

Program to warn off pedophiles

BY LON NARA

World Vision, an international NGO, has launched a program to improve awareness among Ministry of Tourism officials and workers in the private sector about tourists who come here for underage sex.

Cambodia has rapidly gained a reputation as a place where underage sex is cheaply available and punishment easily avoided.

"We want them to understand the potential negative impact on tourism, not just the positive," said Sary Mony, program manager at World Vision. He said those who had finished the course would help train others.

The Child Safe Tourism program is a result of a recommendation contained in a World Vision survey released in 2000. That report was the first into underage sex tourism in Cambodia.

The MoT signed an agreement with World Vision to put together the program. The first two day training course was held early April in Phnom Penh; the next will be at the end of the month in Siem Reap, the country's most popular destination.

World Vision's Mony said his team would train tourism offi-

cial, hotel and guest-house owners, and tour operators about the problem. They would also learn about the laws relating to underage sexual exploitation. However, the loopholes in Cambodian law and widespread judicial corruption mean that offenders escape charges relatively easily.

"Everyone knows there is corruption in Cambodia's courts," said Mony. "And no matter how many laws we pass, the important thing is to put them into practice. If we don't make the law effective, it will be useless, even if the National Assembly passes thousands of them."

"We will also produce posters and stick them at all international border entry points into Cambodia," said Mony, "so the tourists will know that child sex here is a crime."

Prosecutions are under way against several foreigners accused of sex offenses against children. Frenchman Pierre Guynot, whose Sihanoukville trial last November was postponed for further investigation, was accused of using the interim period to try to buy the silence of his accusers.

Chum Sophea, a lawyer for several boys in Sihanoukville, said Guynot had tried to pay four boys \$600 each to withdraw their testi-

mony. The prosecuting judge, Tak Kim Sea, told the *Post* recently that four alleged victims had withdrawn their complaints against Guynot, 45, the owner of Obey Karting. He was arrested in May, 2001 for illegal possession of weapons, illegal confinement of a boy, and child pornography.

The only foreigner currently serving time for a child sex offense is Briton John Keeler, who was convicted of debauchery in November, 2000 and sentenced for three years. He was arrested in August, 2000 for taking indecent video footage of four girls, aged between 8 and 10, in a park in Takmau. Media reports indicate that Keeler might receive a royal amnesty during Khmer New Year for good behavior.

Two other foreigners accused of child sex offenses are also awaiting trial. Alain Berruti had his hearing postponed April 5 after rejecting the female lawyer provided by the court. A police official said Berruti was arrested in June last year on the charge of paying minors for sex.

Italian Luigi Falchi is awaiting the services of an Italian speaking lawyer to defend him. He is in custody in Banteay Meanchey province in the north-west.

DFDL Law Update

Taxation

In early March 2002, the Ministry of Economy and Finance issued a Prakas (No. 224) establishing Real Regime Tax Management and Collection Divisions in five more provinces: Banteay Meanchey, Kampong Speu, Kampong Chhnang, Kandal, and Svay Rieng. Each new division contains a Registration and Taxpayer Service Section, Tax Collection and Return Processing Section, Enforcement Section, and Tax Audit Section.

Legal reform

The unit in charge of legal reform has been created by Sub-Decree (No. 19). The unit is governed by the Council for Administrative Reform (CAR) and is the mechanism through which CAR will implement legal reform strategies and the action plans of the Royal Government of Cambodia. H.E. Sam Sok Phal is the chairman and H.E. Leng Peng Long the deputy chairman of the unit. Monthly reports are to be submitted to the general secretariat of CAR and the chairman of CAR (H.E. Sok An).

Telecommunication

In late March 2002, the Ministry of Posts and Telecommunications (MPTC) issued a Prakas (No. 079) mostly decreasing the fees on telephone, fax, and telex installation and maintenance in Phnom Penh and the provinces/municipalities. The new rates take effect on April 1, 2002. Meanwhile, the MPTC also issued a Prakas (No. 078) setting the tariff of digital leased capacity. These new rates also take effect on April 1, 2002.

Investment

Investment approvals granted by the Cambodian Investment Board to 36 companies have been cancelled by Prakas (No. 544) dated February 27, 2002. This is the third list of cancellations that has been issued by the Council for the Development of Cambodia.

Labor

On March 27, 2002, the Ministry of Social Affairs, Labor, Vocational Training, and Youth Rehabilitation abrogated its Prakas (No. 80) permitting C.C.A. Co., Ltd. (Cambodian Consultant Associate) to train and send Cambodian workers to work in Greece. The ministry, through its new Prakas (No. 86), specifies that the management of the company shall be fully responsible before law for all damages and losses it has caused.

