WITH THE ELECTIONS DUE TO TAKE PLACE ON 11TH SEPTEMBER, 1955

1. The general elections to be held in Cambodia have been announced for Sunday, 11 September 1955. The object of this Instruction is to define the responsibility of the Inspection Teams with regard to the elections.

2. The Royal Government of Cambodia affirmed at Geneva that -

"all Cambodian citizens may freely participate as electors or candidates in general elections by secret ballot."

This declaration was incorporated in Article 6 of the Geneva Agreement in relation to the rights of the former members of the Khmer Resistance Forces.

3. The International Commission for Supervision and Control in Cambodia has no direct responsibility for the running of the elections, nor is the Commission concerned with their supervision in any executive capacity. Elections will be conducted by the Royal Government according to the Cambodian Constitution. The Commission has, however, a responsibility to see that former members of the KRF are allowed to participate fully as electors or candidates. Questions of their inclusion in the electoral rolls, arrests during the electoral period etc are likely to arise.

4. To enable the Commission to arrive at the fairest possible assessment of the elections and the pre-election campaign in its relation to its tasks as defined in Article 6, it is imperative that reports from Teams are comprehensive and cover as wide an area as possible.

5. Some preliminary instructions on this subject have already been issued to the Teams by the Deputy Secretary General (Records) and a weekly report asked for. Teams must go out more into their areas to collect information. Teams will continue to submit weekly reports to the DSG (Records).

6. Team responsibility for watching the elections in the various Provinces is given below:

- (a) Fixed Team, Phnom Penh :Kandal and Kompong Speu.
- (b) Fixed Team, Svay Rieng :Svay Rieng and Prey Veng.
- (c) Fixed Team, Kompong Cham:Kompong Cham and Kompong Thom.
- (d) Fixed Team, Kampot :Kampot and Tokeo.

These Teams will operate in splinter groups and a minimum of two visits per week must be paid to the outlying provincial headquarters town and as many outlying Sroks in the provinces as possible visited.

- (e) Mobile Team, Battambang :Battambang..
- (f) Mobile Team, Siem Reap : Siem Reap.

- (g) Mobile Team, Kompong Chhnang: Kompong Chhnang and Pursat.
- (h) Mobile Team, Stung Treng : Stung Treng.
- (i) Fixed Team, Kratie : Kratie.

These Teams will go out to the outlying Sroks at least once a week and visit as many Khums as possible before the elections.

7. A special ad hoc Mobile Team will be raised to be located at Pursat to watch the polling there on 11 September, 1955, and the pre-election activity in the province from 6 to 11 September. Members will have to be found from headquarters staff at the scale of one per delegation.

8. Detailed instructions and a proforma to record the conduct of the elections on polling day will be issued later.

9. It is emphasised that your role in the elections and during the pre-election campaign is one of observation. Any questioning of officials or other citizens to gain information should be done tactfully and unobtrusively. reports should be sent to the headquarters promptly and regularly so that any action that the Commission wishes to take may be taken promptly.

4. To enable the Commission to arrive at the fairest possible assessment of the elections and the pre-election campaign in its relation to its tasks as defined in Article 6, it is imperative that reports from Teams be comprehensive and cover as wide an area as possible.

5. Some preliminary instructions on this subject have already been issued to the Teams by the Deputy Secretary General (Records) and a weekly report asked for. Teams must go out more into their areas to collect information. Teams will continue to submit weekly reports to the DSG (Records).

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- (b) Fixed Team, Svay Rieng : Svay Rieng and Prey Veng.
- (c) Fixed Team, Kompong Chhnang : Kompong Chhnang and Kompong Thom.
- (d) Fixed Team, Kampot : Kampot and Takeo.

These Teams will operate in splinter groups and a minimum of two visits per week must be paid to the outlying provincial headquarters town and as many outlying Sroks in the provinces as possible visited.

- (e) Mobile Team, Battambang : Battambang.
- (f) Mobile Team, Siem Reap : Siem Reap.

APPENDIX "D"

TRANSLATION OF ARTICLES 297 TO 301 OF THE PENAL CODE OF CAMBODIA.

Article 297: Any one who, by spreading false or wilfully altered or exaggerated news, causes panic in the population or disturbs public order is liable to summary jurisdiction penalties of the third degree.

An attempt to commit this offence will be punished in the same way as the offence itself.

Article 298: Summary jurisdiction penalties of the first degree are applicable to any individual who, trying to impose himself to public credulity by invoking supernatural powers, provokes troubles or public disorder; these dispositions are applicable to those who practise sorcery or acts of magic.

An attempt to commit the offence will be punished in the same way as the offence itself.

Is considered as an attempt to disturb public order the fact of leading persons or inciting them, by any means whatsoever, to go, either individually or collectively, to places situated in Cambodia or outside the boundaries of the Kingdom, to attend or to participate in ceremonies or meetings, celebrated or held by persons, Cambodian or foreign, who do not belong to the regular clergy of one of the cults established and recognised in Cambodia.

Those who attend the above-mentioned ceremonies or meetings are liable to police penalties.

Article 299: All those who, publicly, by word or in writing, by drawing, images or spectacles, whatever be the visual or auditory process, employed to ensure publicity and whatever be the language used, provoke or attempt to provoke the commission of crimes or offences, are punished as accomplices to the said crimes or offences when these are committed or attempted. If the provocation has had no effect, guilty persons will be liable to summary jurisdiction penalties of the second degree. Moreover, in all cases the accessory penalties of civic degradation and interdiction to sojourn may be pronounced.

Provocation may result from a direct or indirect inducement to commit crimes or offences particularly those of praising or justifying the persons who have committed or attempted to commit them;

Are guilty in the same manner, of the above-mentioned infraction: authors, writers, publication directors or managers, copy writers, printers, bill posters, distributors, salesmen; those who spread this provocation by spectacle or audition whatever be the visual or phonic process employed; those who wilfully collaborate to or participate in the deeds which prepare, facilitate favour or ensure the commitment of the infraction, its attempt or its diffusion.

If, because of their personal status or for any other reason, some of the guilty persons cannot be prosecuted,

APPENDIX "D"

prosecution can be initiated against one only or many of the others;

Will be confiscated all objects or materials used in committing the infraction or in ensuring its publicity. This applies particularly to presses, proofs, printing machines, equipment for optical projection or for phonic reproduction.

