



Special Representative of the Secretary-General  
for Human Rights in Cambodia

តំណាងពិសេសរបស់លោកអគ្គលេខាធិការអន្តរជាតិសម្រាប់កម្ពុជា



**Press Conference by Thomas Hammarberg, the Special Representative of  
the Secretary-General for Human Rights in Cambodia  
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This is a press briefing on a visit by me on human rights. It's a third visit. I got this assignment in May and since then I've been here three times, two weeks each time, travelling quite a lot in the provinces to try to understand that part of society, countryside and Phnom Penh, of course, are not the same. Always trying to see people in prison, always trying to get to the courts discuss with the people there, always trying to see the people in political authorities, governors and others, meeting always with the nongovernmental organizations to have their assessment of the situation and discussing with various people who are relevant for that particular subject.

This time, I focused on a couple of themes. One was in fact the right to education. Not many people believe that education is a human right but it is. There is a slight misunderstanding among many people that human rights only relates to the law and the courts and to certain justice matters but with the United Nations definition of human rights, it's a broader concept and it covers also economic and social rights. I myself have been very much involved in the rights of the child which is one area where definitely economic social rights come into the picture together with other human rights.

Okay, let me start.

I had this time visited the Battambang province and Koh Kong province and stay of course some time here in Phnom Penh to discuss with authorities. I focused on three things, one was as I said right to education. The other one was measures against military abuses, crimes against people committed by soldiers or other people in uniform. And the third theme was interrogation methods, reports that we have received on torture, ill-treatment, cruel, inhuman and degrading treatment as the formulation is in the United Nations and tried to assess the reports we've got from the various organizations and people on these areas. I did not spend much time in Phnom Penh seeking out Ministers but I did see the co-Ministers of Interior to discuss among other things this problem about interrogation methods and also to discuss some aspects of the election preparation. Military abuses, I saw the Minister of Defense yesterday, Tea Banh. I saw the Military Prosecutor, the Military Chief Judge and some of his colleagues. I saw some of the leading officers here within the Chief of Staff office though not the Chief of Staff himself, he was away.

In Battambang, I saw the Commander of the Fifth Military Region and had discussion with them. We have in the Human Rights Office here in Phnom Penh a number of reports about abuses by military personnel. These are serious reports and there are quite a number of them. We feel that this problem have not been though discussed and mentioned in the press, the media in general, not been taken sufficiently seriously by the authorities. And this problem is related to another major concern of us, the phenomena of impunity. In fact, I still have not found a judge or someone representing the court who had not complained about their problems when it comes to the possibilities to take action in cases where people in uniform have been involved. Their complaint and I support them on that point is that the military commanders have a tendency to protect their soldiers from being brought to the system of justice. And this we discussed in Battambang with .. and here with those military leaders I mentioned and my concerns remain. We have recommended a thorough study into this problem and effective measures to remedy it. We noted that the Military Prosecutor in fact now are raising some cases of this kind and also sending it after a preliminary investigation to the ordinary civilial courts. That's positive but we believe that much more thoroughgoing measures have to be undertaken to remedy this problem.

Torture? Torture does take place. There seems to be an understanding that beating and kicking is not that serious. It's thought to be expected. And in fact prisoners I've interviewed found that that was not very special. They expected to be badly treated like that. That is a bad sign in itself. Beating and kicking and violence of that kind is not tolerable and is against Cambodian law. But even in some instances, there have been more systematic forms of torture. There seems to be a number of cases where people arrested have been threatened, ill-treated to be killed. That's not acceptable. And there must be an understanding that even if not violent methods take place like kicking and beating. Still the treatment of people under interrogation could amount to illegal coercion. Say that someone is taken into a car and driven around and during that ride he's under interrogation by interrogator. If in that situation, there is an atmosphere of threat and the suspect, the arrested person feels that at any moment this car could stop and I will be brought out and executed. This person is not free to tell whatever he thinks is the true matter. He is in under such pressure, such fear such coercion that he may be feeling that to get out of a threat he should say something that he is expected to say. Such methods are not acceptable. And we believe that after having studied cases now there is a need not only to be satisfied with the fact that torture, ill-treatment, other cruel inhuman degrading treatment is bad for the country but also go through ch this law and the international standards behind them are interpreted in reality in the country and take measures when there are reports that such methods had been used, illegal methods. I also suspect that there isn't in fact a real possibility in many cases when they come to the court for someone who has been tortured to resist about torture and the fact that the confession was with the legal methods.

