



COMFREL

(The Committee for Free and Fair Elections in Cambodia)

Parliamentary Watch Report October 2003 – April 2004

**A report into the formation of the new government,
the activities of parliamentarians
and the post 2003 election climate.**

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I. Executive summary:

The Committee for Free and Fair Elections in Cambodia (COMFREL) monitored the post election period for seven months between October 2003 and April 2004. We focused on three main areas:

- 1) The negotiation process to form a new government
- 2) The activities of parliament.
- 3) MPs' activities.

From our observations we would like to draw attention to the following points summarized below:

1. A climate of mistrust between political parties exists, although the political climate post-election was better than the period after the 1998 election.

Political disputes, continuing threats, intimidation and killing of party activists affected the negotiation process to establish a new National Assembly and form a government. Progress was slow and at the time of writing was not yet complete.¹ The political conflict, in part, concerned disputes in the election process, especially over the performance of electoral authorities. After the election, political parties were not satisfied with the way election process complaints² had been dealt with.

Even though cases of serious violence against political parties during the election and negotiation period were less than in 1998, there was still much acrimony between party leaders early in the negotiations. In addition, there were at least 5 threats to parliamentarians, 17 killings and 15 cases of threats/intimidation against party activists. In particular, we would like to draw your attention to 3 serious cases that took place in the center of Phnom Penh. These cases increased the climate of fear.

- On 18 October 2003, Mr. Chour Chetharith a FUNCINPEC (a royalist party) supporter and a news editor of the pro-FUNCINPEC Ta Prohm Radio Station was murdered.
- On 21 October 2003, popular singer Miss Touch Srey Nich was fatally shot and her mother shot and wounded.

¹ See Appendix #2: Chronology of negotiation process

² COMFREL's Report on the 2003 National Assembly Elections

- On 22 January 2004, Mr Chea Vichea, popular president of the Free Trade Union of Workers of the Kingdom of Cambodia, was murdered.

During the observation period, no effective action was taken by the justice system in the majority of the above-mentioned cases. This added to the existing culture of impunity in Cambodia.³

2. Before power sharing talks between the elected parties, there were active discussions to develop a political platform for the new government.

The public and media could only access limited information about the discussion process. The discussion subjects mostly focused on promises made by political parties during the electoral campaigns. They also responded to some recommendations by civil society.⁴ These were as follows:

- To adopt new laws that improve transparency and accountability, including an anti-corruption law, etc.
- To reform the judiciary to ensure a proper judicial system.
- To protect and address some important issues such as independency, sovereignty and territorial integrity.
- To effectively implement a nationality and immigration law.
- To increase civil servants' and soldiers' salaries.
- To properly manage the use of natural resources such as forestry, fishery, etc.
- To establish new independent institutions such as a National Committee for Human Rights, an Anti-corruption Committee as well as to strengthen existing national institutions such as the National Election Committee (NEC).
- To enforce legislative power to control the performance of government.

3. National Assembly Members continue to be seriously influenced by political parties and their leaders.

This is exacerbated by the unclear distinction of power between political parties, the legislative body and government. Article 82 of the Constitution of the Kingdom of Cambodia states that, "*The National Assembly shall hold its first session no later than sixty days after the election upon notice by the King...*" and "*The National Assembly shall*

³ See Appendix #6: Monitoring checklist and other letters

⁴ See details in section V: Negotiation process of formation of the new government

adopt its bylaw...” From this article it is evident that newly elected members of the National Assembly did not perform their roles and duties as mandated.

The lack of proper function of the National Assembly (NA) is caused by political party influence. For example, representatives from FUNCINPEC and the Sam Rainsy Party (SRP) did not participate in the first session because their parties declared that they would not join. Thereafter, FUNCINPEC and the SRP insisted on drafting and adopting a bylaw of the National Assembly, while the CPP proposed to have a “**package vote**”⁵ for structuring the NA and forming the government at the same time. These maneuverings seriously slowed the process of forming a functioning government for Cambodia.

In addition the law possibly allows political parties to influence representatives so that they might feel intimidated and not express point of views or activities considered as differing from those of party leaders or party interests. Article 120 of Law on National Assembly Elections reads that, “*...in case a member of a party resigns his/her party, he/she will lose his/her membership as a representative automatically...*” The Article 51 (4th paragraph) of the Constitution clearly states that there should be a “*separation of power among legislative, executive and judiciary,*” but in article 79, 1st paragraph of the constitution makes the separation of power unclear between legislative body and executive body. However, at least thirty MPs are still members of the government.

4. The accountability of parliamentarians’ activities is still limited, particularly in their constituencies.

Some MPs made contact with their constituents and intervened to address some issues. Still, most have not yet responded in depth to people’s needs and issues. Even excusing the fact that the National Assembly has had no budget to pay members salaries, only 46 out of 123 MPs⁶ from the elected parties made contact with their own constituencies and made statements and recommendations. Most SRP MPs were active in performing their roles. They raised peoples’ concerns and pointed out institutional weaknesses as well as limitations in implementation of laws. MPs from the three main parties, especially from the CPP, visited some constituents, strengthened their party network, gave gifts, inaugurated projects and celebrated their own achievements. These activities were not meaningful in addressing their constituents’ real concerns⁷.

⁵ “Package Vote” is a term which the CPP suggested to the other two parties during the summits in the Royal Palace under the chairmanship of the King. The CPP demanded to vote as a block when the new representatives choose the new Prime Minister and President of National Assembly. This process was justified by the CPP even though it contradicts the Constitution of the Kingdom of Cambodia.

⁶ This is estimated at 37% of 123 MPs. This percentage represents 46 MPS from CPP, FUNCINPEC and the SRP.

⁷ See details in section IV. only 15 out of 190 times of the MPs’ activities is to solves problems in the constituencies .

We found out that almost all MPs' offices in provinces/towns were not fully open and adequately staffed. Constituents found it difficult to communicate with their representatives. This report does cover all the activities of all representatives because COMFREL faced many difficulties in communicating with representatives of political parties for the above reason.

5. Parliamentarians performed their roles and duties inefficiently even though empowered by the constitution.⁸

Representatives did not perform their responsibilities effectively. Some attempted to perform their tasks, as stated in article 89 and 141 of the Constitution, but successful outcomes were few. For instance, 21 MPs from the SRP sent a letter to the Constitutional Council requesting an interpretation of some constitutional articles. These requests were denied.⁹ In addition Representatives made 30 appeals or requests for intervention by letter to relevant institutions, including government institutions. These letters drew few responses¹⁰.

COMFREL acknowledges that during the observation period parties were active in developing a better political platform for the new government and to structure the new National Assembly. However, there was still an environment of mistrust between them. MPs did not effectively perform their roles and duties, which as defined in the Constitution. Poor performance was partly because of continual influence by their political parties. Some MPs were active in responding to their constituents concerns, but generally activities were still limited.

II. Summary of information related to Members of Parliament

| Party | MPs | Total female MPs |
|-----------|-----|------------------|
| CPP | 73 | 6 |
| FUNCINPEC | 26 | 3 |
| SRP | 24 | 3 |
| Total | 123 | 12 (10%) * |

Table 1: Breakdown of the 123 MPs elected in July 2003.

⁸ Article 82 and 83 of Constitution: assembly, bylaw adoption and voting for parliamentary structure. Article 89: "on invitation officials to clarify important issues upon request by at least 1/10 of the NA members". Article 90: national budget approval.

⁹ See details Appendix #3 and Section III

¹⁰ See section IV-4 and Appendix #3-6

* By April 2004, the total number of female representatives became higher by three. Because of deaths and resignations of some MPs. The CPP added 2 females MPs (new total 8 females) and FUNCINPEC added one (now 4 females). The SRP total did not change. Therefore the current number of female representatives is 15 (12%)

Article 79 of the constitution clearly states that MPs are separate from the other constitutional institutions. There is an incompatibility of MPs, for instance, Chea Sim is both Chairman of the Senate and an MP for a Phnom Penh constituency.

Newly elected MPs were not paid their salaries and expenses.

III. Roles and Duties of MPs

| Cambodian Constitution | Actual implementation of the National Assembly | Notice |
|--|--|--|
| <p><u>Article 82:</u> The National Assembly shall hold its first session no later than sixty days after the election upon notice by the King.</p> | <p><u>Delay:</u> Since 27 July 2003, 60 days is on 27 September 2003. On 15 December 2003, the first session was organized under the chairmanship of H.E. Chea Soth, the oldest MP, to declare validity of Parliament's mandate.</p> | <p>The Minister for the Royal Palace wrote letters upon notice inviting the MPs to attend the first session on 27 September 2003. But there were only 73 MPs out of 123 from the CPP participated in this session.</p> |
| <p><u>Article 82:</u> Before taking office, the National Assembly shall decide on the validity of each member's mandate and vote separately to choose a Chairman, Vice-Chairmen and members of each Commission by a 2/3 majority vote.</p> | <p>Not yet implement.</p> | <p>The CPP demanded a package vote procedure for the organization of National Assembly's structure and formation of the government.</p> |

| | | |
|--|------------------------------------|---|
| <p><u>Article 83:</u> The National Assembly shall hold its ordinary session twice a year.</p> | <p>Not yet implement.</p> | <p>49 proposed and draft laws presented to the National Assembly. 30 were presented to expert committees of the National Assembly and another 19 bills were placed in the Standing Committees.</p> |
| <p><u>Article 89 and 141:</u> Upon the request by at least 1/10 of its members the National Assembly shall invite a high ranking official to clarify important special issues. And also they can ask to the Constitutional Council to examine the constitutionality of laws.</p> | <p>Done but not yet effective.</p> | <p>21 SRP representatives had already wrote letters to the Constitutional Council to interpret some articles of the Constitution but their requests were refused and said it contradict the legal procedure.¹¹</p> |
| <p><u>Article 90:</u> The National Assembly shall approve the national budget, State planning, loans, financial contracts, and the creation, modification and annulment of tax.</p> | <p>Not completed.</p> | <p>The current government signed a loan contract between the Chinese government (without the approval of the National Assembly).¹²</p> |

¹¹ See Appendix #3

¹² H.E. Hor Nam Hong, Minster of Foreign Affairs and International Cooperation gave an interview to reporters on 25 April 2004.

IV. Constituent-MP Relations and MP-Government Relations:

1. MP missions:

During the seven months (October 2003 to April 2004), the National Assembly was not functioning, 123 newly elected MPs were not paid remuneration. Our finding shows that 46 (37%) newly elected MPs visited 18 constituencies in 190 trips. However, only 15 out of those 190 trips dealt with people's issues such as land disputes, drainage canals, pond digging and reduction of electricity prices.