A Royal decree may forbid in Cambodia, whatever be the language employed, the printing, editing, the graphic, visual or phonic reproduction, the production in a spectacle, the publication, the bill-sticking, the exposition, the circulation, the transport, the distribution, the sale, the diffusion by any process of all writings, speeches, drawings, images, photographs, spectacles, objects, or emblems which are deemed to be contrary to public order or to good morals, or to be prejudicial to the respect owed to the King, to the members of the Royal family, to the religions recognised by the Cambodian Government and to the constituted authorities of Cambodia.

The Royal decree of interdiction is executory without delay as soon as it is promulgated.

If the provocation is committed or attempted after and in spite of the promulgation of the Royal decree of interdiction, maximum penalties may be imposed when they are of summary jurisdiction.

Article 300: Persons who, by the same means, incite or attempt to incite the population against the Cambodian Government, its administration or its representatives, those who propagate or attempt to propagate hate or discord between the people and the State, between administrative collectivities between religions recognised by the Cambodian Government, between the various social classes or between groups of people, are liable to summary jurisdiction penalties of the second degree; moreover, the accessory penalties or civic degradation or interdiction to sojourn may be imposed.

The same penalties are applicable to those who, by the same means, incite or attempt to incite disobedience to the laws, rules or legal orders given by the legitimate administrative or judiciary authorities, providing that greater penalties will not be incurred if the incitement to rebellion has had some effect in which case the dispositions concerning rebellion will be applied.

The dispositions of Article 299 are applicable as regards: the determining of the various culprits, the initiating of prosecutions against one or many of them when the others cannot be prosecuted, the confiscation, the intervention of a Royal decree of interdiction and the greater penalties resulting thereof.

Article 301: Any injurious criticism of the acts of the Cambodian Government, done publicly by one of the means enumerated in Article 299 will be punished by summary jurisdiction penalties of the second degree. If the criticism without being injurious is formulated in an evil-minded or hostile spirit which could have for effect either to bring into public disrepute the Cambodian Government, its administration or representatives or to hinder the acts of the Government of the administration or of the judiciary powers,

the guilty persons are liable to summary jurisdiction penalties of the first degree.

The dispositions of Article 299 are applicable as regards: the determining of the various culprits, the initiating of prosecutions against one or many of them, when the others cannot be prosecuted, the confiscation, the intervention of a Royal decree of interdiction and the greater penalties resulting thereof.

Article 9 of the Constitution guarantees liberty of opinion and of expression. The Government nevertheless reserves that according to the terms of this same article, it remains responsible for repressing abuses of a nature affecting public order.

The authors of defamation and scurrility against Government authorities will continue to be produced before the courts which alone will remain competent to judge the gravity of the offenses and inflict punishment in accordance with the law.

The Government, therefore, warns the public against calumnious rumours spread without scruples of any kind for electoral purposes.

the guilty persons are liable to summary jurisdiction penalties of the first degree.

Cambodian Government Communique dated August 3, 1955

Certain propaganda is attempting to persuade opinion of pretended violations of public liberties guaranteed by the Constitution of the Kingdom.

Article 9 of the Constitution guarantees liberty of opinion and of expression. The Government nevertheless recalls that according to the terms of this same article, it remains responsible for repressing abuses of a nature affecting public order.

The authors of defamation and scurrility against Government authorities will continue to be produced before the courts which alone will remain competent to judge the gravity of the offences and inflict punishment in accordance with the law.

The Government, therefore, warns the public against calumnious rumours spread without scruples of any kind for electoral purposes.

APPENDIX "E"GROUP No. 1 OF FIXED TEAM, PHNOM-PENH

(Special Report for the Polling Day, 11th September, 1955)

(All references in the report are to the Article of KRAM No. 363-NS dated 26-9-54, relating to the election of members of Parliament).

1. The team positioned itself in PONHEA-LU a little before 0700 hrs. and observed that the ballot box was opened and was shown to the scrutineers present in the polling booth. It was locked and was placed on a table in full view (Art. 45).

2. In PREK-TOTEN, polling commenced seven minutes before 0700 hrs. In other polling stations it started at the time laid down.

3. The team visited the following polling booths prior to originating this report on 11 Sept. 55. They were (a) PREK TOTEN, (b) PONHEA-LU, (c) KOMPONG-LUONG, (d) AMPIL-DAINTUK, (e) THYOUNG, (f) VEANG CHAS, (g) OUDONG and (h) PREAH-SRE.

4. In each polling booth there was one private voting compartment.

5. In each polling booth there was an administrative

Commission. In each booth there was clear except (a) the ballot paper, (b) the electoral lists and (c) counting sheets (Art. 45).

6. In each polling booth representatives of the parties contesting elections were present.

7. Electoral lists were seen on the tables.

8. An audible signal for the start of voting at the prescribed time was given. A shot fired in the air was heard at 0700 hrs in PONHEA-LU. First man voted was after that signal.

9. No weapons were seen in the polling booths (Art. 47).

10. There was no disturbance (Art. 48).

11. On the ballot papers the team saw only the symbols of the candidate's parties.

12. There was no inscription on the back of the ballot paper.

13. Ballot papers were placed on a table in full view of the voter. They were outside the voting compartment (Art. 53).

14. Identity of the voter was established and the voter was given by a member of the administrative Commission one ballot paper for each party candidate (Art. 54).

APPENDIX "E"

15. The ballot papers were folded as laid down and the voter carried them in his hands. They were folded in the private voting compartment.

16. The voter came before the presiding officer with voting papers folded and his identity was checked before he deposited his ballot papers. The identity paper was initialled and thumb impression of the voter imprinted. (Art. 56)

17. The voters dropped the ballot papers in a receptacle placed on the floor to receive all ballot papers of those candidates whom he did not desire to vote and introduced in the ballot box the paper of the candidate in favour of whom he elected to vote. He then immediately left the booth (Art. 57).

18. The ballot papers were seen folded with reverse side being visible. (Art. 58).

19. The President marked the name of the voter in his electoral list.

20. At 1700 hrs the Team was in position at KOMPONG SPEU to watch the polling operation finish. The Khum concerned was SKUH. Polling concluded with the beat of a drum at 1700 hrs. (Art. 60).

21. The votes were counted publicly and representatives of the parties concerned were present.

22. At the time of counting the votes the Table in the polling booth was clear except (a) the ballot box, (b) the electoral lists and (c) counting sheets (Art. 62).