And there are cases which I outlined in a report which is now published in Geneva to the Human Rights Commission where when a suspect said that he had been tortured during interrogation, the judge just dismissed this allegation by the suspect. The procedure is and that's clear that in such a case, the charge should stop and the allegation by the suspect should be examined. There are very few cases of that kind in this country and there is a gap in a number of cases where we believe that torture or other forms of illegal ill-treatment took place, the number of such cases and the cases where the court has acted to stop investigate and clarify the situation.

This brings me to the continuous concern that I have in relation to the functioning of the system of justice. It's not clear that the political authorities must take radical measures to safeguard the independence of the judiciary, it just isn't independent today. There are several measures they have to take now without delay. One is to convene this body, the Supreme Council of Magistracy, this is a body which is the key to the appointment of new judges and in general overseeing the functioning of the justice system. Without this body being convened and start functioning, there is a blockage on the forms of the system of justice. Its stopped. And its most unfortunate that the convening of this body has been made into a political issue and I ... strongly to the two major powers within the government to sit down and find the way to resolve this deadlock. As you know, the King has asked for advice on this point by the two Prime Ministers. He has to have it. The other ... (inaudible). As you know the two positions are that the CPP thinks that the ... should be convened. There is hesitation on the other side that they feel that the composition of the judiciary today is totally dominated by the CPP which means also that the composition of the Supreme Council of Magistracy will be influenced by the fact that the CPP judges because the majority of the seats in the council are ex-officio, the King, the Minister of Justice, the Supreme Court chief judge, and the prosecutor there, the Chief Judge of the appeals court and the prosecutor plus three other judges to be appointed.

I'm convinced that there is a possibility to overcome this deadlock if there is a political will and that's what I'm asking for. The other main problem in this field is directly related to the legal text of the civil servants act this famous article 51 which makes it necessary for the court to go to the head of the institution for instance and minister to get permission to arrest or prosecute someone who is suspected for having committed the crime that is employed by this authority. There is a need of permission from the head of the institution to go ahead. This is a bad law in itself and I haven't seen anything similar in another country but worse is that it has been applied in a negative manner. And when there have been requests from courts for permission to arrest or prosecute, in most of the cases, either there have been no response at all, long delays or a negative response. And in some cases in the meanwhile, the suspected person has been able to disappear. This has created and supported the phenomena of impunity. And again, I think it's important to tell the government that they should move on this now. I am informed that the Ministry of Justice has drafted an amendment on this article 51 which would improve the legislation considerably. We hope that this piece of legislation will now be approved by the Council of Ministers and put to the National Assembly for approval there. This would take away one of the legal obstacles when it comes to the functioning of the justice.

Another concern I have is that the court system is thoroughly corrupt, thoroughly corrupt. Bribes are taken also by judges in the country. And I'm not talking about one or two exceptions. I'm talking about a great number of court officials who accept bribes. Having now interviewed a number of prisoners in different prisons, I get the impression that some of those who are imprisoned in this country are there because they didn't have the money to pay for it. This is a bad situation. It sends a negative and unfortunate signal to the people. It undermines the credibility of the court system. It's necessary for someone who's concerned about human rights to focus on this. The combination of the legal framework which supports impunity, situations where in individual cases, where the political authority does not seem to respect the independence of the courts but interferes.

And thirdly, a situation where a military commander not only protects their soldiers from being brought to justice, but in fact exerts pressure on the court to drop the cases. In Battambang as you know, there was even a moment when soldiers surrounded the court buildings with guns in their hands to pressure the court to drop the case. This, the total picture, in this regard is alarming. And it is really time for the political authorities to begin to tackle this in a more comprehensive and more thorough way than they have done so far. That is one concern that emerged during my visits here. I don't want to speak too long on it. To have two press conferences in a row is deadly because you feel like you've said everything once before.