Breakdown of Visits¹³

- Visits to constituencies addressing constituents' concerns: 15;
 - ❑ MPs from CPP: 7
 - ❑ MPs from FUNCINPEC: 1
 - ❑ MPs from SRP: 7
- Visits to constituencies: gift giving and achievement celebrations: 130;
 - ❑ MPs from CPP: 71
 - ❑ MPs from FUNCINPEC: 10
 - ❑ MPs from SRP: 49
- Visits: Strengthening party networks and solving internal affairs: 28 times;
 - ❑ MPs from CPP: 14
 - ❑ MPs from FUNCINPEC: 7
 - ❑ MPs from SRP: 7
- Attending meetings/discussions/public forums organized by civil society: 8 times;
 - ❑ MPs from CPP: 1
 - ❑ MPs from FUNCINPEC: 3
 - ❑ MPs from SRP: 4
- COMFREL did not concern ourselves with MP's personal visits (9 trips), but focused only on visits that addressed constituents' concerns. There were 181 of these. The following are MPs visits that we observed during this period:
 - ❑ 23 out of 73 MPs from CPP (32%) visited their constituencies 34 times.
 - ❑ 10 out of 26 MPs from FUNCINPEC (38%) visited their constituencies 34 times.
 - ❑ 13 out of 24 MPs from SRP (54%) visited their constituencies 65 times.

¹³ See Appendix #3-2: Missions of MPs.

Constituents often complained about difficulties in communicating with parliamentarians to express their concerns or ask for information. The reasons for this might be;

- Almost all MPs' provincial offices were not yet functioning properly. There were only a few staff there.
- Approximately 90 % of MPs live permanently in Phnom Penh. Therefore this presents practical difficulties for constituents who do not live there. Only 10% of MPs stayed permanently in their constituencies.

In March 2004, 166 people from Kolen district, Preah Vihear province requested MPs for payment of military remuneration. However, there were no MPs present in the province as they were in Phnom Penh.

2. MPs-current government relations:

The Constitution and other existing laws are unclear regarding the relationship between the new National Assembly and the current government's control of the autonomous budget for MPs. This is why the newly elected MPs have no influence over the current government. The government during the observation period claimed falsely that there is no autonomous budget and expenses system for the National Assembly as the body had no structure yet.

3. MPs' interventions/appeals/asures and questions:

There were not many of these that were responded to by the relevant institutions. From December 2003 til the end of April 2004, only MPs from SRP were active. They wrote approximately 30 letters to the authorities to demand intervention, to raise requests and concerns of the people as well as national issues. There was no response from any institutions to most of those appeals or questions. Below are some examples:

- Request for Royal gift from His Majesty the King to save 498 people from Saang commune, Saang district, Kandal province who were seriously suffering from lack of food. There was no intervention letter. However, Samdech Ov Group intervened responding to the request from H.E Chrea Chenda-SRP MP for Kandal.
- Recommendations on the legality, and requests for an urgent termination of expansion of Vietnamese Association branches in the Kingdom of Cambodia.¹⁴
- Requests for an explanation of the implementation of constitutional law and other laws.¹⁵

¹⁴ The government did not reply to the demand for banning the Vietnamese Association in the Kingdom of Cambodia.

- Request for intervention in a dispute between drivers and guards and police at Chroy Changva Taxi Station. *(Not yet replied)*
- Request for a termination of action taken by the Ministry of Posts and Telecommunications in cracking down on internet cafés providing illegal overseas calls.
- A complaint of corruption was lodged against H.E. So Khun, Minister of Posts and Telecommunications and the manager of Mobitel - a large telecommunications company. *(Not yet replied)*
- Request for taking action to decrease electricity prices in Kampong Thom province. *(Not yet replied)*
- Request to the selling of public property by the Commune Chief of Kampong Krobao and Stung Sen District Authority in Kompong Thom province. *(Not yet replied)*
- Request for an inspection of the Ministry of Justice and an inquiry into the unfair dismissal of some judges and prosecutors. *(Not yet replied)*
- Request to stop increasing oil/petroleum prices (rejected).¹⁶
- Request for a re-examination of the replacement of a teacher, Mey Somala, from a remote school to a school in Siem Reap by The Direction of the Ministry of Education, Youth and Sports.¹⁷
- Request for pressure to be put upon and measures introduced for medical staff to focus more on saving patients' lives instead of personal profit. *(Not yet replied)*
- Request for arrest warrants¹⁸ for surviving Khmer Rouge leaders (Nuon Chea, Khieu Samphan and Ieng Sary) who allegedly committed crimes against humanity, seriously violated international humanitarian law and conventions during the Khmer Rouge Regime (17 April 1975 to 6 January 1979).
- Request for intervention in the demands of hotel staff of the Raffles Hotel Group who were demonstrating regarding non-payment of service charge fees to them. *(Not resolved)*
- Request for closure of a small casino at Pahi market in Pailin municipality. The request was not responded to, but a few days later, after Khmer New Year, it was closed.

¹⁵ SRP representatives failed to get answers from the Constitutional Council to interpret laws because it is believed to have constitutional contradictions.

¹⁶ A request letter was sent to the government asking for resolving. But it was considered as a normal letter, not made by President of Legislative Body so the government kept it with no reply.

¹⁷ The response was made through letter No. 573 of Department of Education, Youth and Sports dated 23 April 2004.

¹⁸ General Prosecutor Hangrot Raken of the Appeal Court signed correspondence No. 86/04 without a date

- An appeal to the government to set up an independent commission for conducting investigations into irregular income and corruption by H.E. Lady Tep Bopha Prasidh. There has been no reply from competent authorities.
- Appeal for the government to stop the irresponsible and illegal sale of the Siem Reap District Office. *(Not yet replied)*
- Request to the Governor of Phnom Penh Municipality to plan for construction of pedestrian crossings. *(Not yet replied officially)*
- A public statement warning investors/constructors that the Bokor Dam Project does not have the permission of the government. *(No action taken by any institution)*
- Request for administrative action against the Commune Police Chief of Peambang, Stong district, Kampong Thom province, for not detaining the perpetrator of an assault, which took place in full view of the local police. *(Not reply yet)*
- Request for controlling and taking immediate measures on gold mines in Sambo district, Kratie province. *(No official letter has been acknowledged)*
- A statement of regret towards a banning by the Governor of Phnom Penh Municipality on 29 April 2004 of a celebration of Labor Day by four Workers Trade Unions and Teacher Associations. The request was to march along some city roads in the city and hold a meeting in a park.¹⁹

V Process in the formation of the new government

This includes discussions to organize NA structure, form a new government, develop a government platform and cooperation agreements.

- The process was more transparent and media access to discussions increased when compared to 1993 and 1998.
- The process was slow.
- Discussions focused on political issues, raised by each party during the election campaigns, such as:
 - ❑ Anti-corruption
 - ❑ Judicial reform to ensure a good court system,

¹⁹ See Appendix #3-6

- ❑ National independence sovereignty and territorial integrity,
- ❑ A nationality law and an effective immigration law implementation.
- ❑ Salary increases for civil servants, police, military personnel, and workers/employees,
- ❑ Management of natural resources such as forests, fisheries, etc.
- The discussion also responded to recommendations made by some civil societies as follows:
 - ❑ To establish new institutions such as a Human Rights Committee, a National Elections Committee and an Anti-Corruption Committee.
 - ❑ To approve new laws for transparency and accountability such as an Anti-Corruption Law.
 - ❑ To strengthen legislative power to examine the government's works.
- There was balance of power in negotiation process between the CPP and FUNCINPEC, which cooperated with the SRP to create the so-called "Alliance of Democrats". It was reported that FUNCINPEC would get 40% of seats in the Cabinet while CPP would get 60%. The results of negotiation achieved 60 suggested points out of 73.
- Meetings were held between the three parties to discuss formation of the National Assembly and government, as follows:
 - ❑ Two summits were held at the Royal Palace between the three main parties presided over by the King.
 - ❑ Three meetings of the tri-party working group under the chairmanship of the King;
 - ❑ Two official meetings of the tri-party working group.
 - ❑ 15 March 2004: Meeting between the President of FUNCINPEC Prince Norodom Rannaridh and the Vice-President of the CPP, Samdech Hun Sen.
 - Nine official meetings of the two working groups between CPP and FUNCINPEC.

VI. Political threats, intimidation and killings

During the period, there was information regarding threats to kill five members of parliament, two FUNCINPEC and three SRP:

- Prince Norodom Sirivudh, Secretary-General of FUNCINPEC, (MP Kandal).
- H.E. Sam Rainsy, President of the SRP, (MP Kampong Cham).
- H.E. Eng Chhai Eang, Secretary-General of the SRP, (MP Battambang)
- H.E. Sok Pheng, SRP (MP Kompong Thom).
- H.E. Leu Laysreng, FUNCINPEC (MP Kandal).

According to reports from COMFREL networks, ADHOC (Cambodian Human Rights and Development Association) and other human rights organizations, there were 17 violent incidents in which 20 people were killed in the period October 2003-April 2004. Those killed 13 SRP, 3 FUNCINPEC and 4 CPP activists. Despite investigations, the killers remain unidentified. There were 14 political threats, 8 against SRP activists and 6 against FUNCINPEC activists. In most cases, nobody was charged for the crimes.

VII. Recommendations:

Based on the findings, COMFREL would like to give some recommendations as follows:

The National Assembly:

- *Should review the 8 recommendations from the civil society joint-statement, released on 30 October 2003, especially those points recommending strengthening the powers of the National Assembly.*
- *Should review the legal framework on the timescale of forming a new government and structure of the National Assembly.*
- *NA bylaws should state clearly MPs' tasks with regard to representing their constituents, government accountability and implementation of election goals and promises.*
- *It should review communication between constituents and MPs' offices.*

To political parties:

- *There should be a clear policy regarding the dismissal of parliamentarians and the revoking of party membership.*

- *Each parliamentarian should be encouraged by his/her party to allow observation of their activities, to answer requests for information and freely express opinions.*

Appendix #1: Methodology and challenges in the observation of MPs' activities:

1. Problem statement:

The limitation of responsibility of elected officials²⁰ is partly because of the Cambodian Electoral System itself and their relationships with constituents. The responsibilities of the Members of Parliament include roles and duties clearly stated in the Constitution of the Kingdom of Cambodia. In other words, MPs are responsible for people including intervention to resolve people's problems and concerns.

1.1. Electoral system in Cambodia:

The Cambodian electoral system is a proportional representation system. Candidates have to be member of a political party. This system does not necessarily improve work performance because the elected officials can be expelled from their positions²¹ when they express different opinions from those of the party leadership or the party interest. Most people feel the elected MPs represent their political parties rather than the people's interests. Some Senators and MPs were dismissed because they differed from party policy. People find it very difficult to have influence over their representatives to raise their concerns, engage in legal discussions and adopt new laws.