9/12

Montagnards finally set to move

BY ROBERT CARMICHAEL

Ranariddh prefers UN trial role

BY VONG SOKHENG

THE President of the National Assembly, Prince Norodom Ranariddh, said he far preferred the participation of the United Nations in any future trial of Khmer Rouge leaders.

His comments came the day after the visiting Indian Prime Minister, Atal Bihari Vajpayee, offered to send an Indian judge to assist trial proceedings if the UN stays out of the process.

"I understand that we have to continue negotiating with the UN in order to find a formula that will reach a compromise with the UN and our law," Ranariddh told reporters April 10.

"This is a matter for the government — I am not the person who should write to the UN requesting that it return," Ranariddh said. "The reality is that we should ask ourselves whether Cambodia has the political will to establish a KR tribunal that meets international standards."

Ranariddh, who together with Hun Sen drafted a letter in June, 1997 requesting UN assistance in setting up a KR tribunal, said a fair tribunal would be impossible without the UN's assistance.

"I don't believe that the tribunal process will follow that required in a court of law and within the justice framework, even if there is participation of foreign judges," Ranariddh said. "[Without the participation of the UN] there will be no guarantees about transparency and justice."

Vajpayee made his offer at a press conference with Prime Minister Hun Sen April 9, saying he would send a judge from India to participate. It was the first overt indication of support from another country for a KR trial not involving the UN.

"We would send the judge from India to participate in the trial," Vajpayee said. "If the UN finally says no, then the decision will be taken."

Hun Sen said that a number of countries were trying to act as a bridge between Cambodia and the secretary-general of the UN, Kofi Annan, whose decision it was on February 8 to withdraw from the proposed tribunal.

The Montagnard refugees who have been languishing in two camps in Cambodia's north-east for the best part of a year look likely to travel to Phnom Penh April 14. A location site has been identified for them in Phnom Penh and preparations are underway to ready the site for their arrival.

US Ambassador Kent Wiedemann said his embassy, the Cambodian government and the UN refugee agency, UNHCR, were "trying our best" to move this weekend.

"Obviously I can't guarantee that it will happen [this weekend]," said Wiedemann, "but if not, I would hope it would take place early next week."

Once the refugees arrive in Phnom Penh they will be screened by officials from the US State Department and the Immigration and Naturalization Service. A US embassy official said the screening process to determine resettlement in the US would likely take "several weeks".

"We expect the great majority will opt to go to the US," he said. "The US position is that all those who wish to be resettled and don't have a criminal record can go [to the US]."

The US Embassy also played down a disagreement doing the rounds on the diplomatic circuit about a purported deal between the US and the Cambodian government over the fate of this group.

Sources suggested the US had offered to ignore future Cambodian breaches of the refugee convention, provided the government allowed it to take these refugees.

The revelation came during a meeting with UNHCR officials and Foreign Minister Hor Namhong on April 4. The minister told UNHCR that at a previous meeting the US ambassador had given him the impression Cambodia should exercise its sovereign rights and that the US might not want to take any more refugees.

UNHCR's regional representative Jahanshah Assadi then reportedly asked Namhong whether the ambassador had meant Cambodia could close its borders to future asylum seekers.

"Yes, that is what I understood," Namhong reportedly replied.

Wiedemann said there was no truth to the allegation his government and Cambodia had bargained over the rights of future asylum seekers.

"The US has always stood up very firmly for the rights to asylum," Wiedemann replied. "I have gone in to this government countless times to stand up for that."

He said the principle of first asylum still stood, adding that what was likely more important was to work with the Vietnamese government to improve conditions inside that country in order to reduce the number of asylum seekers.

The refugees currently in the two UNHCR camps fled the Central Highlands area of Vietnam after an uprising in February 2001.

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Tonle Sap oil exploration plans afoot

BY PATRICK FALBY

The Tonle Sap is the new frontier for oil exploration, and drilling could begin there in just five years, said Te Duong Tara, director-general of the Cambodian National Petroleum Authority (CNPA).

Duong Tara said that two deep basins have been located in the Tonle Sap region. One is under the temples at Angkor, so will likely never be touched. The other is in the western part of the Tonle Sap.

"We have now found more [opportunities for] prospecting than before, but we need to move cautiously," said Duong Tara. "The Tonle Sap is the heart of Cambodia, so we have to take much care."

The fish-rich Tonle Sap is the

source of 70 percent of the Kingdom's protein; annual flooding makes the surrounding land highly fertile.

The next step in data gathering is seismic testing, which involves detonating explosives inside shallow holes to measure the echoes. Exploration wells will be drilled where findings are favorable.

To reduce the impact on the environment, CNPA will focus exploration along national road 5 from Kampong Chhnang through Pursat to Battambang, home to rice fields and small forests, said Duong Tara.

However, talk of drilling for oil in the Tonle Sap catchment area has environmental groups worried. They are concerned that any petroleum exploration could do great harm.