23. The President counted the number of voters marked on the electoral lists (Art. 63).

24. He opened the ballot box and counted the votes without unfolding them. The ballot was then removed (Art. 64).

25. The ballot papers were sorted out in party groups by calling aloud, the names of the candidates (Art. 65).

26. Immediately after counting the ballot papers results were announced. The result at Kompong Speu polling booth was as follows:-

Total number of voters	:	1503
Votes cast	:	943
Absentees	:	560
Votes obtained were:-		
(a) Sangkum party candidate	:	766
(b) Democratic party	:	177
(c) Liberal	:	NIL
(d) Redressment	:	NIL

27. Attitude of the Government officials was very cooperative, specially that of Kompong Speu's Governor is worth mentioning. There were no signs of excitement or uneasiness.

Sd. GOKAL RAM
Lt. Col.
INDIA 12 Sept. 55.

No. B/ELEC/5
Mobile Team,
Battambang,
12 Sep 55.

To
DSG (Records)
International Secretariat,
Phnom Penh.

Subject: REPORT ON OBSERVATIONS ON POLLING DAY.

Reference para 6 of 'Instructions to Teams for Polling Day, Sunday, 11 September 1955' issued by the Chairman of the Military Advisers' Committee, on 7 Sep 55, with a copy to you.

1. The Mobile Team at BATTAMBANG observed the polling in five Polling Stations. The Team followed the procedure laid down. All observations were made without any incidents against the Team.

2. As mentioned in the instructions referred to above, a report under the headings given therein is tabulated below:-

<u>Name of Polling Station visited</u>	<u>The general atmosphere in the polling stations and environs.</u>	<u>A brief description of the voting procedure as observed.</u>
(a)	(b)	(c)
PRANETH PRAEH	<p>Quiet but somewhat tense. It was quite orderly in the polling station. Ten voters at a time were permitted into the compound of a brick building from among those who stood outside, 30 yards away. A portion of this brick building was used for voting. At least 10 uniformed individuals carrying rifles, stood about, giving the somewhat tense atmosphere that prevailed.</p>	<p>The only procedure that could be observed was the checking of identity cards of those voters entering the compound. This was done by two persons standing outside the building. After that, the voter went into the building, entering one of two doors; there were three doors in the area in use. Absolutely nothing of what went on inside was visible to anyone standing outside. Each voter returned through the same door that he entered</p>

No. B/EI/5
Mobile Team,
Battambang,
12 Sep 55.

generally in about two minutes. Apparently two polling booths functioned in that portion of the building. In 10 minutes 50 voters were counted entering. (Time 0855-0905)

SISOPHON

Also quiet, but no strained atmosphere prevailed in spite of individuals armed with rifles seen in the area.

The voters appeared at a table at which members of the polling booth checked his papers and took his thumb impression twice. He was then given two voting slips, one with the Sangkum Reastr Niyum emblem and the other with the emblem of an Independent Constitution on a cup. There should have been a third voting slip, of the Democratic Party which was not there. The vote was cast in the ballot box (which was placed in view of the public as required) by the voter on his return from the private compartment, the unused slip being discarded. The complete absence of the Democratic Party voting slip was noted by all members of the Team (Time 1020-1030).

* Later it was learned that the Democratic Party candidate had withdrawn from the contest.

PHUM SIEM

(on the road to SISOPHON about 23 kilometers from Battambang)

A small place, quiet and orderly where only 2 votes were cast in the 10 minutes spent there. Two armed men in uniform were noticed. A photograph of Prince Sihanouk which was quite obviously part of the decoration of the booth itself, hung in a prominent manner outside.

The procedure was almost as laid down in Chapter IV of the Electoral Law as far as the manner in which votes were meant to be cast. A slight discrepancy noticed was that voters did not know that the ballot-papers had to be folded 'in four',

MAHO-KOMPONG - MAET
(POLLING DAY REPORT)

and they only merely folded these closed. (Time 1110 - 1120).

BATTAMBANG
(at Salasrok)

Calm. 6 individuals in uniform armed with rifles/tommy guns, stood about, one of whom posted at the gate. Under normal conditions also a number of such guards are seen in the compound of the Salasrok. Just outside the entrance to the building a portrait of Prince Sihanouk was displayed between two Cambodian National Flags.

As all the voting was done inside the building, nothing whatsoever could be seen from outside, or even from the compound where voters waited. The weather was good and it did not appear likely to rain. (Time 1215 - 1225).

BATTAMBANG
(At Salakhet)

The atmosphere here was peaceful, but one that is difficult to describe. There were a large number of voters about even at 1700 hrs, and the inside of the building where the votes were cast was full of people. The portrait of Prince Sihanouk like the one at the Salasrok was prominent between two National Flags, at the entrance to the building.

Nothing could be observed of what took place inside the building. With the large number of persons standing inside, nothing but their backs could be seen even through the windows. Behind the building two persons kept calling out the names of people who went up and collected what appeared to be their identity cards. (Time 1655 - 1705)

3. It was noticed while driving along the road between stations that among groups of persons in civilian clothes, there were some carrying rifles.

INDIA

Sd/-R. Lokaranjan
Major

CANADA

Sd/-Blatchford
Major

POLAND

Sd/-Sianozecki
Capt.

FIXED TEAM - KOMPONG-CHAM

(POLLING DAY REPORT)

Name of Polling Station	The atmosphere in the polling station and their environs	Voting procedure observed
1. SKOUN	0820 hrs. Polling station was in a thatched hut decorated with green leaves and outside the hut was a photo of Prince Sihanouk. The atmosphere was calm and quiet. Some 5/7 persons in civilian clothes were sitting some 80/90 yds away.	Procedure could not be watched as it was very crowded in front of the hut.
2. KG-CHAM	0920 hrs. Polling station was inside the SALAKHUM building. Voting was in progress. The atmosphere was very orderly and quiet.	Procedure could not be watched as we did not enter the building.
3. KANDAL CHURN	1400 hrs. The polling station was in a long low school building with open doors and windows about 500 yds from the main road. There were about 50/60 persons present. The atmosphere was very calm and orderly.	The following procedure was observed:- Four persons were seen sitting at a large table with ballot papers of different candidates in front of each.

It was noticed while driving along the road between
 stations that among groups of persons in civilian clothes,
 there were some carrying rifles.

POLAND
 Sd/-Sianozeki
 Capt.

CANADA
 Sd/-Blatchford
 Major

INDIA
 Sd/-R. Lokarajan
 Major

Voters entered one by one and produced a green card (Identity paper). This was examined and checked from a list. The voter was then given 4 different ballot papers. He went behind a proper screen and came out after a short while with one folded paper in one hand and other folded in the other hand. With one hand he

put his ballot
paper in a locked
box and the rest
he threw in a
basket on the floor.