1.2. Lack of responsibility of elected officials:

Observation of MP's attitudes and stances reflected a limited connection between MPs and the people. According to a 2003 survey by The Asia Foundation²² elected MPs did not pay much attention to peoples' concerns. 62% of people surveyed did not feel their MPs interventions were necessary and about 74% did not even know their representatives. People in general know the principle of accountability of the elected officials, though in the remote areas the level of knowledge is low.

2. Purpose:

The purpose of our observation was to improve transparency in MPs' mandated activities and the carrying out of election promises. Successful raising of issues by MPs is a major indicator of a functioning democratic process. Efficient observation of MP's work and their participation on a grass roots level improves transparency.

²⁰ In this report, "elected officials" refers to Members of Parliament (MPs)

²¹ For instance, the member of a party needs to respect the party discipline, so the MPs who are from political parties will respect their party leaders and its interests also.

²² A survey on Democracy Process in Cambodia, done by The Asia Foundation in 2003

According to our previous experience, observation is not only important during the election period, but also post election and during the elected officials' mandate. Sustained observation is a vital tool for providing information to constituents and to help encourage MPs' to respect their promises and behave responsibly.

We prepared this report impartially, based on the evaluation of parliamentarians' performance. To achieve this goal, we deployed two observer teams. The first team consisted of our observers in all 24 provincial/municipal offices. They monitored parliamentarians' activities when they were active in their constituency. The second team consisted of two COMFREL observers²³ who monitored NA sessions including discussions and opinions expressed by MPs in raising issues from their constituencies as well as problems of national level.

3. Methodology:

- All 24 trained-COMFREL observers deployed to observe the activities of each MP in the constituency.
- Observers assigned to communicate with staff at MP's in each constituency.
- Observers required complete observation checklists.²⁴
- Targeted MPs were those elected through the 2003 National Assembly Elections and officially announced by the NEC.²⁵
- MPs activities observed included: visits to their constituencies, attending discussions/public forums organized by civil society in their constituencies and other activities²⁶
- Information came from COMFREL provincial/municipal networks and announced publicly in our semester and annual report to the National Assembly, political parties, the media and to the general public.

4. Challenges:

Our observers faced some challenges performing their tasks. It was very difficult to collect information at MPs' Offices and political party offices in provinces/municipalities because often only one or two staff were working.

²³ COMFREL staff and officials in the Phnom Penh central office.

²⁴ See Appendix #6

²⁵ See List of MPs for the 2003 National Assembly Elections announced by NEC, Appendix# 5

²⁶ This includes; number of visit, purposes, result of the mission, people's request and the representative's responses

The Cambodian People's Party was the only one party out of the three elected parties in this mandate that always kept information secret when our observers asked for it. This occurred in almost every province/municipality. Sometimes they requested letters from relevant NGOs or sometime they just flatly refused.

COMFREL released its intervention letter dated 15 January 2004, in order to facilitate our observation, to all political parties and particularly to H.E. Say Chhum (General-Secretary of CPP central headquarters) to provide more information such as monthly reports on CPP MPs' constituency activities. In response, the CPP Cabinet wrote letter No. 002 dated 20 January 2004 to us stating, " Since the first mandate of the National Assembly, there was no any local and international organizations come to request the CPP head office asking for communicate with CPP parliamentarians because this is the duty of the President of National Assembly which is stated in the Constitution and bylaws."²⁷

²⁷ See a letter written by the CPP Central Committee that is attached in Appendix # 6

Appendix #2: Chronology of the negotiation process:

1. Summary of important discussions up to April 2004:

Only three political parties got seats in the National Assembly after the election held on 27 July 2003: Cambodian People's Party (73 seats), FUNCINPEC (26 seats) and the Sam Rainsy Party (24 seats) out of 123 seats in total.

The CPP got only 73 seats out of a total 123 seats, which made it impossible for the CPP to form a government alone.²⁸ FUNCINPEC and the SRP affirmed that they would not join a coalition government with the CPP if Hun Sen continued as Prime Minister. They then formed a coalition, the "Alliance of Democrats" and said they would only join a coalition government together.

During the summit with the King at the Royal Palace attended by the three parties, both FUNCINPEC and the SRP accepted a top figure proposed by the CPP to become Prime Minister of the 3rd mandate of the Royal Government. The CPP also agreed to a triparty coalition government.

After negative results from five discussions organized by working groups from the three main parties (including a summit under the chairmanship of the King, which was the last meeting held on 19 December 2003) there was a political deadlock. On 15 March 2004, the President of FUNCINPEC, Prince Norodom Ranariddh, met with Vice-President of CPP Samdech Hun Sen at Vealsbov Royal Residence to find a resolution to the deadlock. As a result, the two parties agreed on establishing their own working group to discuss the structure of the National Assembly, new government formation and political platform for the government. Samdech Hun Sen agreed with the Prince to give opportunities to include party members who are not FUNCINPEC to join the new government. There were 9 meetings between the working groups of CPP and FUNCINPEC by the end of April.

It should be noticed that, during this period there were four major complaints lodged by leaders of the three parties as follows:

- On 4 November 2003, Samdech Hun Sen lodged a complaint against Prince Norodom Ranariddh for defamation. This related to accusations connected to the killing of Mr. Chour Chetharith, news editor of pro-FUNCINPEC, Ta Prohm Radio Station, on 18 October 2003.

²⁸ Article 90-8 of the Constitution states that the National Assembly shall pass a vote of confidence in the Royal Government by a two-third majority of all members of the entire National Assembly membership.

- On 1 December 2003, the Prince filed a complaint against Prime Minister Hun Sen of provoking the assassination of Mr. Chour Chetharith (see above).
- On 30 January 2004, Samdech Hun Sen lodged a complaint against H.E. Sam Rainsy of defamation. This case, he requested of \$5 million in compensation from H.E. Sam Rainsy.
- On 2 February 2004, H.E. Sam Rainsy filed a complaint against the Prime Minister for conspiracy in an attempted killing of him on 30 March 1997 and requested \$50 million in compensation.

Since the official declaration of the election results on 30 August 2003 and parliamentarians' swearing-in, from 4 October 2003 through April 2004, the process of negotiation on formation of a new coalition government did not produce a positive outcome. During this period some meetings were organized as follows:

- Two Summits between the three parties and His Majesty King Norodom Sihanouk at the Royal Palace.
- Three meetings of the three parties' working groups under the chairmanship of the King.
- Two official three-party meetings.
- A meeting between the Prince and Samdech Hun Sen on 15 March 2004.
- Nine official meetings between CCP and FUNCINPEC. (*Up until 30 April 2004*).

2. Chronology of negotiation process:

Summits of the leaders of the three elected parties under the presidency of the King:

- I. 5 November 2003: The summits of the leaders of the three elected parties were held at the Royal Palace under the presidency of the King. The summits reached the following points:
 - ❑ To form a three party government in which the Prime Minister will be suggested by the Cambodian People's Party (CPP)
 - ❑ Prince Norodom Ranariddh, President of FUNCINPEC Party will be elected to be the President of the National Assembly and there will be one more Vice-President of this body.²⁹

²⁹ In the draft of this summit, 1st and 2nd Vice-President are from the CPP and the 3rd one from the SRP

- To set up two working groups: A National Assembly working groups and A Government working groups to make discussion.

I. 11 November 2003: The King called representatives from the three parties to clarify a case, in which The Cambodia Daily published an article stating that the SRP and FUNCINPEC were going against agreements made in the previous meeting. Both Prince Norodom Sereivuddh and H.E. Sam Rainsy denied the news and affirmed that the statement on 5 November was fair without any threat.

Working group meeting under the chairmanship of the King:

II. 28 November 2003: A working group meeting was held under the chairmanship of the King at the Royal Palace.³⁰ In the meeting all three party working groups agreed to hold the next meetings on 4 November 2003 for the National Assembly working group and on 6 November 2003 for the Government working group.

III. 4 November 2003: The National Assembly working group of the three parties met at the Royal Palace for discussions under the chairmanship of the King. The Alliance of Democrats suggested a parliamentary session under the presidency of the oldest Member of Parliament, H.E. Chea Soth. But the CPP did not agree and said to discuss this offer with their party leadership.

IV. 6 November 2003: A government working group meeting was held at the Royal Palace for discussions under the chairmanship of the King. The plan for discussions on forming the new government was delayed by approximately 2 hours and it became a forum for accusations between the CPP and the Alliance of Democrats. Nevertheless, they agreed to hold another meeting for the National Assembly on 15, 16 or 17 November 2003.

The official meetings of the working group of the three parties (2 times):

V. 17 December 2003: National Assembly working group meeting at the Royal Palace. The meeting took 6 hours. The parties requested two crucial points on the agenda:

³⁰ This referred to a call from the King on 27 November 2003 to organize a meeting among the three parties' working group

1. To prepare an amendment in the Constitution regarding the “package vote”³¹ for Parliament’s structure and for votes of confidence on the government at the beginning of each mandate.
2. To prepare the internal regulations (bylaw) for the National Assembly.

During this meeting, FUNCINPEC requested 6 items on the agenda:

- To adopt the internal regulations (bylaw) for the National Assembly,
- To amend the Constitution on the date of law making that is stated in the 1993 Constitution,
- To make some amendments in some laws,
- To cancel the illegal treaties and conventions relating to Vietnam,
- National Sovereignty and territorial integrity,
- To strengthen the roles and responsibilities the National Assembly.

In addition, the Sam Rainsy Party suggested 4 further items on the agenda:

- To prepare new internal regulations (bylaw) for the National Assembly,
- To amend the constitution,
- To reform institutions and other laws that the National Assembly had to pass before forming a new government,
- To cancel national border treaties with neighboring countries.

- VI. On 19 December 2003, another meeting was held at the Royal Palace, in the Kuntha Bopha building. The meeting lasted three hours, but there was no positive result because each party tried to defend its draft personally. The meeting decided to consider the agendas raised by leaders of the three parties.

March 15, 2004: Meetings between Prince Norodom Ranariddh, the FUNCINPEC President, and Samdech Hun Sen, Vice-President of CPP, at Vealsbov Royal Resident, Kien Svay district, Kandal province:

- VII. Prince **Norodom Ranariddh**, The FUNCINPEC President, and **Samdech Hun Sen**, Vice-President of CPP met for discussion on political deadlock and its resolution at Vealsbov Royal Residence, Kien Svay district, Kandal province on March 15, 2004. As a result, both parties agreed on forming working groups to discuss the structure of the National Assembly and forming a new government

³¹ “Package vote” was a new procedure suggested by the CPP during this meeting

as well as political platforms. Talking about the new government's membership, on behalf of the CPP, Samdech Hun Sen agreed with the Prince to include members of the other party, too.

Official meetings of the two party's working groups (9 times by the end of April):

- VIII. After the top leader meeting at Vealsbov Royal Resident, on 28 March 2004, the two party's working group assembled at the Cambodian Development Council (CDC) to discuss three topics;
- ❑ the political platform of the coalition government,
 - ❑ the Protocol of cooperation agreement between the CPP and the FUNCINPEC,
 - ❑ the structure of the National Assembly and formation of a new government.