"Of course poor disposal or

leakage would be detrimental to biodiversity," said Kosal Mam, program coordinator for Wetlands International.

He said that since it is a tropical area, a rainstorm could quickly result in oil draining into the lake, and "in Cambodia there's no contingency plan to respond to such an incident".

The Cambodian government and CNPA hope to revolutionize the country's petroleum industry, starting with the March 20 concession to ChevronTexaco and Mitsui Oil to drill in Block A in the Gulf of Thailand.

When asked about opportunities in the Tonle Sap, ChevronTexaco's government relations and public affairs manager, Rattikan Chaiwanit, said: "At the moment we are focusing on Block A, but we are very inter-

ested in exploring in the future."

CNPA estimates that there are three to five trillion cubic feet (Tcf) of natural gas in Block A. One Tcf can run a 1,000 Megawatt power plant for at least 20 years. There are not yet any estimates on the amount of oil and condensate.

ChevronTexaco will be the first international oil company to drill in the Kingdom since 1998. Although previous attempts by others such as Enterprise and Campex have found oil in the 6,000 square kilometer area, costs were deemed too high to start production. New technology and ChevronTexaco's large presence in the Gulf should make the venture profitable.

Royalties come with production, said Duong Tara, so the country has not yet received payment from ChevronTexaco. At

least two test wells will be drilled in 2002, and if results are positive, the company will continue drilling in Block A.

"It will be a number of years before oil is produced from Block A," said ChevronTexaco's Chaiwanit.

CNPA believes a local oil and gas industry is essential for the country's development. Cambodia consumes 50-70,000 tons of imported petroleum products a month. As a result, power is about three times more expensive than in Vietnam and Thailand, with smuggling common.

"Energy is very expensive in Cambodia," said Duong Tara. "The government talks about poverty alleviation and economic growth, but without energy, you cannot [achieve that]."

UN election report raps govt, NEC

BY ROBERT CARMICHAEL AND BOU SAROEUN

The UN human rights special representative released April 11 his third and final report on the conduct of the 2002 commune elections. The report criticized the government and the National Election Committee (NEC) for "serious underlying problems" that afflicted the February vote.

It warned that these problems needed to be addressed urgently, not least because the 2003 general election was drawing near. The representative, Peter Leuprecht, said his initially favorable impressions were "tarnished by ... events" after December 2001.

"[The election process] exposed continuing and serious problems that cannot be ignored," the report stated. "Chief among these has been the absence of proper neutrality on the part of state institutions, the police, the armed forces and individual local officials."

A key difference between the 1998 national election and the local election held this year was the variation in violence by region. Those areas that suffered least were those in which the CPP did well in 1998. Those which suffered worst of all were on trade routes, or former Khmer Rouge zones, or places where the CPP had performed badly in 1998.

Adrian Edwards of UNCHR said different reasons likely applied depending on the area involved. Some could be linked to border trade, others to the changed political situation since 1998.

"What it does say is that the CPP has continued its efforts since 1998 to assert political control over the country, including in those areas where they were challenged or didn't fare well in 1998," Edwards said. "And that is reflected in the results seen in this election, which did play to the CPP's advantage."

On the positive side, the special representative highlighted Prime Minister Hun Sen's call on election day appealing against acts of revenge. This appeal had "a marked effect" and was a "very positive" development, Leuprecht stated. He was also gratified to note that disputes after polling day were resolved in a "manner that avoided further conflict".

Om Yenttieng, personal advisor to Prime Minister Hun Sen, dismissed the report's criticisms.

"They like to paint us in different colors: sometimes they say the government and the CPP are two, other times they say we are one," Yenttieng said. "But democracy has rules and grammar. These people should point out what is wrong with the grammar. They cannot force Cambodia to do their will, and should not try to increase their control over the heads of Cambodians."

One area the report focused on was the lack of equitable access to the media. The UN said it was concerned at the failure of the government to ensure this "prerequisite for a free and fair election". It also blamed the NEC for "hindering ... voter education initiatives".

"A properly functioning and neutral system to inform the electorate of its choices needs to be established well in advance of the 2003 election," the report recommended.

The report warned of the danger to democracy of the lack of separation between the government and the Cambodian People's Party (CPP). It also highlighted the problems in Kampong Cham province, which saw the worst of the violence with five election-related murders.

"For weeks ahead of the election armed gangs roamed free at night ... targeting individual Funcinpec candidates," it stated. "These groups were organized and were mainly comprised of members of the security forces (police and military) and their relatives."

Until now, it stated, no-one had been brought to justice for any act of election violence in the province, whose victims were overwhelmingly from the Sam Rainsy Party and Funcinpec. Security force personnel, the report noted, "were behind many of the most serious acts of violence and intimidation".