But let me mention that I've also been concerned about freedom of speech and pressure against journalists since the very start. It so happened that the murder of Thun Bun Ly took place almost immediately after I was appointed to this function and that of course struck me heavily. I have been deeply ... about the fact that in none of the cases when journalists have been the object of violent acts, had there been a satisfactory deepgoing serious investigation. I have raised this with the government representative several times. In mid-November, I wrote the government and sent them also the memorandum outlining some of the cases which were not so far resolved in satisfactory manner and I appealed to them to investigate those cases in-depth even if it was late and also to ask them why there haven't been investigations in those cases. We're so ... that there should be investigations. By what mechanisms should ... in these cases. In other countries, there would in such a situation be a request for a commission of inquiry to look into the whole system how it works. And why such a flagrant violations of human rights are not taken seriously. This was in mid-November. Today we are five months later and I still have not got any response in substance in this communication and I am today releasing that letter and accompanying memorandum and hope still that the government will feel encouraged to take it seriously and come back with some kind of comment on the cases and on the phenomena itself.

I need to put in some good news as well. One was a discussion I had yesterday with the Co-minister of Defense, Tea Banh when I raised the issue of landmines. And I said that listen, I have spent some time trying to make people outside, the international community, to understand the depth of the problem in this country and how expensive and difficult the demining work is. And I sometimes meet the question: But can you be certain that no more mines are laid in this country? What's the purpose of demining if there is a risk that new mines will be laid afterward. I point to the fact that now the conflict with the Khmer Rouge has developed and there are hopes now for an end to that conflict. But honestly, the case is not completely convincing before Cambodia has adopted a law which will ban not only the use of landmines but also the production, the import and the stockpiling of landmines. And that law has not been approved yet. I have reason to believe that there is a draft within the government somewhere. That rough draft should be approved by the Council of Ministers and submitted to the Parliament for adoption. I think that's a fact not only a question of tactics to the international. I think it's important that this country has a law that will ban the use of landmines for the future. But anyhow, when I raised this with the Minister, he was positive. He said wasn't quite aware of the situation when it comes to the draft law, etc. But he was not convinced that it was such a good thing to submit such a draft to the Parliament. And he himself appreciated the proposal and .. upon it. So I welcomed that and hoped that there will be some results on this point.

Another good thing I hope is that I've heard that within the Ministry of Interior, there is now a discussion about more effective measures to handle the issue of child prostitution and trafficking. And that there are discussions about establishing some structure inside the Ministry to begin to deal with this problem. Cambodia was represented in Stockholm at that Congress where child prostitution, other exploitation of children for sexual purposes were discussed and a declaration of an action plan adopted. I have been disappointed that the delegation that went there had not been more active when returning from the congress where there were ideas on what to do because I can't help noticing that child prostitution is a real problem in this country. And it's even made more serious by the fact that AIDS is spreading. The number of HIV infected people are quite high among prostitutes and some of them are kids. And you have also this extremely alarming tendency when you have AIDS in the community of prostitutes that are inclined to seek virgins or young children just to avoid the risk of being infected. This is a serious problem. It's not sufficient just to move the brothels from the city center to the outskirts of the community. More concerted, comprehensive and ... measures should be taken. And child prostitution is bad. There is a law against child prostitution in this country. That law should be implemented. That requires in turn a thorough approach of the police and by the political authorities towards the police. Part of the problem seems to be that the police are corrupt. Some of the police commanders are said to be involved in the organizing for the protection of the prostitutes. If this is so, this is serious problem. My recommendation: look at the problem seriously, make thorough investigations, cooperate with the nongovernmental organizations here, recognize their good work because they are doing good work, cooperate with UNICEF, another international organization and put an end to the spread of child prostitution taking place now. So I've heard there is a task force to be established within the Ministry of Interior on this matter. Good. All the encouragement given to that effort should begin.