During the discussion the working groups showed briefly each political platform for the new government and they found some similarities in these two drafts. As a result, they exchanged their draft political platform for the coalition for further discussion scheduled on 1st April 2004.

- IX. 1st April 2004: two working groups, from FUNCINPEC and CPP, met at CDC again for discussion. In the discussion, they were examined the political platform of 73 points. Both sides, as a result, accepted only six out of 11 discussed points on that day. Regarding the other 5 points, both parties went back to their own parties to discuss them further on 2nd April 2004. Those points were:
- ❑ To create an independent and neutral institute such as a "National Human Rights Commission".
 - ❑ To request the prime minister and ministers concerned to attend the National Assembly for answering questions once a month. In addition, it was suggested also to set up a people and state forum to question the Prime Minister and the cabinet on some matters.
 - ❑ Freedom of press, freedom of expression and adoption of the Law for a functioning National Congress before the end of year 2004.
 - ❑ To make a law on the functions opposition parties.
 - ❑ To make law on Non-Governmental Organizations and associations.

- X. 2nd April 2004: Another meeting between the FUNCINPEC and CPP working groups. They discussed about good governance and public administration reforms. The 5 remaining crucial points were to be discussed on 6 April 2004. During the negotiation, the CPP failed to accept the suggestion made by FUNCINPEC to increase salaries of civil servants and army personnel step by step up to US\$ 100 by the end of 2007.

Regarding the five points, H.E. Prak Sokhon, CPP's spokesman, argued in the afternoon interview with the reporters, post meeting, that:

- The CPP suggested maintaining the existing Committee of Human Rights of the government.
- Regarding the Prime Ministers and his cabinet's attendance for inquiry in the National Assembly, the CPP understood that the Prime Minister and the members of government are ready to do so according to the article 96 of the Constitution.
- Regarding the freedom of press, freedom of expression and adoption of the Law functioning of national conference before the end of year 2004, the CPP affirmed that this law would be made as soon as possible.
- Relating to the law on functioning of the opposition party, the CPP said there was already a law on political parties so they needed only to revise it and add to it.
- Talking about the law on contributions to NGOs and associations, he argued that it already existed in the political platform of the 2nd government mandate, therefore it was only necessary to sustain what was done on this program.

Both working groups agreed on making some changes in strategies for negotiation in order to speed up the process and they would discuss one point after another accordingly. The contradictory points would be discussed later on through the procedure.

- XI. 06 April 2004, the fourth meeting was canceled due to the death of H.E. Tol Lah.³² Therefore this meeting was held on 8 April 2004 at 3 O'clock. There was no a major success in this meeting because the CPP used this forum to only explain FUNCINPEC's proposal. This attitude was understood by FUNCINPEC to mean that the CPP might have no real willingness to negotiate this proposal.

³² H.E. Tol Lah was a deputy Prime Minister and Minister of Education, Youth and Sports, and a member of FUNCINPEC's Board of Directors.

- XII. 9 April 2004: The fifth meeting between the two working groups was held. Spokesmen from the two parties affirmed that the meeting was better and they both agreed to establish a Ministry of Immigration and a Ministry of Labor,³³ which would be separated from the current Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation. In addition, they both successfully reached agreement on 33 points out of 73.

The discussions on strengthening the democracy and protection of human rights, and the salary increases were scheduled to be discussed on 16 April 2004. The two party' leaders would discuss the most crucial points later.

- XIII. 16 April 2004: The meeting between the two working groups started at 9 O'clock. As a result, they agreed to sign on 50 points out of 73. One day before this meeting, the Alliance of Democrats had released a Joint Statement on 21 points out of 73 that both the CPP and FUNCINPEC had not yet agreed in the previous discussions. Those were:

1. To set up the National Human Rights Commission to replace the current governmental Committee for Human Rights.
2. The Prime Minister and his cabinet are called to answer questions in the National Assembly once a month.
3. A peoples' & officials' forum³⁴ to be held once every three months.
4. Assistance related issues for NGOs.
5. To increase civil servants, police and military salaries to at least \$100 per month.
6. To cancel illegal agreements/treaties with neighboring countries.
7. To decrease prices of oil, petroleum to a similar prices as in the neighboring countries (1,400 Riels/litre).
8. To transfer the Committee for Recognition of Education Quality from the Council of Ministers to under the auspices of the Ministry of Education, Youth and Sports.
9. To increase factory workers salaries, including social secure fees, to \$70 per month.
10. To reform the structure of the Supreme Council of Magistracy and a better court system at all levels.
11. To reform the National Election Committee (NEC).

³³ These two ministries were suggested by the FUNCINPEC during the discussion on political platform.

³⁴ The People & Officials Forum is suggested by FUNCINPEC. The purpose of this forum is to give the opportunities to all citizens to ask questions, raise their concerns and ask for intervention/resolution from the government officials or parliamentarians.

12. To cancel the payment of tolls on the US-funded National Road No. 4.
13. To review the contract between the government and a private company at Angkor Wat.
14. To lend money with lower interest rates.
15. To stop illegal fishing in order to maintain fish.
16. To cancel contracts on forestry concessions.
17. To encourage privatization in rubber plantation fields.
18. To set up development villages and construct roads along borders.
19. To stop business monopolies.
20. To resolve problems regarding the international maritime and air borders.
21. To review the license to search for ore, metals and gems which are illegally operated.

XIV. On 28 April 2004 at the afternoon, the two working groups reached 10 more out of 23 points. 13 points remaining were:

- ❑ The CPP still resisted to keep the existing governmental Human Rights Committee because the Senate, the National Assembly and civil society already possessed each Human Rights Committee.
- ❑ FUNCINPEC demanded to dismiss this current committee and replace a new Human Rights Committee. In the world there is no any country in which the Human rights committee is set up to protect the benefit of itself.
- ❑ The proposal for Prime Minister and his cabinet to join in the National Assembly once to answer orally a month was still proposed by FUNCINPEC.
- ❑ People & Officials Forum has to be held once in three months.
- ❑ Assistance related issues for NGOs.
- ❑ To reform the structure of the Supreme Council of Magistracy and better court system at all levels.
- ❑ To cancel the payment service fee for circling on the U.S-funded National Road No. 4.
- ❑ To increase salary of civil servants, police and military to at least \$100 per month.
- ❑ To cancel illegal border agreements/treaties with neighboring countries.
- ❑ To decrease prices of oil, petroleum to a similar prices as in the neighboring countries (1,400 Riel/litre).

- ❑ To demand for judicial police to be under the administration of the Ministry of Justice.
- ❑ Request for approving an autonomous budget for the opposition party.
- ❑ To approve laws needed before the end of 2004.

XV. On 29 April 2004: 8th meeting of two working groups at the Cambodian Development Council. There was no change after discussion.

The discussion covered three important points: NGOs' budget management, court reform and appointment of judges, said CPP spokesman, H.E. Kieu Kanharith, in an interview with reporters. He added that both parties still had some differences. In addition, he said that the judges would be selected through training and examinations and they won't be appointed by parties, as suggested by the FUNCINPEC.

XVI. 30 April 2004: The two party working groups continued to discuss remaining points. They failed to reach a full agreement on establishing the National Assembly and forming a new government.

FUNCINPEC's spokesman, H.E. Kassie Neou, said that political leaders would resolve border issues and judicial reform at the next summit. These two points were crucial in the previous discussions. Both spokesmen, Kieu Kanharith (CPP) and Kassie Neou (FUNCINPEC) stated that discussions that day were tough, though the atmosphere was friendly. They did not mention the remaining points of the new government's political platform.

Appendix #3: Detailed report on MPs' activities:

1. Session's process and situation at the National Assembly:

Article 82 of the Cambodian Constitution states that, "*The National Assembly shall hold its first session no later than sixty days after the election upon notice by the King.*" The Minister of the Royal Palace wrote letters to ask all newly elected members of parliament to hold its first session on 27 September 2003. Only 73 CPP parliamentarians attended this session. Parliamentarians from FUNCINPEC and the SRP boycotted the session. Samdech Chea Sim, as the King's Royal representative, delivered a short speech to open the new parliamentary session.

According to the Constitution, the first opening session must be held no later than 60 days (4 October, 2003). All newly elected members of the NA should have been sworn in before this time. However, up until April 2004, there only one session was held (15 December 2003) under the presidency of H.E. Chea Soth, the oldest MP, to declare the validity of new NA mandate, which did not then have its structure.

There were 49 draft laws prepared by the Royal government and members of parliament kept at the National Assembly. 30 draft laws were at the NA's Expert Committees and other 19 draft laws were at the Permanent Committee. Drafts included an anti-corruption law, an adoption law, an agreement between the United Nations and the Royal Government of Cambodia concerning a Khmer Rouge trial, and laws necessary for Cambodia to be a full member of the World Trade Organization (WTO).

During the period October 2003 to April 2004 newly elected members were not paid their salaries and expenses. CPP members were supported by their party funds.

There were some reports of corruption and partisanship in the legislative body in areas such as staff recruitment, "ghost" staff, the procedure to select new staff, expenses and especially the invitations to bid for contracts in construction of the new National Assembly.³⁵ In March 2004 shortages of office equipment and materials were reported.

2. Activities of Members of Parliament:

During this period, the 123 new elected parliamentarians were not paid mission expenses. The National Assembly did not have a structure. This led to inactivity and non-performance of their role and duties. 46 MPs (37%) out of 123 newly elected MPS went to

³⁵ This refers to the speech of SRP MP, H.E. Son Chhay

their constituencies. There were a total of 190 visits in 18 provinces/municipalities. Most visits concerned strengthening party networks and internal affairs, meeting with local authorities and people, providing gifts, inaugurating schools, wells, pagodas, health centers, roads etc. Only 15 visits resulted in interventions of people's concerns such as, land disputes, drainage canals, pond digging and reduction of electricity prices.