"Investigations into the numerous acts of violence and intimidation ... identified the involvement of local officials, police and members of [the army] in a clear majority of cases."

The UN human rights agency recorded 17 politically related killings between January 1, 2001 and the election, which was held February 3 this year.

1/2

CIHR staff respond

Dear Editor,

Referring to the article "Fraud probe into human rights group" by Robert Carmichael, (PPP Mar 15-18, 2002) we, the staff committee of the Staff Association, would like to correct some points:

1. In the first column of page 2, the writer said that "CIHR staff had established a committee to deal with the issue..." I would like to make clear that our association has been created principally to serve moral, social, internal political goals and to reinforce union between all staff members through an open communication system to (promote) human rights, democracy and good governance education throughout Cambodia in friendly co-operation with governmental partners and all IO/NGOs.

The problem has happened before our creation and (it is not in) our capability to solve it, because, at our thought it has been related to administrative law, financial law, or country common law and/or depending on CIHR board of directors and donor countries.

2. The writer has confirmed that: "the head of staff committee is Kassie's personal secretary...", in the allusion that the association is under Kassie's domination. We would like to inform you and the readers that Mrs Chhay Chhenmala has been democratically elected by direct and secret votes of all staff members in the presence of Mr Andrew Little, CIHR consultant. The total votes has been a bit majority to her vice-chairperson, secretary, treasurer and liaison officer. They work in a team, and all important decisions will always be made by common decision of the staff meeting. All project managers, their assistants and other people in high position have been prohibited from being candidates of the leading committee to avoid influence upon the association activities. Therefore, "the association did not create by organizing or by symbol from any sources".

To avoid confusion in individuals minds by reading the accusation against the Cambodian Institute of Human Rights, we, CIHR, would like to ask all external investigators to complete their work and present the proof and

all facts found to (preserve the) integrity, prestige and reputation of the CIHR.

*Mrs Chhay Chhenmala,
Chairperson CIHR*

Mr Chhor Bunnaroth, Vice-chair

Mr Lay Sovathara, Secretary

Mrs Mey Chann O'Saphear

Mr Chen Lam, Liaison Officer

Where do my taxes go?

Dear Editor,

I'm writing to you concerning income tax payment in Cambodia. I'm a Cambodian citizen, aged 30, and have been working for a private company for five years in the country. I strongly believe you will help us improve things. Without you to help us voice in public, things wouldn't be improved and life would become worse.

I have paid \$9,000 during these five years. I have been so happy to do that. The purpose of paying that amount to the Government is to help improve things in my country. I'm not a politician, but a business man. I only imagined that the money I paid would go to the right projects such as building schools, constructing or renovating road systems for better living, etc.

Actually, I really have no idea where all this money has gone. I'm talking through your paper, which will help spread this news to the knowledge of the Prime Minister or Minister of Finance. I've been working so hard and facing so many issues at work. And what I earn I have to pay 15% to the Government and I don't really know if all my payments have gone to the right use.

In addition, I'd like to say that the company set us a certain target for sales. I'm working without thinking about time in order to achieve the target sales. When I achieve it, the company offers me some incentive. When the Government hears that I have been asked to pay tax for my incentives. I wonder if this is fair for Cambodian workers. I'm not a special case. All my colleagues are in the same situation, but they don't have a gut to talk to the Government. They have been frustrated and emotionally suffering.

What I really want is that the Government will explain to us

more about this one. I am afraid that all the money collected from income tax payment would be used for political purpose, because the national election is upcoming.

And the question I would ask is that will the Government help me when I am terminated from the job by the company. What if the company violates workers' rights in the workplace. Would the Government honestly help us?

Ou Narata

UN bully

Dear Editor:

I am delighted at the news that Hun Sen's government has agreed to a US Government humanitarian offer to accept some 900 Montagnard refugees from Vietnam who had crossed the border into Cambodia, but whose voluntary repatriation into Vietnam the UNHCR had subsequently refused to facilitate, accusing both the Vietnamese and Cambodian Governments of violating their accords with UNHCR on this

matter. (By the way, I wish that Australia had offered to take some of these Montagnard refugees). But am I being paranoid, or was this—before the US Government's timely humanitarian decision—another example of the UN system trying to wrong-foot Cambodia and to leave it in a situation in which it would again be accused by the world of violating human rights (and, for good measure, acting at the behest of Vietnam)?

If this is becoming a pattern of UN and UN agency behaviour towards Cambodia under Kofi Annan, when is someone going to call Annan's bluff? Does the UN have nothing better to do than to bully Cambodia?

*Tony Kevin,
Canberra, Australia*

The Phnom Penh Post lists regular and periodic events in the city. If you have something you want to publicize, please send to the Editor:

e-mail: michael.pppost@bigpond.com.kh

Preference for listings will be given to non-profit entities.

10
12