These are the two positive points that I wanted to mention. I want to say that maybe we could inject that in answers to questions not to bore you with too long a presentation on my part.

Question: ...l Khmer rouge investigation...

Thomas: The information we had was that they were arrested on the 14th of February or some day very close to that date. I wrote to the Minister of Interior and said that it's important that in this case as in all other cases that basic procedural rules be respected. At that time the deadline 48 hours for them to be able to see a defender or lawyer had passed long ago. I'm not completely up to date with the case, I must admit. But I've now been informed that at least one of them..... at least one of them have been able to see a lawyer. But frankly this is rather late. 48 hours is not the same as four weeks, a month. It's unfortunate that the basic procedure rules were violated in this case and the fact it's a politically sensitive case that there is much publicity about it is no excuse for violating these basic procedure rules.

Question:... you want to arrest .. past two years. ..Assassination. Do you find it

Thomas: In one sense, I have to be politically color blind. I have to see what happens in each individual case. If they begin to make thorough investigations and take action on cases of murder that's something we have asked for, we are still to be convinced that this is the case in this very case. We haven't seen the investigation results yet. I am worried that the fundamental basic procedural rules were violated. That's a bad omen. And we are going to

follow this case very closely to see to it that any tendency of human rights abuse that might be in the picture will be taken off. I think that's what I want to say. The procedure rule was not followed that serious. And we will follow the case very closely.

Question: ... serious.. Do you think the government...

Thomas: I have sufficiently long to feel one can't deal with government as a monolithic entities. In all governments, there are people who are sensitive to human rights matters and others who are not. And there is a sort of ongoing discussion also inside. That matter ..... are the final result of that discussion. When I met the two Prime Ministers and the key ministers, Justice and Interior. There are points where they support what I've said and even acted on it. The Minister of Justice, Chem Snguon, I think was hesitant in the beginning about this proposal on article 51 of the civil servants act. He is now completely convinced that that article is wrong and should be taken away. And there are other similar discussions which I think have developed. But I'm trying to think this is outside my area of competence but I think that the tensions within the government and the inability of them to create a cohesive government policy that divided the government as you know, has also had some negative repercussions when it comes to the implementation of human rights reforms. That's ..... Much more need to be done in relation to the problems within the judiciary than has been even proposed and even more undertaken. It's a major efforts of the assembled government to see to it that the rule of law in this country is established. Even foreign companies now begin to hesitate to come to the country because they feel it's a bit unstable and the rule of law is not fully respected.

Question: ....

Thomas: Probably it would be unwise of me to prescribe precisely how this deal could be made between the parties but the King is there, he's a convenor of this council. There have been discussions about two posts where the mandate period has expired and there has been a discussion on how one deals with that. Whether they have to come to the first meeting and take part in the decision that will organize the replacement or one can find another way. It's not up to me to say how that should be done. And you have three other posts which judges could be appointed by the peers of judges. And with good political will on both sides, these are sufficient openings for a discussion that would guarantee that a compromise between them would be possible. Without violating — we should not enter into a situation where this Supreme Council of Magistracy.... judicial government with Funcinpec judges and KNP judges and CPP judges, that would be unfortunate. The basic move should be to get this body sufficient authority to be independent and that should be supported by the political authorities. It's no easy thing to establish but they are not trying on my opinion and they should. They're not trying.

Question: Investigation... area..

Thomas: We are. Not much now. We had a couple of investigators, two investigators I believe covered that part of the area but we haven't been able to do sort of sufficient work there. It's an important aspect. The government has recommended us to pay an interest into this area. I think more on the education side, to train the officials there in human rights ... As you know, they basically so far allowed the old administrative structure to remain. So it's a question of giving human rights teaching to those who are there but it's an important ... Let

me say in this connection that sort of volunteer ... point. An amnesty to people who are responsible for massive human rights violations amounting in fact to crimes against humanity. An amnesty to them which would put a lead on further investigations definitions on who are responsible and some kind of judicial follow-up I think would be most unfortunate. I'm not saying that a country should take the position necessary to abstain from giving pardon or forgiveness at the very end even for serious crimes. But to do that at this stage which in effect would prevent a serious investigation and analysis of the facts including defining who are responsible would be most unfortunate when it comes to a signal to a future generation on what is human rights violations and what is crime and what is responsibility, etc. It's very difficult I think for this country to establish a key position on the problem of impunity if one at the same time takes this problem lightly.