The purposes of visits:

- Intervention in people's concerns: 15
 - ❑ CPP: 7
 - ❑ FUNCINPEC: 1
 - ❑ SRP: 7.
- Gift giving and project inauguration: 130
 - ❑ CPP: 71
 - ❑ FUNCINPEC: 10
 - ❑ SRP: 49
- Strengthening party networks and internal affairs: 28
 - ❑ CPP: 14
 - ❑ FUNCINPEC: 7
 - ❑ SRP: 7
- Attending meetings/discussions/public forums organized by civil society: 8
 - ❑ CPP: 1 time
 - ❑ FUNCINPEC: 3
 - ❑ SRP: 4
- We have only concentrated on visits connected to constituencies. Therefore the total visits were 181 as 9 visits were for personal reasons. Please note the following breakdown of visits by party.
 - ❑ CPP: 23 MPs out of 73 (32%) visited their constituencies 91 times.
 - ❑ FUNCINPEC: 10 MPs out of 26 (38%) visited their constituencies 34 times.
 - ❑ SRP: 13 MPs out of 24 (54%) visited their constituencies 65 times

In Cambodia there are 24 provinces/municipalities. Visits where MPs contacted their constituents only occurred in 18 provinces/municipalities as observed by COMFREL. Those provinces/ municipalities were; Banteay Meanchey, Battambang, Kandal, Kampong Cham, Kampong Chhnang, Kampong Speu, Kampong Thom, Kampot, Koh Kong, Mondulkiri, Preah Vihear, Prey Veng, Pursat, Ratanakiri, Sihanoukville, Svay Rieng, Takeo and Pailin municipality. In the remaining 6 provinces/municipalities we were unable to obtain information from MPs.

3. List of MPs who visited their constituencies during this period:

| No. | Name of Parliamentarians | Party | Constituency/Province | No. of visits |
|-----|---------------------------|-------|-----------------------|---------------|
| 1 | H.E. Ngo Sovann | SRP | Kandal | 15 |
| 2 | H.E. Chrea Chenda | SRP | Kandal | 15 |
| 3 | H.E. Suos Kanan | CPP | Sihanoukville | 12 |
| 4 | H.E. Mom Bunnieng | FUN | Kampot | 11 |
| 5 | H.E. Ly Kim Lieng | CPP | Battambang | 11 |
| 6 | H.E. Tes Heanh | CPP | Battambang | 9 |
| 7 | H.E. Sar Kheng | CPP | Battambang | 9 |
| 8 | H.E. Chan Cheng | SRP | Kandal | 8 |
| 9 | H.E. Than Sina | FUN | Kampot | 8 |
| 10 | H.E. Suy Sem | CPP | Pursat | 8 |
| 11 | H.E. Eng Chhay Eang | SRP | Battambang | 7 |
| 12 | H.E. Nim Thot | CPP | Battambang | 7 |
| 13 | H.E. Ly Thuch | FUN | Pursat | 5 |
| 14 | H.E. Mrs. Chunh Sok Chhay | CPP | Battambang | 5 |
| 15 | H.E. Torn Vanthara | SRP | Battambang | 4 |
| 16 | H.E. Bou Thang | CPP | Ratanakiri | 4 |
| 17 | H.E. Sok Pheng | SRP | Kampong Thom | 4 |
| 18 | H.E. Mrs. Som Kim Sour | CPP | Kampot | 4 |
| 19 | H.E. Roth Sarem | CPP | Mondulkiri | 3 |
| 20 | H.E. Sam Rainsy | SRP | Kampong Cham | 3 |
| 21 | H.E. Cheam Yeap | CPP | Prey Veng | 3 |
| 22 | H.E. Por Bun Sreu | FUN | Kampong Thom | 3 |
| 23 | H.E. Un Ning | CPP | Kampong Thom | 2 |
| 24 | H.E. Mey Norn | CPP | Pursat | 2 |
| 25 | H.E. Nhep Bunchin | FUN | Banteay Meanchey | 2 |
| 26 | H.E. Nhim Vanda | CPP | Prey Veng | 2 |
| 27 | H.E. Cheam Channy | SRP | Kampong Cham | 2 |
| 28 | H.E. Chea Poch | SRP | Preng Veng | 2 |
| 29 | H.E. Mao Mony Vann | SRP | Kampong Cham | 2 |
| 30 | H.E. Suk Sam Eng | CPP | Preah Vihear | 2 |
| 31 | H.E. Kim Sur Phyrith | SRP | Banteay Meanchey | 1 |
| 32 | H.E. You Hockry | FUN | Kampong Cham | 1 |
| 33 | H.E. Sam San | CPP | Pailin | 1 |
| 34 | H.E. Say Chum | CPP | Kampong Speu | 1 |

| | | | | |
|--------------|-----------------------|-----|-----------------|------------|
| 35 | H.E. Sok San | FUN | Kampong Chhnang | 1 |
| 36 | H.E. Chin Bun Sean | CPP | Pursat | 1 |
| 37 | H.E. Por Try | CPP | Kampong Thom | 1 |
| 38 | H.E. Ay Khorn | CPP | Koh Kong | 1 |
| 39 | H.E. Hor Namhong | CPP | Kampong Cham | 1 |
| 40 | H.E. Kieng Vang | SRP | Kampot | 1 |
| 41 | H.E. Nuth Rumduol | SRP | Kampong Speu | 1 |
| 42 | H.E. Monh Saphan | FUN | Kampong Cham | 1 |
| 43 | Samdech Heng Samrin | CPP | Kampong Cham | 1 |
| 44 | H.E. Mrs. Duong Vanna | CPP | Svay Rieng | 1 |
| 45 | H.E. Kol Pheng | FUN | Takeo | 1 |
| 46 | H.E. Mrs. Ky Lum Ang | FUN | Battambang | 1 |
| Total | | | | 190 |

4. Constituents-MPs Relations:

People of many provinces/municipalities complained about the difficulty in asking for intervention or providing information to the MPs in their constituencies. These problems were because of:

- MP's offices were not functioning properly. There were understaffed.
- Approximately 90% of MP's are resident in Phnom Penh, which makes it difficult for the constituents to communicate with their representatives. Only around 10 MPs live in their constituencies. In March, for example, around 166 people from Koulén district, Preah Vihear province asked their MPs for intervention on unpaid military salaries. They were unable to meet with their MP.

5. MPs-the current government relations:

According to Constitution and other laws, the relation between the government and the National Assembly is not clear regarding budgeting for MPs. This makes it difficult for MPs to have influence over government institutions. The government refused to provide remuneration fees to MPs and other expenses affirming that the NA had not yet been established.

6. Opinion, appeal/action and questions made by MPs:

The MPs from SRP expressed their concerns in 30 intervention letters to relevant institutions:

- 1) 25 November 2003, H.E. Chrea Chenda, (SRP's MP, Kandal) sent a letter to the King asking for a donation for 498 families living in Saang commune, Saang district, Kandal province who faced food shortages.
- 2) 29 December 2003, H.E. Keo Remy (SRP's MP, Phnom Penh) sent a letter to the Minister of the Interior and the Minister of Foreign Affairs and International Cooperation asking for intervention on security for protection of the Khmer Kampuchea Krom Coordination Committee. The committee wished to distribute the *Dharma Rules*³⁶ to four pagodas in Kampuchea Krom (the area of South Vitenam containing ethnic Khmer communities), and also through the Vietnamese Embassy. A reply was received through letter No. 046 dated 6 January 2004 from H.E. Long Visalor, Under-Secretary of State of Foreign Affairs and International Cooperation.
- 3) 1 January 2004, H.E. Keo Remy (SRP's MP, Phnom Penh) sent a letter to H.E. Sar Kheng and H.E. You Hockry of the Ministry of Interior in which he made some recommendations on the legal framework on creation and registration of Vietnamese associations in Cambodia.
- 4) 16 February 2004, H.E. Son Chhay (SRP's MP, Phnom Penh) sent a letter to H.E. Sar Kheng and H.E. You Hockry of the Ministry of Interior suggesting an immediate cancellation of permission to create 19 branches of the Vietnamese Associations in the Kingdom of Cambodia. The request was not replied to.
- 5) 16 February 2004, H.E. Keo Remy (SRP's MP, Phnom Penh) sent a letter to the King requesting to give a status honour Mr. Chea Vihea murdered leader of the Khmer Free Trade Union as "Khmer Worker Hero". The request was not replied to.
- 6) 18 February 2004, 21 SRP's MPs sent a letter to the Constitutional Council requesting explanation of the implementation of the Constitutional Law and some other laws. In response to this request, the Constitutional Council issued a letter No.03/04 dated 10 March 2004 to the MPs affirming that, "*it was so sorry for not acknowledging the letter to examine because it contradicts our legal aspect. The Constitutional Council is authorized by the Article 136 (new) of the Constitution to interpret only Constitutionality and laws*".
- 7) 25 February 2004, H.E. Son Chhay (SRP's MP, Phnom Penh) sent a letter to H.E. Kep Chuktema (Governor of Phnom Penh) to take appropriate measures to stop a dispute at Chroy Chang Var Bus Depot. The request was not replied to.

³⁶ Dhama Rules are books that describe disciplines and rules of Buddhist Monks. The Buddhist Monks have to learn from these books in order to give Dhama or advice to Khmer Buddhists.

- 8) 1 March 2004, H.E. Keo Remy (SRP's MP, Phnom Penh) sent a letter to H.E. So Khun, Minister of Posts and Telecommunications, suggesting some measures to crack down on illegal Internet phone calls shops. The request was not replied to.
- 9) 1 March 2004, five SRP's MPs³⁷ filed a joint complaint to H.E. So Khun accusing him of bribery. The municipal prosecutor Ouk Savuth, issued letter No. 99, dated 29 March 2004, stating that he had dropped the complaint. On 30 March 2004, the five MPs released a joint statement appealing to the Supreme Council of Magistracy to punish the prosecutor. There was no response.
- 10) 12 March 2004, H.E. Sok Pheng (SRP's MP, Kampong Thom) sent a letter to the President of the Electricity Authority of Cambodia suggesting he take measures to decrease electricity prices in Kampong Thom province. There was no response.
- 11) 15 March 2004, H.E. Sok Pheng (SRP's MP, Kampong Thom) sent a letter to H.E. Nam Tom, Provincial Governor of Kompong Thom, requesting immediate action against the Chief of Kampong Krobao commune and Stung Sen District authority for sale of public property. There was no response.
- 12) 16 March 2003, 13 SRP's MPs sent a letter to the King requesting a new honorific title of "Hero of the Nation". There was no response.
- 13) 19 March 2004, 18 SRP's MPs sent a second letter to the Constitutional Council requesting an explanation of some articles of the Constitution as follows:
 - a. Article 119: What will it mean if the government loses a vote of confidence in the NA? How will the NA function during a deadlock?
 - b. What does the Article 96 mean if the Prime Minister refuses to answer the questions raised by the MPs?
 - c. What does the 5 year-term of the National Assembly mean if it is not replaced by a new government?
 - d. What does the Article 103 mean if a senator is also an MP?

There was no positive response to this request because the Constitutional Council totally rejected the letter by affirming that it did not deal with the interpretation of laws.

- 14) 25 March 2004, H.E. Keo Remy (SRP's MP, Phnom Penh) sent a letter to the King requesting him for permission to conduct an inspection in the Ministry of Justice and an investigation into the dismissal of some judges and prosecutors. Not yet replied to.

³⁷ H.E. Sok Pheng, MP of Kampong Thom; H.E. Ngo Sovann, MP of Kandal; H.E. Chea Poch, MP of Prey Veng and H.E. Nuth Rumduol, MP of Kampong Speu.