4. KG-THOM 1100 hrs. There were two
Polling stations both inside
buildings. In one place the
partition was made with
corrugated iron sheets. In
the other it could not be seen.
There was police guard on duty
at both places. Close to one
of these stations about 10
armed soldiers were seen. The
two stations were about 100 yds
apart. The atmosphere was quiet
and subdued. The voting could
not be watched
as we did not
enter the
building.
5. BARAT 1300 hrs. The polling station
was in a large building 100
yds. from the main road. The
area was crowded. The atmosphere
was quiet. Same as above.

INDIA

Sd/-GR SARAN

CANADA

Sd/-MULHERIN

POLAND

Sd/-PUKAR

Kompong Cham
12 Sept. 55

xxxxviii

put his ballot
paper in a locked
box and the rest
he threw in a
basket on the floor.

1100 hrs. There were two
Polling stations both inside
buildings. In one place the
partition was made with
corrugated iron sheets. In
the other it could not be seen.
There was police guard on duty
at both places. Close to one
of these stations about 10
armed soldiers were seen. The
two stations were about 100 yds
apart. The atmosphere was quiet
and subdued.

4. KG-THOM

1300 hrs. The polling station
was in a large building 100
yds. from the main road. The
area was crowded. The atmosphere
was quiet.

5. BARAT

Same as above.

POLAND

34-PUKAR

CANADA

34-MULHERIN

INDIA

34-GR SARAN

Korpong Cham
12 Sept. 55

APPENDIX "F"

A SUMMARY OF THE VOEUNSAI INCIDENTS

AND

OBSERVATIONS BY THE SPECIAL INVESTIGATION TEAM

1. After the Cease Fire in Cambodia, the Joint Commission group visited Voeunsai and are said to have cleared the area of all Viet-Minh troops.
2. During the hostilities two battalions of Viet-Minh troops having entered the Cambodian territory through Voeunsai srok fought against the Royal Khmer Army units in the province of Kratie and later the Viet-Minh withdrew along the same route. It is presumed that they left behind some weapons and ammunition with their sympathisers. Some old Viet-Minh elements are also reported to have remained behind in the inaccessible areas in Stung Treng province. This fact was presumably known to the Governor of Stung Treng who has held his present rest for four years but this has never been brought to the notice of the International Commission.
3. Among the trouble-makers are said to be some former members of the Khmer Resistance Forces, some Cambodian Phnangs, some Cambodians with Laotian origin and some Vietnamese nationals. Their strength in the past few months seems to have increased.
4. The Salasrok in Voeunsai of Stung Treng Province started functioning in January 1955 when an armed post and a Chauvaysrok were re-established. Owing to difficult terrain, some areas of the province are not under the effective control of the Royal Government.
5. Among the leaders of the hostile elements in the Srok of Voeunsai names of SYDA, PLES-TEUN and THUC have been mentioned. Some witnesses have given prominence to Syda, some to Ples-Teun and one to Thuc. Out of these Syda is a Cambodian, member of the former KRF, who worked on the local Joint Commission group and is said to have suddenly disappeared. His renewed activities came to the notice of Government officials in June 1955.
6. Ples-Teun is a Cambodian with Laotian origin. He is said to be assisting Syda in training those people who join his ranks. He also carries out propaganda against the Cambodian Government.
7. Thuc is said to be a Viet-Minh who organises and trains a group of 178 Viet-Minh living in a few villages north of Voeunsai. He is regarded by the Chauvaysrok of Voeunsai to be the real leader who works behind the cover of Syda's name. According to this statement the total number of their sympathisers would be 400 out of a population of 6,000 in the Srok of Voeunsai.
8. Two Phnangs whose reference the Chauvaysrok gave in his statement and who live in villages near the border of Laos saw two groups of thirty men each armed with MGs,

mortars and rifles. They saw no more. These groups, according to them, consisted of different types of men some whom, they said, were Viet-Minh.

9. 2/Lt Chu Savong, commander of the military post at Voeunsai has one local Phnang informer who periodically visits villages and obtains him information. He has no other source to our knowledge. It seems that he passes to his superior authority in Stung Treng the same information without ascertaining the degree of truth in it. Sometimes he tends to exaggerate the figures his informer reports to him. For example, the information about 1,000 armed men reported to him by his Phnang informer moving south from Laos into the Cambodian territory on 9 August 1955 was exaggerated into five regular battalions of the Viet-Minh as stated in his message dated 11 August 1955, addressed to the Commandant of Sector East. Neither he nor any other witnesses convinced the investigating team with regard to the entry of foreign troops from a foreign territory into Cambodia.

10. The maximum number of armed men seen at a time by any of the two eye witnesses whose homes are in the area did not exceed thirty. Two such parties were seen by two witnesses at different places and at different times. One of them is said to have consisted of four Phnangs, five Cambodians with Laotian origin and sixteen Vietnamese nations who according to him were recognized to have fought against the Royal Forces before the Geneva Agreement.

11. The other party according to the second eye witness, consisted of 4-5 men with coloured skin whom he thought were Cambodians and the rest according to him should be Viet-Minh soldiers.

12. In one party some men were dressed in black clothes. They all wore bamboo hats but their foot-wear the witness did not remember. In the second party the other witness saw more men dressed in trousers and others in shorts. Colour of their clothes according to him was grey. They all wore bamboo hats but their footwear was not known. One witness saw them coming towards his village at some distance and ran away when he saw them. The other witness talked with one of the five coloured skin persons. He was sitting on a track with eight others and was told that they would attack Voeunsai in a few days.

13. These two witnesses are said to be living in Voeunsai with effect from 10 July 1955. According to them, the two parties of the armed men who came to their village did not fire on the villagers and did not harass them. They collected the villagers and only talked to them.

14. When questioned about the formation of their move, one witness who ran away from some distance stated that they were coming as single individuals at an interval of ten motors. The second witness who saw them said they moved together in one body. These two witnesses have experience of service in the Army.