Question:

Thomas: I've been hesitant to be too detailed on what to be done because it is a Cambodian problem. There are many people who believe that Cambodia at least at presently is capable of going through the agony of such a process. And that an international support .. I understand that point but it has to be initiated from within and there must be an agreement that this is an important point that shall be done. If there is a request from Cambodia to the United Nations that they would like an international process or international participation in the process, I would be more than willing to assist in arguing for a generous response to such a request. I mentioned the possibilities of studying the example of Truth Commissions in South Africa, El Salvador and other countries. In El Salvador, I think it's the only country where the commissioners were foreigners. In all other countries, they've tried to- they had domestic commissioners who went through the problems. In South Africa is a very important process of .. as well, to bring out everything, put the truth on the table. As you know in that case, there is an understanding that they would be generous when it comes to sentences and punishment through end of the process. But it's important that they go through it.

Question:

Thomas: No, I think even for the UN, it would be unwise to respond to what I'm saying, it has to come from the Cambodians themselves. But when that request comes, then I will support - some kind of international support for the process.

Question:

Thomas: I have found the situation a bit confused. I first read, there's a media that sort of a blanket amnesty..When I came here then in December I understood that wasn't the case. The amnesty only covered the 1979 sentence of which in fact there was not really a professional trial, didn't meet the basic standards when it comes to ... of trial. I don't think I should pay too much attention to that sentence though of course, it was important at that time. A piece of law from 1994 about banning the party and those who are involved in the party. That was included in the amnesty but nothing else. That gives the impression that the amnesty was partial and not complete. And the way that politicians sometimes at least when I talked to them, talked about it gives that impression. I haven't wanted to sort of confuse the interpretation of what was said. I ... to say, please allow for a thorough investigation. .. the facts out, define who is responsible and start the process without going myself into that discussion about the King's pardon or amnesty.

Question: Torture...

Thomas: I haven't even thought about it in connection with election fever. Many of the cases we have of torture there relate to people who are suspected of or having a Khmer Rouge relations. Many of the cases but not all of them. The pattern that seems to emerge is that the policemen feel that they have to get the confession and they have to get it quickly within, this is the ..., 48 hours may have had some impact actually on the behavior of people. They have to get it fairly soon. The police is badly educated when it comes to other measures of getting evidence, a criminal investigation of various crimes. So that the way of proving that you are an effective policeman is to get a confession. And there is not enough of discouragement, disincentive for using violence in this situation. And also the individual police commanders haven't set a good example themselves to demonstrate that these measures are not allowed. There have been a couple of cases where the person interrogated, I think there are four now, cases now where the persons interrogated have been found dead in their cells in the morning. In all four cases, it was said by the police that it was a result of suicide by hanging. Its very difficult to go through these cases and prove that that statement is wrong. In some cases, the bodies are cremated which makes it difficult to prove anything. But the general impression we have is that at least there were no thorough, impartial investigation where they sought to establish the truth in these cases. We were encouraged by the fact that in one of those cases, the Ministry of Justice actually intervened afterwards and ordered the exhumation of the body in one case and there was an investigation and sort of examination of that body. In the other cases, we haven't been convinced that there was even that type of follow-up. Even when it comes to that case in Kompong Cham, we are not kind of satisfied that all the possibilities were explored when it comes to what should have happened. Basically, it comes down to the fact to take such a situation seriously. If someone is dead in the prison and came in healthy one day and is dead the other day hanging. It's very difficult in a society ruled by law to see that the police doesn't have to go through a very thorough investigation and an impartial investigation.