- 15) 30 March 2004, H.E. Keo Remy (SRP's MP, Phnom Penh) sent a letter to the Minister of Economy and Finance H.E Kiet Chhun requesting to take immediate measures to stop high oil and petroleum prices. The rising prices strongly affected the peoples' living conditions. The letter was rejected by the Minister on the grounds that it was not from a legislative body.
- 16) 5 April 2004, H.E. Son Chhay (SRP's MP, Phnom Penh) sent a letter to Mr. Tao Kim Sean, Chief of Siem Reap Provincial Department of Education, Youth and Sport, requesting to review the replacement of a teacher named Mey Somala from a remote school to an urban school by the principle of Ministry of Education, Youth and Sports. The chief responded through letter No. 573 dated 23 April 2004.
- 17) 5 April 2004, H.E. Keo Remy (SRP's MP, Phnom Penh) sent a letter to H.E. Hong Sun Huot, Senior Minister and Minister of Health to take appropriate action and recommend health staff to concentrate on life saving rather than personal profit. There was no response.
- 18) 6 April 2004, H.E. Son Chhay (SRP's MP, Phnom Penh) and human rights activists sent a letter to the General Prosecutor of the Appeals Court, Mr. Hangro Raken, to issue an arrest warrant for Khmer Rouge leaders, Nuon Chea, Khieu Samphon and Ieng Sary. The warrants were for crimes against humanity and violation of international humanitarian law and conventions during the Khmer Rouge Regime. The request was replied to through a letter No. 86/04 signed by the General Prosecutor of the Appeal Court, without date, to tell provincial prosecutors of three provinces to issue warrants.
- 19) 6 April 2004, H.E. Son Chhay (SRP's MP, Phnom Penh) sent a letter to H.E. Ith Sam Heng, Minister of Social Affairs, Labor, Vocational Training and Youth Rehabilitation to send a representative to attend the strike by employees of six hotels demanding service charge fees from their employers.
- 20) 7 April 2004, H.E. Chrea Chenda (SRP's MP, Kandal) sent a letter to the Ministry of the Interior requesting immediate closure of a casino in Pahi market, Pailin municipality. The request was not responded to. However the casino was closed a few days later after Khmer New Year.
- 21) 9 April 2004, Seven SRP MPs³⁸ sent an appeal to the government to set up an independent commission to investigate accusations of corruption by H.E. Tep Bopha Proseth. This was an attempt to test government willingness in anti-corruption. There was no reply from the relevant institutions.

³⁸ H.E. Sok Pheng of KamponThom, H.E. Ngor Sovann, H.E. Chrea Chenda of Kandal, H.E. Chea Poch of Prey Veng, H.E. Nuth Rumduol of Kampong Speu, H.E. Hur Vann of Phnom Penh and H.E. Kuy Bunroeun of Takeo.

- 22) 12 April 2004, H.E. Ke Sovannaroeth (SRP's MP, Siem Reap), sent an appeal to the government to stop the illegal sale of Siem Reap District Office on behalf of Cambodian people. There was no reply.
- 23) 20 April 2004, H.E. Keo Remy (SRP's MP, Phnom Penh) sent a letter to the Governor of Phnom Penh to plan for pedestrian crossings. The offer was not replied to by the Governor but he said he accepted the proposal when expressing his views on radio.
- 24) 22 April 2004, H.E. Keo Remy (SRP's MP, Phnom Penh) sent a letter to H.E. Mok Mareth, Minister of Environment for control of gold mines in Sambo district, Kratie province. There was no reply.
- 25) 22 April 2004, Parliamentarians from the SRP released a public statement warning the investors who illegally constructed and managed Bokor canal and it did not recognized by the new government. No institutions replied.
- 26) 26 April 2004, H.E. Sok Pheng (SRP's MP, Kampong Thom) sent a letter to the UN Secretary General, Kofi Annan, to support Aung San Suu Kyi and the democracy movement there.
- 27) 28 April 2004, H.E. Son Chhay (SRP's MP, Phnom Penh) sent a letter to H.E. Bin Chin, President of the Constitutional Council, asking to provide a correct interpretation of laws.
- 28) 29 April 2004, H.E. Sok Pheng (SRP's MP, Kampong Thom) sent a letter to Kampong Thom Provincial Commissioner to take measures on the Chief of Peamban Communal Police Administration Office, Stoung district, who had not stopped a beating of a local resident who was making a complaint. There was no response.
- 29) 30 April 2004, H.E. Son Chhay (SRP's MP, Phnom Penh) sent a letter to H.E. Mong Duc Manh, General Secretary of Communist Party in Vietnam to intervene immediately on the issue of Montagnards. There was no response.
- 30) 30 April 2004, all SRP's MPs released a joint statement of regret on a banning of the celebration of Labor Day organized by four Workers Trade Unions and Teacher Associations. A request had been made to the Governor of Phnom Penh Municipality on 29 April 2004. The request was to march along some main roads in the city and hold a meeting in the park in front of Botum Vatei pagoda. The ban contradicted the spirit of the Constitution, which allows the freedom of expression and free assembly of the people.

It should be noted that COMFREL has only received enquiries regarding, draft laws, intervention letters, measures, or interpretation of parliamentarians from the SRP and none from the CPP and FUNCINPEC.

Appendix #4: Reports of political threats, intimidation and killings

1. Threats to MPs:

In this period we received reports of threats to kill MPs and Human Rights Activists.

➤ April 2004:

- Prince Norodom Sereivuth, General-Secretary of FUNCINPEC and an MP of Kandal.
- H.E. Sam Rainsy, President of the SRP and an MP of Kampong Cham.
- Eng Chhay Eang, General-Secretary of the SRP and an MP of Battambang.
- Mr. Kim Sokha, President of Cambodian Center Human Rights.
- Mr. Rong Chhun, President of Independent Teachers Association.

H.E. Sam Rainsy officially complained to the prime minister about threats to kill and political intimidation. The prime minister made counter accusations to similar effect.

- On 18 February 2004, there was a threat to kill H.E. Lu Lay Sreng, FUNCINPEC MP, through e-mail which stated, '*I tell you, you will be dead by 28 of February 2004 at 7 PM.*'
- On 2 March 2004, there was a threat to H.E. Sok Pheng, SRP parliamentarian, after he had lodged a complaint against the Minister of Post and Telecommunication on 1 March 2004 of obtaining bribes from Mobitel (a telecommunications company).

2. Threats and killing of political party activists:

From October 2003 to April 2004, according to reports from COMFREL networks and ADHOC from 24 provincial/municipal offices and from other human rights organizations, there were 17 violent cases in which 20 party activists were killed. Those activists killed: 13 SRP, 3 FUNCINPEC and 4 CPP. There were 14 political threats, 8 to SRP activists and 6 FUNCINPEC. Most cases were committed by unidentified gunmen, local authorities and village/commune chiefs. Perpetrators were rarely found and brought to justice by the relevant authorities. COMFREL observed that most SRP and FUNCINPEC activists suffered some sort of threat/intimidation.

Below are some examples for the period (October 2003 to April 2004).

| Date, Type & Place of incident | Victim | Party | Brief incident | Assailant |
|--|--|-------------------|--|-----------------------------------|
| Killing: #27A, St 47Z, Sangkat Toul Tompung2 Khan Chamkamon, Phnom Penh. | Chaur Chetharith, 37, a news editor at Ta Prohm Radio station and a Deputy at the Ministry of Interior. | FUN | At about 8:15am two gunmen driving a motorbike shot the victim in the head. He was killed while his car was entering the radio station | Unknown |
| Killing: Andoung Dai village, Prek Krobao commune, Kangmeas district, Kampong Cham Province | Sim Mov and his family, a Commune Council Member from the SRP. | SRP | At about 7:15PM, there was a grenade explosion in the victim's house, which caused the death of a man (Sim Mov). Four others were seriously injured (Seng Peap, the victim's wife, Sim Ka, Sim Narin and Chhay Eang). | Unknown |
| Intimidation: October 11, 2003 Boeung Kantuot commune, Krokor district, Pursat province | 6 Teachers who are SRP and FUNCIMPEC activists | FUN and SRP | Six teachers from a school in Boeung Kantuot commune, Krokor district, Pursat province. The principal threatened them with dismissal. They believed the threat was due to their party activities. | School Principal. |
| Intimidation/ Threat: April 16, 2003 | Pel Houn, male, an SRP activist. | SRP | At about 23:15 PM Pel Houn and his family were | Sons of commune and village |

| | | | | |
|--|--|--|---|---------|
| Peangbang village, Peangbang commune, Stong district, Kampong Thom province | | | physically assaulted and threatened while they were walking back from a ceremony. Two men, sons of the village and commune chief beat the victim seriously and threatened said, <i>'I fight you, no Sam Rainsy Party in this village'</i> . | chiefs. |
|--|--|--|---|---------|

Appendix #5: List of MPs, changes in membership and female MPs:

1. List of MPs for the third mandate (2003-2008):

There are 12 women out of the total of 123 MPs for the third mandate, which is equal to 10%. According to the official results announced by the National Elections Committee (NEC), there are 73 MPs from the Cambodian People's Party (6 female), 26 MPs from FUNCINPEC (3 female) and 24 MPs from the Sam Rainsy Party (3 female).