15. The Salasrok, residence of the Chauvaysrok and the temporary hutted accommodation for provincial guards are within the same perimeter mud-wall. They were fired at from the outside on the nights of 4/5, 14/15 and 16/17 August 1955. The number of firers on the first of these nights was not more than five. At the time of second and third attacks

visibility due to moonlight was said to be fair. The attackers according to the witnesses fired with machine guns and rifles. On the night of 16/17 August firing lasted for nearly seven hours. With that volume of fire ordinarily there should have been some casualties among the men fired at and damage would have been caused to the buildings and trees inside the perimeter wall unless shooting was in the air. The team was shown only one provincial guard man with a skin deep bullet graze wound and three holes in the sentry box on the east gate and three shot holes in the tile roof of the Chauvaysrok's house. The team saw no other damage.

16. The Chauvaysrok produced three fired cases one of which was of .303 bore and two perhaps .30 mm US Carbine. Cases other than those were neither picked up - nor were they found in the alleged firing positions of the attackers when the team inspected the sites. The largest number of provincial guardsmen inside the perimeter was 96. They fired from behind the wall - which is about six feet high. In the night of 14/15 August they fired 1,700 rounds and on the night of 16/17 August 2,200 rounds. Except for blood marks in one place, no other sign of any wounded or killed person was seen by the Provincial Guard NCO and the Chauvaysrok. However, they heard some cries. Nobody could tell the direction from which the alleged attackers came and in which direction they went. On the morning of 17 August contact was broken after 0500 hours when it was almost daylight and it was easy to follow up the miscreants and obtain kills or capture prisoners, but the hostiles were not followed up.

17. Firing was almost from a blank range. At places it was from about 15 metres. Visibility was fair and the defenders had the advantage of firing from behind cover. Their fire should, therefore, have been effective unless they fired in the air. With the amount of fire from both sides considerable damage was expected. The Team having visited the spot within a week of the heaviest fire saw no damage. However, the team feels that the number of attackers reported to be 200 - 300 is grossly exaggerated.

18. The Military post was said to have been engaged by the alleged attackers in the nights 14/15 and 16/17 August 1955. The sentry saw 10 - 12 men approaching his post. The post commander, 2/Lt Chu Savong, also joined him. Distance between the two sides was said to be about 15 metres. Visibility was fair and yet failed to identify the clothes of advancing men or inflict any casualties on the hostile elements from such a close shooting range. On both occasions no casualties or damage was suffered. The number of attackers as reported was 100, which the team feels is grossly exaggerated.

19. On 20 August 1955, there was no attack on Voounsai as was said to be in the offing by the post Commander's informer.

20. There is no evidence to show the entry or the presence of any regular Viet-Minh troops in the Cambodian territory of Voounsai Srok.

21. It is likely that there are some local hostile bands moving from one place to another while living on the food collected from local inhabitants. Their size may not be large.

22. On 25 August 1955, the team flew over the affected area. They made three circles over Ban-Lak and Kok-Lak villages from a low altitude but saw no movement.

23. During the two nights 23/24 and 24/25 August 1955 in Voensai the team found the situation quiet and did not notice any excitement among the people.

sd/- GOKAL RAM
Lt.Col.
(INDIA)

sd/- HW MULHERIN
Mjor.
(CANADA)

sd/- ZIMOZANI
Capt.
(POLAND)

26 August 1955.

VOEUNSAI INCIDENTS, AUGUST 1955Observations by Mobile Team, Stung Treng.LIAISON:

1. On 26 August, the Mobile Team proceeded in a helicopter to Pakse (Laos) for liaison and to plan a joint reconnaissance of Siempoy where five battalions of regular Viet Minh troops were reported to have concentrated.
2. On 28 August at 0900 hours the team flew over the area and landed at Voeunsai. The Chauvaysrok had gone to Stung Treng. Captain Chan-Saby, the Sub-Sector commander who was there on a visit was examined. The team landed at Siem-Pang and interrogated Sub-Lieut. Nou-Touch, Commander of the local Khmer Military Post. The team flew over Siempoy and along the inter-State boundary but observed no untoward movement.
3. The Pakse Team flew over Siem-Poy on 29 August but due to unfavourable weather and landing difficulties could not land. The team observed nothing of interest.
4. The team returned to Stung-Treng on 30 August. Again on the same day, the Team decided to visit the affected area north of Voeunsai. The weather was rough and the helicopter was twice caught in the storm. The risk was considered too much and the pilot decided to land at Voeunsai. The alarm bell was sounded twice which gave the team quite a few moments of anxiety.
5. At Voeunsai the team met the military post commander who had already been interrogated by the Special Team on 24 August.
6. On 31 August at Stung Treng the team examined Nou-Phit, a school teacher who had been a member of the former Khmer Resistance Forces. He surrendered to the Cambodian Government authorities at Siem-Pang on 20 August, 1955 only.

OBSERVATIONS

7. As a result of flying over the area north of Voeunsai and Siempoy (Laos) the team makes the following observations:-
 - (a) No movement or concentration of groups of persons was observed.
 - (b) Two new settlements were seen between village B. Lock and B. Lalay. They consisted of about a dozen long huts set in a circular pattern with a tower in the middle. This unusual pattern appeared to have been built only recently. The distance between them was approximately 8 to 10 kilometers.

(c) In the north and north-east the hills are about 3,000 ft. high and have thick growth on them.

8. A summary of evidence of four witnesses examined by the Team is attached as an annexure to this Appendix.

Signed: India (Major A.S.Hanspal) Canada (Capt. R. Lamarre) Poland (Rude-Nicky)

Dated 1 September, 1955.

1. On 26 August, the Mobile Team proceeded in a helicopter to Pakse (Laos) for liaison and to place a joint reconnaissance of Siemroy where five operations of regular Viet Minh troops were reported to have concentrated.

2. On 28 August at 0900 hours the team flew over the area and landed at Voennasi. The Chavavayarak had gone to Stung Treng. Captain Chan-Sady, the Sub-Sector commander who was there on a visit was examined. The team landed at Siem-Pang and interrogated Sub-Lieut. Non-Touch, Commander of the local Khmer Military Post. The team flew over Siemroy and along the inter-State boundary but observed no unusual movement.

3. The Pakse Team flew over Siem-Poy on 29 August but due to unfavourable weather and landing difficulties could not land. The team observed nothing of interest.

4. The team returned to Stung-Treng on 30 August. Again on the same day, the Team decided to visit the affected area north of Voennasi. The weather was rough and the helicopter was twice caught in the storm. The risk was considered too much and the pilot decided to land at Voennasi. The alarm bell was sounded twice which gave the team quite a few moments of anxiety.

5. At Voennasi the team met the military post commander who had already been interrogated by the Special Team on 24 August.