Question: Ministry of Interior....

Thomas: No. The national elections which are timed shall be held before the end of next year. That's a promise and an agreement. I think it's even mentioned in the Constitution. I think it's even more unfortunate if that Constitution provision about the timing of the election is not respected. Some people would say that's not really a human rights concern. I will say it is. The right to participation is a political right. But also the whole atmosphere in the country when it comes to moving towards a society ruled by law would face difficulties if there are problems in relation to the implementation of that pledge from all parties involved that the national elections be held before the end of next year. It's important.

Question:

Thomas: I haven't seen any reason that stands out.

Question:

Thomas: That document I don't have with me. Yeah. I think the gendarmerie is a little bit French influenced in this country. And I assume there has been some training there. I'm not



saying that French advisors there may have responsibility for everything these policemen do. That I think will be taking it too far. Was that your point? Yeah. In fact when you look at it, I look at the totality of the information we have about ill-treatment and torture, it relates to all parts of the police not only the gendarmerie but also the .. police. All aspects of the police.

Question:

Thomas: Yeah I think that's fair. I'm disappointed with several points. I started this in very good will. I did not want to prejudge any situation. I wanted to learn and understand and listen to the arguments before I began to form my own opinions. But I've now come to a stage where I am disappointed about the lack of response on certain very concrete and reasonable recommendations. Let me mention one example. When I was here in December, I went to Kompong Speu prison and talked with people there, the prison director, the staff there, prisoners and NGOs involved complained bitterly that there was not enough food for the prisoners. There had been flooding which made it more complicated there because they tried to grow their own vegetables. But basically the problem was that the disbursement from the Ministry of Interior for money to buy the food just had not come and were very much delayed. The prison director went out or someone in his .. went out and borrow money in the market there with the interest that ... cost. When the money came, there was less to buy food for the prisoners and therefore the result of this delay in money, there wasn't new money, just a delay from the Ministry of finance to the Ministry of Interior from the Ministry of Interior to the prison meant a serious reduction in the amount of food to the prisoners. There were several cases of beri-beri and other effects of malnutrition among the prisoners. I raised this with the authorities then in December. Now when I come here to the prison in Koh Kong ang Battambang, it's precisely the same. There they got the payment for January, now it is two months and a half late. This is just unacceptable. People who are sentenced to imprisonment, they are deprived of their liberty. But the court frankly did not decide as a punishment starvation to the prisoners. This is very simpler principle. It was raised. It shall not be very difficult for the government. There's not great amount of money involved. There's small amount of money but they haven't been able to rectify this minor administrative problem. And those poor prison directors, they have to come or send someone here to get the money in Phnom Penh instead of finding some more professional means of even distributing the money. As I said it's much overdue. And this kind of problem, if they're serious about, this is a human rights problem they could ... the fighting one day, just take a decision and implement it and they don't and I'm disappointed.

Question:

Thomas: By the impression they gave at least is that they don't think it's sufficiently important. And I hope that they will convince me and all others involved that that was a wrong impression but they can only be done by taking an action.

Question:

Thomas: The only experience so far was in New York in November when the report to the GA was presented. I frankly missed it because there was an intervention when I had left but I was told that the permanent representative in NY stood up and said that report was accurate and fair to Cambodia. And after that they passed the resolution which was basically drafted by the Australian government and for the first time with also one of the Asean countries as

co-sponsors, Thailand. So on that occasion it seemed that it was fair but what counts is not what they said in New York or Geneva. What counts is actions here.

Questions:

Thomas: That was a sort of all encompassing resolution on various aspects. The main emphasis was on the functioning of the judiciary and the preparations of the elections to be fair and free but there were many points. Basically reflecting the report. The UN has passed this type of resolutions several years by now, those by the Assembly and the Human Rights Commission. First week of April by the way, Cambodia will be presented there and by the 11th of April, according to the time schedule, the resolution on Cambodia will be adopted. It might be good to have. I'll note in my diary.