List of MP's names officially announced by NEC:

| Constituency | No. | Name of MPs | Age | Party |
|-------------------------------------|-----|------------------------------|-----|-------|
| Banteay Menchey (6 Seats) | 1 | H.E. Yim Chhay Ly | 53 | CPP |
| | 2 | H.E. Vorng Kan | 62 | |
| | 3 | H.E. Pal Sam Oeun | 58 | |
| | 4 | H.E. Try Chieng Huot | 59 | |
| | 5 | H.E. Nhep Bunchin | 48 | FUN |
| | 6 | H.E. Kim Sour Pirith | 44 | SRP |
| Battambang (8 Seats) | 7 | H.E. Sar Kheng | 53 | CPP |
| | 8 | H.E. Nim Toth | 50 | |
| | 9 | H.E. Ngim Khorn | 52 | |
| | 10 | H.E. Mrs. Ly Kimlieng | 55 | |
| | 11 | H.E. Dul Keun | 54 | FUN |
| | 12 | H.E. Nhek Bunchhay | 45 | |
| | 13 | H.E. Eng Chhay Eang | 37 | |
| | 14 | H.E. Torn Vanthara | 39 | |
| Kampong Cham (18 Seats) | 15 | Samdech Heng Samrin | 69 | CPP |
| | 16 | H.E. Math Ly | 73 | |
| | 17 | H.E. Hor Namhong | 68 | |
| | 18 | H.E. Chur Lieng Huot | 62 | |
| | 19 | H.E. Kieu Khanarith | 52 | |
| | 20 | H.E. Im Sithy | 56 | |
| | 21 | H.E. Yos Son | 61 | |
| | 22 | H.E. Ith Prang | 54 | |
| | 23 | H.E. Prince Norodom Ranaridh | 59 | |
| | 24 | H.E. You Hockry | 59 | |

| | | | | |
|-------------------------------------|----|--------------------------|----|-----|
| | 25 | H.E. Chhim Seakleng | 63 | |
| | 26 | H.E. Kong Vibol | 39 | |
| | 27 | H.E. Monh Siphon | 54 | |
| | 28 | H.E. Sam Rainsy | 54 | SRP |
| | 29 | H.E. Mao Monivann | 40 | |
| | 30 | H.E. Mrs. Thack Lany | 48 | |
| | 31 | H.E. Cheam Channy | 42 | |
| | 32 | H.E. Ah mad Yahya | 49 | |
| Kampong Chhnang (4 Seats) | 33 | H.E. Kong Sam Ol | 67 | CPP |
| | 34 | H.E. Ouk Rabun | 52 | |
| | 35 | H.E. Trang Ivtek | 54 | |
| | 36 | H.E. Sok San | 42 | FUN |
| Kampong Speu (6 Seats) | 37 | H.E. Say Chum | 58 | CPP |
| | 38 | Hem Khorn | 52 | |
| | 39 | H.E. Ly Son | 54 | |
| | 40 | H.E. Samrith Pich | 61 | |
| | 41 | H.E. Ly Laysreng | 63 | FUN |
| | 42 | H.E. Nuth Romduol | 57 | SRP |
| Kampong Thom (6 Seats) | 43 | Nguon Nhel | 61 | CPP |
| | 44 | H.E. Un Ning | 61 | |
| | 45 | H.E. Thaong Khon | 52 | |
| | 46 | H.E. Por Try | 55 | |
| | 47 | H.E. Por Bun Sreu | 54 | FUN |
| | 48 | H.E. Sok Pheng | 29 | SRP |
| Kampot (6 Seats) | 49 | H.E. Nay Pena | 55 | CPP |
| | 50 | H.E. Chay Sam Yon | 50 | |
| | 51 | H.E. Mrs. Som Kimsuor | 54 | |
| | 52 | H.E. Than Sina | 55 | FUN |
| | 53 | H.E. Mom Bunnieng | 54 | |
| | 54 | H.E. Kieng Vang | 56 | SRP |
| Kandal (11 Seats) | 55 | Samdech Hun Sen | 52 | CPP |
| | 56 | H.E. Tep Ngorn | 56 | |
| | 57 | H.E. Chhay Than | 64 | |
| | 58 | H.E. Mom Chhimhuy | 64 | |
| | 59 | H.E. Mrs. Ho Noun | 56 | |
| | 60 | Prince Norodom Sereivuth | 52 | FUN |

| | | | | |
|-------------------------------------|----|------------------------------|----|-----|
| | 61 | H.E. Hong Sun Huot | 56 | |
| | 62 | H.E. Sun Chanthol | 47 | |
| | 63 | H.E. Chan Cheng | 46 | |
| | 64 | H.E. Chrea Chenda | 31 | SRP |
| | 65 | H.E. Ngor Sovann | 33 | |
| Koh Kong (1 Seat) | 66 | H.E. Ai Khon | 47 | CPP |
| Kratie (3 Seats) | 67 | H.E. Im Chhun Lim | 61 | CPP |
| | 68 | H.E. Chhay Saphan | 56 | |
| | 69 | Princess Norodom Rothanatevy | 29 | FUN |
| Mondulhiri (1 seat) | 70 | H.E. Roth Sarem | 62 | CPP |
| Phnom Penh (12 Seats) | 71 | Samdech Chea Sim | 71 | CPP |
| | 72 | H.E. Sim Ka | 56 | |
| | 73 | H.E. Keat Chhon | 69 | |
| | 74 | H.E. Um Nhanh | 60 | |
| | 75 | Princess Norodom Vacheahra | 58 | FUN |
| | 76 | H.E. Khy Tainglim | 67 | |
| | 77 | H.E. Mrs. Choulong Somuora | 53 | SRP |
| | 78 | H.E. Yim Sovann | 39 | |
| | 79 | H.E. Son Chhay | 47 | |
| | 80 | H.E. Keo Remy | 40 | |
| | 81 | H.E. Hour Vann | 56 | |
| | 82 | H.E. Sok Soty | 74 | |
| Preah Vihear (1seat) | 83 | H.E. Suk Sam Eng | 48 | CPP |
| Prey Veng (11 Seats) | 84 | H.E. Chea Soth | 75 | CPP |
| | 85 | H.E. Nhim Vanda | 55 | |
| | 86 | H.E. Cheam Yeap | 57 | |
| | 87 | H.E. Ek Sam Ol | 59 | |
| | 88 | H.E. Pen Pannha | 62 | |
| | 89 | H.E. Min Sean | 58 | |
| | 90 | H.E. Veng Sereivuth | 45 | FUN |
| | 91 | H.E. Kuch Ky | 50 | FUN |
| | 92 | Princess Sisowath Sanda | 61 | |
| | 93 | H.E. Chea Poch | 29 | SRP |

| | | | | |
|--------------------------------|-----|--------------------------|----|-----|
| | 94 | H.E. Khem Veasna | 42 | |
| Pursat (4 Seats) | 95 | H.E. Suy Sem | 56 | CPP |
| | 96 | H.E. Chin Bunsean | 62 | |
| | 97 | H.E. Mey Nan | 68 | |
| | 98 | H.E. Ly Thuch | 37 | FUN |
| Siem Reap (6 Seats) | 99 | H.E. Bou Thang | 65 | CPP |
| | 100 | H.E. Tea Banh | 58 | |
| | 101 | H.E. Cham Prasidh | 52 | |
| | 102 | H.E. Seang Nam | 46 | |
| | 103 | H.E. Keo Saphal | 52 | FUN |
| | 104 | H.E. Pou Sotheareak | 46 | |
| | 105 | H.E. Mrs. Ke Sovannaroth | 41 | |
| Sihanoukville (1) | 106 | H.E. Suos Kanan | 58 | CPP |
| Svay Rieng (6 Seats) | 107 | H.E. San Inthor | 48 | CPP |
| | 108 | H.E. Mrs. Men Saman | 50 | |
| | 109 | H.E. Him Chhem | 64 | |
| | 110 | H.E. Hul Savorn | 51 | |
| | 111 | H.E. Mrs. Duong Vanna | 50 | FUN |
| | 112 | H.E. Khun Haing | 51 | |
| Takeo | 113 | H.E. Sok An | 53 | CPP |
| | 114 | H.E. So Khun | 54 | |
| | 115 | H.E. Mok Mareth | 55 | |
| | 116 | H.E. Chan Sarun | 55 | |
| | 117 | H.E. Mrs. Nin Sophon | 55 | |
| | 118 | H.E. Khek Vandy | 68 | FUN |
| | 119 | H.E. Kol Pheng | 64 | |
| | 120 | H.E. Kuy Bunroeun | 36 | |
| Kep (1 seat) | 121 | H.E. Kea Sahan | 58 | CPP |
| Pailin (1 seat) | 122 | H.E. Y Chhien | 50 | CPP |
| Odor Meanchey | 123 | H.E. Nov Sam | 49 | CPP |

3. Change in membership of MPs:

The article 79 of the Constitution of the Kingdom of Cambodia stipulates that, "The National Assembly mandate shall be incompatible with the holding of any active public function and of any membership in other institutions provided for in the Constitution,

except when the assembly member(s) is (are) required to serve in the Royal Government....”

Since the official declaration of the elections results on 30 August 2003, 8 MPs were replaced and appointed by the NEC, even though the change in membership of the National Assembly Members violates the Constitution. The reason for this change was to avoid double roles³⁹ and the death of MPs. H.E. Samdech Chea Sim of the CPP, for instance, plays two roles as an MP of a Phnom Penh constituency and as the Chairman of the Senate.

List of MP's replacement:

| No. | Date | Constituency | New MPs | Old MPs | Party |
|-----|-----------|----------------|----------------------------|------------------------------|-------|
| 1 | 12/Sep/03 | Battambang | H.E.Mrs. Ky Lum Ang | H.E. Nhek Bunchhay | FUN |
| 2 | 29/Sep/03 | Battambang | H.E. Tes Nheanh | H.E. Ngin Khorn | CPP |
| 3 | 29/Sep/03 | Battambang | H.E. Chhunh Sokchhay | H.E. Dul Koeun | CPP |
| 4 | 29/Sep/03 | Kandal | H.E. Mrs. Khuon Sodary | H.E. Tep Ngorn | CPP |
| 5 | 29/Sep/03 | Phnom Penh | H.E. Hou Sry | H.E. Sim Ka | CPP |
| 6 | 29/Sep/03 | Pailin | H.E. Sam San | H.E. Y Chhien and Nam Tom | CPP |
| 7 | 23/Mar/04 | Kamong Cham | H.E. Chhin Kimsreng | H.E. Math Ly (died) | CPP |
| 8 | 30/Mar/04 | Kampot | H.E. Ea Limsuor | H.E. Mom Bunneng | FUN |
| 9 | | Kep | Not yet declared by NEC | H.E. Kea Sahan (died) | CPP |

3. Female MPs:

COMFREL found that female participation to stand for the elections and those who had elected as MPs, are still low in number (below 13%). According to the official results announced by the National Election Committee (NEC), there are 6 female out of 73 MPs from the Cambodian People's Party, 3 female out of 26 MPs from FUNCINPEC and 3 female out of 24 MPs from SRP.

³⁹ Some Senators existed in the Candidate Party List for 2003 National Assembly Elections. So in this case, they are Senators and as MPs at the same time. It is prohibited by the Constitution to have incompatibility of the MPs.

| Party | Women Candidates | Elected Women |
|-----------|------------------|---------------|
| CPP | 11.38% | 8.22% |
| FUNCINPEC | 12.20% | 11.54% |
| SRP | 12.20% | 12.50% |

By April 2004, there was an increase of three in the number of female MPs. In total, there are 8 female MPs from CPP, 4 female MPs from FUNCINPEC and SRP remains the same. There are 15 female MPs for the 2003 National Assembly mandate, equal to 12% of the total 123 MPs.