6. On 31 August at Stung Treng the team examined Non-Phit, a school teacher who had been a member of the former Khmer Resistance Forces. He surrendered to the Cambodian Government authorities at Siem-Pang on 20 August. 1955 only.

OBSERVATIONS

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- (a) No movement or concentration of groups of persons was observed.
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ANNEXURE TO APPENDIX "G"VOEUNSAI INCIDENTS: AUGUST 1955Summary of evidence of the witnesses examined by
Mobile Team Stung-Treng.

1st witness: Capt. CHAN-SABY, Commander, Sub-Sector STUNG-TRENG

Examined at Voeunsai on 28 August 1955, Capt. Chan-Saby stated that since the visit of the Special Team on 25 August there had been no incident in this area. On 26 August, the garrison was reinforced with one more company.

The Military garrison at SIEM-PANG consists of one hundred commando Light Infantry personnel under the command of Sub-Lieut. Nou-Touch. I have not visited that post for about a month, nor has any other military officer to my knowledge been there. I do not know of any civil officer having visited it either. I have been in touch with the post through wireless but yesterday due to a breakdown I did not get their information. I have no further information beyond what has already been given to the Special Team about the activities or movements of the rebels. In the recent past no new armed post has been established.

Three days back I sent a patrol out in the area of villages P.ROK and B.LOCH. That patrol has not yet come back. It is expected any moment tonight or latest tomorrow. The patrol is charged with the task of confirming the information that was given to the Special Team and finding out more about the attackers. Morale of the population here has been restored but people from the villages in the north are still afraid to visit.

Second witness: SUB LIEUT. NOU-TOUCH.

When examined on 28 August he stated that he commanded the military post at Siem-Pang for ten months. On a request from the military post commander he sent 40 men to Voeunsai on 7 August out of his garrison which consists of 100 men of the Commando Light Infantry. His post has not been attacked for the reason that more than half the population is loyal to the Royal Government. Informing about armed bands, he stated that in the Srok of Siem-Pang a Viet-Minh chief called MEK had become active for about three months. After the Cease-Fire, he had surrendered to the authorities and I recommended him for the appointment of Mekhum provided he cooperated. For three months he has resumed his hostile activities and carried out propaganda against the Government. I do not know the strength of his band, he perhaps gets help from the mountain chiefs and obtains weapons from the Viet-Minh or from Syda. He also gets assistance from Tak, a Cambodian, Chan-Deng, a Laotian and Kan, a Cambodian, who was the Assistant Chauvaysrok of Voeunsai before the war. The name of Nou-Phit was mentioned, who also told me that the Viet-Minh do not recognise these chiefs. Nou-Phit is a Cambodian from Stung-Treng, who having received military training for three years was appointed Lieutenant by the Viet-Minh. After the Cease-Fire, he surrendered to the Laotian authorities. After the recent attacks on Voeunsai, Nou-Phit

surrendered to me on 20 August 1955 with his family. They were escorted to Stung-Treng.

The raiders are Viet-Minh according to the information brought to me on 17 August 1955 by my soldiers returning from Voeunsai. The inhabitants of Bake told them that they saw five armed Viet-Minh soldiers dressed in grey uniform. During the attacks on Voeunsai we did not see any movement of the raiders in this area.

Third witness: SUB LIEUT. CHU SAVONG.

When examined on 30 August 1955 at Voeunsai he stated that the patrol which had gone out to B.LOCH and P.ROCK villages had come back and had gone to rejoin their unit. In the village at B.LOCH they found only four children and no one else. The patrol spent the whole day in that village. According to them the inhabitants had gone to their fields some distance away from their village. A six-year boy told them that about ten days ago the village was raided and lost ten bags of rice. The patrol did not go to P.Rock.

(Note: This witness was also examined by the Special Team at Voeunsai on 24 August 1955).

Fourth witness: NOU-PHIT.

He surrendered to the authorities at Siem-Pang on 20 August. He gave himself up as the living conditions in Siempoy had become rather acute. His parents were in Stung Treng.

He was school teacher at Voeunsai in January 1951 and joined the Viet Minh Forces in February 1951. Got military and political training in Annam province at Nge An. Period 6 months. Was sent to Attopeu as in-charge propaganda. Stayed there for one year.

In April 1954 was a member of the band approximately one battalion which attacked Voeunsai. Stayed in Voeunsai to conduct propaganda.

After Cease-Fire he was appointed Chief of Propaganda by the Viet Minh for Stung-Treng. Stayed for 2 months at Banting Chak. Then crossed over to Attopeu (Laos) and surrendered in Nov 54 to Laotian Government. Was jobless and did farming in Siempoy until his surrender on 20 Aug.

There are 4 Cambodian families still in Siempoy. Kan, another leader of the bandits, is still in Siempoy. Both of them did not take part in the recent attacks on Voeunsai.

He has absolutely no knowledge about the presence of any Viet Minh troops at Attopeu or Siempoy. In his opinion, these attackers are jobless ex-soldiers who commit banditry to obtain food, etc.

APPENDIX "H"

Minutes of the 61st meeting of the International Commission held on October 3, 1955, at the "Philharmonique".

Present:

Mr. G. Parthasarathi, Chairman.
 Mr. A.C. Smith, Commissioner (Canada).
 Mr. Z. Wolniak, Commissioner (Poland).

1. Consideration of the minutes of the 60th meeting:

The minutes were read and passed.

2. Business arising out of the minutes:

The Chairman referred to the "Statement of Finances of the Commission" attached as Appendix 'A' to the minutes of the 60th meeting. He said that after consultation with the Vietnam and Laos Commissions, the Phnom-Penh Commission had received £100,000 out of £250,000 received by the Vietnam Commission for the Common Pool of the three Commissions in Indo-China as contributions from the Government of the UK and the USSR. Another contribution from the People's Republic of China was awaited. The Chairman informed the Commissioners that when Mr. M.J. Desai, Chairman of the Vietnam Commission, passed through Phnom-Penh on the 2nd October, he stated that more than £125,000 was expected from the Government of the People's Republic of China as their contribution. When this amount was received, the Phnom-Penh Commission could expect to receive £75,000 out of that sum. The Chairman continued that in the original proposal made by the Cambodian Commission to the Co-Chairmen through the Government of India, it was suggested that a sum of 15 million piastres (equivalent to £150,000) be paid to the Government of Cambodia against their claim of 20 million piastres (equivalent to £200,000) on account of the Commission's share of the expenditure. The balance of the dues to the Royal Government could be paid by the Commission after the accounts had been audited. The audit of the Government's bills would be a long process, as the Royal Government would have to furnish necessary documents in support of the expenditure which would take time. A sum of £100,000 (equivalent to about 10 million piastres) had already been paid by the Commission to the Royal Government as the first instalment of the Commission's liabilities and roughly another £50,000 was due. When the further sum of £75,000 was received from the Vietnam Commission, the Chairman suggested that it would be wise to make payment of a second instalment of £25,000 to the Royal Government, keeping a sum of £50,000 as a reserve for use in future by the Commission in case the Royal Government failed to make regular payments to the hotels on account of the boarding expenses of the members of the Commission. A letter had already been sent to Mr. Desai requesting him to make available to the Phnom-Penh Commission a further sum of £75,000/-.