Question:

Thomas: No I haven't tried. On this, they have not tried. I wanted to focus this time on the provinces and certain problems. I met the ministers I mentioned, Tea Banh and the two ministers of Interior. Next time, there will have an invitation. Last two weeks of May.

Question:

Thomas: Logging is a bit special because of the involvement of the IMF and the World Bank. So far the international community has taken the approach of not ... conditionality but tried to be as constructive as possible supporting programs for training in all these respects. And I still believe that the approach the UN is taking is a good one and hopefully it will have some impact. It's striking that, at least for me, when traveling that one meets a number of people who have been trained in human rights who are quite knowledgeable about it. The NGOs are impressive, they really are. You have in this country, more human rights workers and I think anywhere in Asia perhaps with the exception of India. But the number of committed, educated, hardworking human rights activists in the nongovernment communities and .. Sooner or later for that would mean that some of these people would be recruited to the government because they are so competent and educated. Some will go to the judiciary and hopefully that is one way of achieving development towards deeper understanding of human rights. There is a limit to the extent the foreigners could influence the situation. After all, it is a Cambodian task for Cambodian.

Question:

Thomas: That I can't tell. It's too short time. My knowledge is still too shallow to be able to make that kind of assessment. But again judging from experience in other countries, situations tend to be more complex and allowing for this kind of generalizations. My only reflection in this sort of field is that the election campaign is a threat when it comes to human rights. The fever that comes with election campaign may well lead to rather widespread human rights violations and therefore everyone concerned should be prepared. And on the other side, the authorities should take measures now to ascertain that human rights violations would not be a pattern during the election campaign. Respect for one another, clamping down on one's own people if they go while against .. the party banner ... . Almost the same argument as with the military commanders and the soldiers in this .... Party leaders should discipline their own people if they are too enthusiastic against the other people. An

agreement about the system of ensuring a fair election and it does not ... and it should not only be fair and free, it should be seen to be fair and free as well, they have to demonstrate it. And that can only be done by creating some kind of independent mechanism in advance that would ensure the fairness of the elections, an agreement in advance that they when the election result is clarified, that they would accept and respect the election results, etc. There is a point there that is quite obvious and need not be mentioned that may have to be part of the political authorities at this stage.

Question:

Thomas: It could be either way. There are positive aspects. There are good people not only in the nongovernmental community but also within the ministries who are trying to do their best to promote human rights. And they are the risks from threats, the power battle always is a threat when it comes to human rights. I think it's too early to even predict and in my function, I am almost by principle an optimist. One has to work. And we, from the outside, we have a contribution to give. We have committed some bad things when it comes to Cambodia in the past. Let's now try to give a meaningful contribution to promoting human rights.

Question:

Thomas: As far as human rights, political or non-political but I'm here to protect human rights and to promote human rights. I personally believe that there is actually a very clear link between politics and human rights. I think human rights is one of the key items in the political agenda. Politics is about creating a society, a society which respects human rights is in my opinion a better society. Therefore, human rights are politics. But I think people, they see politics as party politics, partisan politics and there we outside, we don't take a position for or against Funcinpec, CPP or KNP. We are absolutely neutral there. It sometimes happen that what we say is also what a political party say and the other party may then feel that we are supporting the position of that party. That's part of the picture but our starting point is based on the human rights principles in the international treaties agreed by all governments for the protection and promotion of human rights.

Question:

Thomas: Same picture. Frankly the speech, read that if you have time, by Sar Kheng, one of the co-Ministers, which he gave I think in November 1995 at the conference here about elections is a good listing of requirements when it comes to how a good elections, free and fair elections, should be organized. The problem there now is that list is not implemented. Reforms and yearh the time. Not even the basic legal framework has as you know, been verified. I think I have to close cause I have people requesting money from the European Union waiting for lunch.

Question:

Thomas: Yeah. If I had, I would not. I can't see the impact of Asean membership, how that would impact on human rights. Those who are very negative saying that some of the leaders within the ASEAN bloc are not really human rights fighters. Other say that this context may actually be positive .. for human rights. What I have noticed is (END OF TAPE)