List of all women MPs in the National Assembly for the 3rd mandate 2003-2008:

| No. | Constituency | Name of MPs | Party | Age | Order No. |
|-----|--------------|------------------------------|-------|-----|-----------|
| 1 | Battambang | H.E.Mrs. Ly Kimlieng | CPP | 55 | 4 |
| 2 | Battambang | H.E.Mrs. Chhuonh Sochhay | CPP | 47 | 7 |
| 3 | Kampot | H.E.Mrs. Som Kimsuor | CPP | 54 | 3 |
| 4 | Kandal | H.E.Mrs. Ho Naun | CPP | 56 | 5 |
| 5 | Kandal | H.E.Mrs. Khuon Sodary | CPP | 51 | 6 |
| 6 | Svay Rieng | H.E.Mrs. Men Saman | CPP | 50 | 1 |
| 7 | Svay Rieng | H.E.Mrs. Duong Vanna | CPP | 50 | 4 |
| 8 | Takeo | H.E.Mrs. Nin Saphon | CPP | 55 | 5 |
| 9 | Battambang | H.E.Mrs. Ky Lum Ang | FUN | 54 | 2 |
| 10 | Kratie | Princess Norodom Rathanatevy | FUN | 29 | 1 |
| 11 | Prey Veng | Princess Sisowath Sanda | FUN | 61 | 3 |
| 12 | Phnom Penh | Princess Norodom Vacheahra | FUN | 57 | 1 |
| 13 | Phnom Penh | H.E.Mrs. Choulong Samuora | SRP | 53 | 1 |
| 14 | Kampong Cham | H.E.Mrs. Thak Lany | SRP | 48 | 3 |
| 15 | Siem Reap | H.E.Mrs. Ke Sovannaroth | SRP | 41 | 1 |

It should be noted that in the 1998 National Assembly Elections, there were 14 elected women out of 122 MPs for the mandate 1998-2003.

Appendix #6: Observation checklists and other letters

1. Observation form on MPs' activities:

Checklist on Activities of the members of 3rd Mandate of the National Assembly

| | | | | |
|-----------------------|----|-----------------------------|-----------|-----------|
| -Name | of | Observer:..... | Sex:..... | Tel:..... |
| Commune/Sangkat:..... | | | | |
| District/Khan:..... | | Province/Municipality:..... | | Signature |
| Supervisor:..... | | of | | |

Details of information:

1. Mission No.:
2. Name of Parliamentarians:
3. Position in other institutions: Yes No Specify:
4. Parliamentarian from: CPP FUNCINPEC SRP

5. Duration of mission:

| | |
|---|--|
| Start (time/date): <input style="width: 150px; height: 20px;" type="text"/> | End <input style="width: 100px; height: 20px;" type="text"/> |
|---|--|
6. Place of mission: village Commune/Sangkat
 District/Khan: Province/Municipality:

7. Purpose of mission: With whom does he/she meet? Authority People
 Personal (if choose this box please do not continue)
 Specify the purpose of visit:

.....

.....

.....

8. Purpose and activity of the representative, on behalf of: (choose only one)
 Political Party Representative Government
 (Please specify opinions, purpose and activity of the representative during his/her visit)

.....

.....

.....

9. Promises of the representative: Does the representative promise something?
 a. Promises during his/her previous visit (Since October 2003)

Yes No Do not know

If yes, please specify. If no, please continue to No. 10

b. Promises during the visit: Yes No Do not know

If yes, please specify:

| |
|-------|
| |
| |
| |

10. Mission activity and previous promises: Address all Some No Do not know

11. People's Requests/Suggestions to the representative during his/her mission:

Yes No Do not know If yes, please specify:

| |
|-------|
| |
| |
| |

12. Representative's replies to people's requests/suggestions during the mission:

He/ she: Accept Do not accept Do not know

Specify the reasons:

| |
|-------|
| |
| |
| |

13. People's impression on the mission: Happy Not happy Do not know

Specify the reasons:

| |
|-------|
| |
| |
| |

14. Other information beside the description in this report format:

| |
|-------|
| |
| |
| |
| |

2. Other letters:

A. COMFREL's letter sent to CPP:



COMMITTEE FOR FREE AND FAIR ELECTIONS IN CAMBODIA
Central Office: #138, St. 122, Teuk Laak I, Tuol Kork, Phnom Penh,
Cambodia, P.O.Box: 1145, Tel: (855) 23 884 150/12 942 109,
Fax: (855) 23 883 750, E-mail: comfrel@bigpond.com.kh
E-mail: Comfrel@forum.org.kh.

No. 83/04 COMFREL

Phnom Penh, 15 January

2004

To:

H.E. Say Chhum

Secretary-General of Cambodian People's Party

Subject: Request for information and monthly reports on activities of CPP parliamentarians who visited their constituencies.

Further to the above subject, I have the honor to inform you that COMFREL has a plan for observing the activities of the third mandate parliamentarians for information and for citizens' attention to them. So therefore, COMFREL needs necessarily the information that related to the parliamentarians from their swearing at the Royal Palace on 4 October 2003 and after the validity declaration of the first opening session under H.E. Chea Soth, the oldest parliamentarian, on 15 December 2003.

Please Your Excellency kindly permit COMFREL to communicate and implement its tasks successfully.

Please Your Excellency accepts my highest assurance.

Executive Director

Koul Panha

B. CPP's letter sent to COMFREL:

*Cambodian People's Party
Democracy*

Central Committee

No. 006 Central Committee

Independence, Peace, Liberty,

Neutrality and Social Development



Phnom Penh, 20 January 2004

To: Executive Director of COMFREL

Subject: Request for information and monthly report on parliamentarians' activities

Reference: -Letter No. 83-04 COMFREL dated 15-01-04

-H.E. Say Chhum, President of Central Permanent Committee

Further to the above subject and reference, the cabinet of Central Permanent Committee of the Cambodian People's Party is pleased to inform you that since the first mandate of the National Assembly, there has been no local or international organizations to ask any permission from the CPP to communicate with CPP parliamentarians because this is the competence of the President of National Assembly which is stated in the Constitution and bylaws.

Please you accept my sincere consideration.

Wish you good health and success.

For Chairman of the cabinet

Vice-Chairman

(Signed and sealed)

Mam Sarin

C. Letter of Chairman of Kandal Provincial Cambodian People's Party Office

Having seen Mr. Nieng Sovann, COMFREL monitoring officer, came for work contacting, but the Provincial CPP's Office doesn't have adequate information for giving to him.

04 May 2004

Chairman

(Signature)

Kim Sambok

**Joint Statement
on
Proposal of Main Points for the Agreement among the Three Elected Political
Parties Pertaining to Building Confidence in the Responsibility and Solidarity of the
Royal Government and Key Democratic Institutions**

Phnom Penh, October 30, 2003

We are calling for the three elected political parties to consider and improve key main points in order to build confidence in the responsibility and the solidarity of the future Government and key democratic institutions. We request that the parties negotiating to form government should work together to develop an agreement that is legitimately recognized and made public. This joint policy and action plan should aim to create a more accountable and transparent system for measuring the performance and good governance of all public institutions representing the interest of the Cambodian people.

The following includes some significant points promoted for consideration in the negotiation between the parties and we hope will be inserted in the expected agreement on the joint policy and action plan:

1. Strengthen and Encourage the Legitimacy of Non-Partisan Institutions:

We ask that the parties consider setting standards for establishing independent, non-partisan government bodies including the key institutions of the Election Administration bodies, Constitutional Council, Supreme Council of Magistrates, National Audit Authority and all other major national institutions established by the Constitution. Amend the law on General Statute of Royal Cambodian Armed Forces, Law on Co-statute of Civil Servant. This aims at preventing all the three types of Cambodian Armed Forces- Gendarmerie, Military, and National Police *from being political party member*. Law on the Statute of Judges must spell out *not to be political party member*.

2. Establish Democratic Institutions Mandated by the Constitution:

These include the Supreme Council of National Defense and the National Congress as neutral and nonpartisan bodies.

3. Creation of New and Independent Institutions within the Constitution:

Human Rights, National Election and Anti-Corruption Commissions should be written into the Constitution.

A separate, independent and non-partisan committee must be established to construct clear guidelines and criteria for selection of candidates for all Constitutional Bodies.

4. Adopt New Laws that Promote Greater Transparency and Accountability:

These include the Anti-corruption Law which includes Asset Declaration of Prime Minister, Cabinet Members, Governors, Senators, National Assembly members and any elected official before, during and after their term in office; Political Financing Law; Code of Conduct for Public Officials; There should also be a mechanism in the National Assembly or Senate on establishing rules for any leader of the government who violates the code of conduct, oath of allegiance in taking office, or article 96 and 97 of the Constitution, or being absent with no reason from the parliament.

5. Promote a Fairer Political Process:

We urge that the Prime Minister position have a limit to two terms in office. Adopt a new law on Senate Elections. Amend the Law on Election of Representatives in order

to change from a proportional to mixed system (proportional and majority systems) which is also open independent individuals running for elections

6. Constitutional Clarification on Coalitions:

In the case when a coalition partner(s) withdrawal results in less than two thirds seats, government is dissolved and a new government must be formed.

7. Amendment of current Constitution Articles:

Amend article 97 of the Constitution allowing any Commission of the Parliament to invite the Prime Minister or Minister(s) to explain orally any issue relating to their responsible field of work. Amend current article 90, 98 and 119 of the Constitution, adding that "*The National Assembly shall pass a vote of confidence in the Royal Government by an absolute majority (50 percent +1 vote) of the National Assembly*

8. Strengthening Political Parties:

Political parties recognized by the Parliament should be provided funding from the National Budget.

We strongly request negotiating parties to consider all points and not see them in isolation.

We are very pleased and well prepared to participate and discuss in detail the key points mentioned above with all elected political parties.

Working Groups

1. Mr. Thun Saray, First Representative of COMFREL and President of ADHOC, Tel: 016 880 509
2. Mrs. Kek Galabru, Coordinator of Cambodian Human Rights Action Committee and Executive Director of LICADHO, Tel: 012 802 506
3. Mrs. Chea Vannath, President of Center of Social Development, Tel: 016 831 905
4. Mr. Sok Sam Oeun, Member of Board of Director of COMFREL and Executive Director of CDP, Tel: 012 901 199
5. Mr. Koul Panha, Executive Director of COMFREL, Tel: 012 942 017
6. Mr. Hang Puthea, Executive Director of NICFEC, Tel: 012 959 666
7. Mr. Pol Ham, Director of Advocacy and Policy Program, Pact Cambodia, H/P: 012 616 616.
8. Mr. Nhek Sarin, Executive Director of STAR Kampuchea, Tel: 011 725 873
9. Mr. Young Kim Eng, Member of Board of Director of COMFREL, Chairman of YCC and Executive Director of KYA, Tel: 016 82 82 11

For detail, please contact:

Mr. Thun Saray, First Representative of COMFREL and President of ADHOC,
Tel: 016 880 509

Mrs. Kek Galabru, Coordinator of Cambodian Human Rights Action Committee and Executive Director of LICADHO, Tel: 012 802 506

Mr. Sok Sam Oeun, Member of Board of Director of COMFREL and Executive Director of CDP, Tel: 012 901 199

Mr. Koul Panha, Executive Director of COMFREL, Tel: 012 942 017