3. Fourth-Interim Report of the Commission to the Co-Chairmen:

The Chairman explained that the Commissioners had worked out a joint draft of the Fourth Interim Report, which had been circulated to the three Delegations. The draft was placed on the table. It was decided that the formal approval of this draft should be postponed some-times later in the day, and in the meantime, the three Commissioners agreed to initial the draft indicating that it was jointly worked out by the three Delegations on October 3, 1955.

Later in the day, the Fourth Interim Report was formally adopted and signed by the three Commissioners.

4. Canadian Commissioner's Tribute to Mr. G. Parthasarathi

Referring to the impending departure of Mr. G. Parthasarathi to India, the Commissioner for Canada said as follows:

"It is with feeling of deep regret that I and the members of my Delegation will see you leave Cambodia tomorrow. I have had the privilege at various times during the past few years of working closely with several very distinguished representatives of your great country - Sir Benegal Narsing Rau, Sir Girja Shankar Bajpai, Mr. Krishna Menon and others. I hope it is not impertinent if I say that your qualities make you a fitting member of that great company of diplomats and that you bring lustre even to such a group.

"Here in Cambodia we have immensely benefited by your wide knowledge and understanding of the people living in this important part of the world, the resurgence of which is, I think, the most significant and promising development of our generation.

"You have ably discharged not only the task of representing your country, but also that of chairing our deliberations. Driving a troika, while good sport, is not always easy, and I should like to pay tribute to the skill, patience, and understanding with which you have accomplished this sometime tricky-task. Your ability in suggesting solutions ultimately acceptable to those holding views which were sometimes widely divergent has served this Commission well, and you should feel justly proud of our record of continuous unanimity. Indeed, it is because of this very ability that the International Commission in Cambodia has never been obliged to vote on any issue and that a spirit of friendliness and understanding has persisted both in our formal deliberations and our personal contacts.

"The history of Cambodia and of this International Commission during the past thirteen months has been the success story of the Geneva settlement. A war

and civil war have been ended, a single regime established throughout the national territory, and now, as a result of the recent elections, a government chosen by the vote of all the people has taken over the direction of the nation's affairs. We can all, I think, be proud that under your chairmanship the Commission has played some part in assisting this small but vigorous country to begin its new life as a fully sovereign, independent nation.

"I have mentioned your qualities as a representative of your great country, and as a Chairman. But more important than either are your great qualities as a man. Working and playing with you has been an illuminating and enriching experience which none of us are likely to forget. Seeing you go is inevitably sad. But I cannot bid you farewell; it is rather a matter of au revoir. I understand that you have not yet decided whether to continue serving your country in diplomacy or whether to return to your work as editor of a great paper. I can well understand your hesitation, for newspaper work was my own first love. In either case, it is pleasant to reflect that almost certainly events are likely to bring us together again from time to time in the future.

"On behalf of my Delegation I would like to wish you God speed and every success in your new work in whichever path it may lie.

"I would also like to say, on behalf of my Delegation, that we welcomed your letter this morning informing us that on your departure Brigadier Kullar will act as leader of the Indian Delegation and Chairman of the Commission. I want to assure you, and him, that he can count on the loyalty and co-operation of my Delegation in the new tasks which he is assuming."

5. Polish Commissioner's Tribute to Mr. G. Parthasarathi:

The Commissioner for Poland then said:

"Mr. Chairman,

"The meeting today is the last which we are all attending under your chairmanship to whose human touches we have all become so accustomed. Your departure from the International Commission in Cambodia will be a great loss to all of us who have had the privilege of working in this International body which has been striving to establish peace. I have especially great pleasure in expressing these feelings also on behalf of the members of the Polish Delegation.

"The success of the Commission in fulfilling its duties in order to ensure peace in this area and to help the Cambodians in their march towards real Independence for their country is, in no small measure, due to your contribution and your wise leadership in this work.

"We have been fortunate in having the benefit of your keen intelligence, your profound understanding of the international scene, and your pragmatic approach to all problems. You have been a veritable bridge connecting different political minds which have been trying to attain the common objective of establishing peace in Indo-China.

"The role that India has been playing in promoting international understanding and lessening of tensions has been well exemplified in your person and in paying tribute to your work we are also paying tribute to your great country.

"This is the first time that I have had the privilege of coming in contact with the realities of Asia and your help in my study of the problems of the right aspirations of the Asian people has been a very valuable one for me.

"I think that I cannot be wrong saying that your next diplomatic posting will, no doubt, be in an area where your abilities are best utilised in furthering the cause of better international co-operation and world peace.

"Mr. Chairman, I wish you "Bon Voyage" and safe return to your country and I end by expressing once again our gratitude to you for the co-operation extended to all of us. Speaking for the Polish Delegation and myself I wish you all the best in your future career."

6. Chairman's reply:

The Chairman replied as follows:

"Ambassador Smith, Ambassador Wolniak, and Members of the International Commission:

"I am very grateful to my colleagues, the Commissioners for Canada and Poland, for the generous terms in which they have commended the work which we all have been able to get through by our joint effort. In fact, such success as has been achieved, is as much theirs as mine. The sentiments expressed by my two colleagues are, therefore, more indicative of their kindness and generosity than of any particular achievement on my part.

"This is the last meeting of the Commission over which I shall have the honour of presiding. The thought of having to part with my colleagues with whom it has been my privilege and pleasure to have worked, inevitably fills me with sadness. However, I am happy in the thought that I am able to carry back with me pleasant memories of friendships formed with my colleagues from Canada and Poland. The spirit of co-operation and harmony with which Mr. Smith and Mr. Wolniak have attempted to further the cause of international peace and the affection with which they have always treated me, personally, have made a profound impression on me; the more so, because they must have found me at times; —and I hope only at times —difficult to understand,

but not, I hope again, difficult to get on with.

"I firmly believe that the teaming up of different nations with different backgrounds on tasks of international importance and in the cause of peace, makes for better understanding of each other and, to that extent, for harmonious and fruitful international co-operation. I do not want to claim any special virtues for this Commission. At the same time I must say that the way in which the three Delegations have worked together here was a remarkable demonstration of mutual goodwill.

"Mr. Smith, and Mr. Wolniak, I thank you sincerely for all your help, all your co-operation and, above all, your warm friendship for me which have enabled me to tackle with you the difficult tasks which we tried to manage to the best of our abilities. Much has been said about my future plans. I can only say that if I am to work with diplomats of your charm and distinction, it will be an incentive for me to choose diplomacy as a career.

"May I also pay a special tribute to General T.E.D. O'Snow whose acting Commissionership of the Canadian Delegation coincided with a particularly delicate period in the Commission's history and whose sound military knowledge and thoughtful advice were of such great help to the Commission. I thank him for all his assistance and co-operation.

"With the conclusion of general elections in Cambodia, the work of the Political Advisers' Committee of which its Chairman, Mr. S.D. Kalelkar, has been the link, now comes to a natural close. I would like to record here my appreciation of the work of Mr. Kalelkar and Mr. Bourbonniere and Mr. Grabarek from the Canadian and Polish Delegations who, in processing political cases for the benefit of the three Commissioners, have rendered invaluable service to the work of the International Commission.

"Let me say a few words about our Deputy Secretary General, Mr. S.C. Nandy, who has also been acting as Conference Secretary. He carries a dual burden. No Commissioner could have failed to notice the conscientious, hard work Mr. Nandy has put in and the quiet efficiency with which he has performed it. I would also like to thank the other Deputy Secretaries General, Mr. Des Rosiers and Mr. Teslar. Mr. Des Rosiers has done excellent work during the period of the elections particularly. Mr. Teslar has had the difficult task of dealing with the petitions. I would also like to commend the enthusiasm of Mr. B.P. Mathur, the Public Relations Officer of the Commission. Our Interpreters, both those recruited in Geneva and those from India, have likewise done a good job of their hard task. Mr. R.L. Bakhshi, the Accounts Officer, and his assistants too have distinguished themselves by tackling complicated problems of national and international accounts. The most hard worked of all, however, have been the office staff of the National as well as the International Secretariat -- particularly the stenographers and typists -- whom, I must confess, we have ridden rather hard. While paying them a tribute, a few apologies

are perhaps in order. I am sure you will all join me in expressing our thanks to the over-worked staff of the Signals Corps. I must also thank the Cambodian Liaison Officer and other Cambodians whom we have employed locally.

"I have deliberately kept my words of thanks and tribute to the Military Advisers' Committee and the Fixed and Mobile Teams working under their direct control, to the last because I also wish to conclude by calling the Chairman of the Military Advisers' Committee, Brigadier G.I.S. Kullar, to take over the Chairmanship of the Commission. Called upon to perform tasks that were more political than military, the Military Advisers' Committee have done a brilliant job. The Fixed and Mobile Teams consisting of officers and men from Canada, Poland and India have risen to their full heights in tackling complicated local problems, all over the country and have acquitted themselves creditably.

"I have often described the M.A.C. as the executive arm of the Commission. At the head of this military organisation has been Brigadier G.I.S. Kullar who, with the active co-operation of Canadian and Polish Military Advisers, has shown how military men of quick perception, precise thinking and resolute action, can tackle the political problems with as much ease as they tackle the military problems. Brigadier Kullar has been a tower of strength to me throughout his association with the Commission.

Ambassador Smith,
Ambassador Wolniak and
Colleagues,

"I thank you once again, for all your kindness, and in all humility, wish you complete success in the tasks that lie ahead of the Commission.

"I now call on Brigadier Kullar to take over the Chairmanship of the International Commission".

7. New Chairman's (Brig. Gen. G.I.S. Kullar's) taking over speech:

Brigadier Kullar then took the Chair and said:

"Being the last to speak, I find myself somewhat at a loss to pay my tribute to our leader, Mr. Parthasarathi, adequately and in fresher terms. The warm tribute paid to you by your two colleagues is a matter of great pride to us on the Indian Delegation. It is needless for me to say that we of the Indian Delegation have always held you in very high esteem and affection. Your kind manners, natural poise and your calm presence among us have been a source of great strength for all members of our National Delegation. Your ever willing approachableness, if I may use such a word, has been a great balm for our junior and senior staff alike.

"We are all aware of the great work that you have done in Cambodia for this Commission. It has been for me a real joy to watch the high regard in which you are held here not only by all in the Commission but by the Cambodian authorities and non-officials. The highest Cambodian authorities have on many occasions asked for your wise counsel and have accepted your personal advice. This, if I may say so, was a great tribute to your high ability and

understanding of the Cambodian scene. At the Government dinner the other night, the Prime Minister of Cambodia made a warm reference to this.

"As your chief assistant on the Indian Delegation, I have enjoyed working with you and have greatly benefited from your wisdom, guidance and your great experience and knowledge of the work here. It has been a great experience for me to work under you and nothing would give me greater pleasure than to have another opportunity of working under your guidance in the cause of promoting international peace. We shall all very greatly miss you in Phnom Penh and in these meetings of the Commission.

"In taking over from you, Sir, I am conscious of the high honour done to me, but with your impending departure tomorrow, I am already feeling the burden that has fallen on me in taking over such an important job. I am, however, confident that with your fine example before me always to draw upon and with the co-operation, guidance and good judgment of my two colleagues, the Ambassadors of Canada and Poland, I shall be able to make what little contribution I can to the work of this Commission. I thank you, Sir, for your generous words for me and the warm tribute that you have paid to the Military Advisers' Committee and the Teams.

"I thank Mr. Smith and Mr. Wolniak for their warm words of fruitful co-operation in the future and I would like to assure them that they will always have full co-operation and comradeship from me. I hope that the friendliness which has characterised the meetings of the Commission in Phnom-Penh would continue.

"Now Sir, in wishing you all good luck on behalf of the Commission and a happy holiday in India, may I express our wish that it will not be long before we see you in these parts again. I feel that it should not be Cambodia alone which should benefit from your good heart and wise counsel. All good luck and good fortune to you on behalf of us all.



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