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November 26, 2013

His Excellency Ban Ki-moon
Secretary-General of the United Nations
c/o UN Headquarters
First Avenue at 46th Street
New York, NY 10017

Re: Paris Peace Agreements of 1991
Khmer People Network For Cambodia

Your Excellency:

On October 23, 1991, the *Paris Peace Agreements* ("PPA"), consisting of four sub-agreements, were concluded, establishing a framework for the future government of Cambodia. Of the four sub-agreements of the PPA, the *Agreement on a Comprehensive Political Settlement of the Cambodian Conflict* ("CPS"), which also included five annexes, provided for the core civil and political rights benefitting the Cambodian people. Nineteen countries, and the United Nations, executed the PPA. The PPA, with the mandated constitutional structure, now includes the following principles:

1. Free and fair elections in a neutral political environment with full respect for the national sovereignty of Cambodia; the establishment of a system of laws, procedures and administrative measures necessary for holding free and fair elections; the prohibition of coercion or financial inducement in order to influence voter preference; the implementation of a voter education program; the design and implementation of a system of voter registration of political parties and lists of candidates; the establishment of fair access to the media, including press, television and radio, for all political parties contesting in the elections; the facilitation of participation of Cambodians in the elections; the design and implementation of a fair system of balloting and polling; the facilitation of foreign observers wishing to observe the campaign and voting; and fair vote counts, the identification and investigation of complaints of electoral irregularities, the determination whether or not the election was free and fair, and if so, certification of the list of persons duly elected. CPS Articles 1, 4, 6, 12 and 14; Annex 1(D), and Annex 3 of the CPS.

November 26, 2013

Page 2

2. The right of return of Cambodians and their right to live in safety, security and dignity, free from intimidation or coercion of any kind. CPS Article 20; Annex 4 of the CPS.
3. The right of every Cambodian to human rights and fundamental freedoms, as embodied in the *Universal Declaration of Human Rights* and other relevant international human rights instruments; the right to undertake activities which promote and protect human rights and fundamental freedoms; the expectation that the government of Cambodia will adhere to relevant international human rights instruments; the support of the signatories of the PPA to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia in order to prevent the recurrence of human rights abuses. CPS Article 15; Annex 4 and Annex 5 of the CPS.
4. The creation of a new constitution which incorporates human rights and fundamental freedoms. These include, specifically, all of the rights in the *Universal Declaration of Human Rights*, equality before the law, regardless of race, color, sex, language, religious belief, political tendency, national origin, social status, wealth or other status; the right to life, freedom, and personal security; the security from exile, arrest and deportation, and the protection of Cambodians living abroad; the right to vote and to stand as candidates, to participate actively in the political, economic, social and cultural life of the nation; the right to denounce and make complaints against the institutions of the government; the right to travel, to privacy, to confidentiality, and to security in one's home; the right of free expression, freedom of information, publication and assembly; the right to establish associations and political parties, the freedom of religion and the right to property. CPS Articles 12 and 23; Annex 5 of the CPS; *Constitution of the Kingdom of Cambodia*, Chapter III.
5. The guarantee and support of the signatories in ensuring the execution of the principles of the PPA. CPS Articles 6, 15(2)(b), 17, 18, and 29; Sub-agreement, *Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia*.

Although the Constitution of Cambodia embodies many of these rights, and the National Assembly has enacted laws addressing many of these issues, many have yet to adhere to Cambodian society. The PPA, as the source of the legal regime, continues to insist that democratic provisions take hold, and it retains the endorsement of the signatories to ensure the honest functioning of democratic institutions.

According to objective observers, the elections of July 28, 2013 in Cambodia were not free and fair by any reasonable standard. In particular, they were not neutral, having been controlled from first to last by the ruling Cambodian People's Party ("CPP") in such a way as to create coercion, financial inducement to influence votes, biased influence in voter education programs, biased registration programs, with inaccurate voters lists and candidates, inadequate

November 26, 2013

Page 3

— and often non-existent — access to the media, an unfair system of balloting and polling, the inability of some observers to observe, unfair and inaccurate vote counts, the refusal of the National Election Committee and the Constitutional Council to investigate complaints of electoral irregularities, and the improper certification of persons elected. Corruption and bribery were commonplace during the election campaign. Credible evidence shows that the government censored news of the actual election results and substituted “canned” results that remained unrelenting even after the collection of actual votes. Despite all of the restrictions during the election, it was likely that the Cambodian National Rescue Party (“CNRP”) won the election. The CNRP has refused to take its minority seats in the National Assembly until the election is properly investigated, and the National Assembly now governs as a one-party state under the direction of the CPP.

Further, the president of the opposition CNRP, Sam Rainsy, was not permitted to enter the country, or to campaign until approximately a week prior to the election. It is widely observed and held that his self-imposed exile was the result of an improper conviction in *absentia* for protesting the designation of the border between Cambodia and Vietnam.

As documented by numerous press accounts, the government has curtailed the freedoms of assembly, free speech, security, and travel of those supporting the CNRP (and lately for those exercising their civil rights to protest for job security and pay). The government has inflicted punishment, harassment, threats, and acts of violence for denunciations of the limitations of basic freedoms. As recently as this month, the government has indicated it may gerrymander voting districts in Phnom Penh to slant elections in favor of the CPP.

Approximately 2.2 million Cambodian citizens placed their thumbprints on petitions protesting the elections. Lawful and peaceful protest marches delivering the petitions were opposed by the government, and in fact, undisputed evidence shows that the government has responded to peaceful protests not with an open mind, but with tanks, weapons, disproportionate force, and intimidation. In two demonstrations — one in connection with the election, and one in connection with striking garment workers — the government shot and killed non-violent Cambodian citizens. Indeed, the abuses, violations, attacks, restraints, and abridgements of recognized freedoms, have been so numerous that one needs only to review any independent news account to obtain a sampling of the broad extent of violations.

On August 5, 2013, the United Nations Special Rapporteur for Cambodia, Surya P. Subedi, found multiple election irregularities, including questionable voter lists, excess number of ballots, intimidation by the CPP, lack of freedom of expression, and many other violations. He wrote, “For democracy to function properly in Cambodia and for the democratic culture to take root in society, those holding public positions must be willing to acknowledge shortcomings, for only then can solutions be found that are acceptable to all.” Section 62 of Subedi report. The government has never responded positively to the July 2012 eighteen-point recommendations of Mr. Subedi.

November 26, 2013

Page 4

As counsel for the organization known as the Khmer People Network for Cambodia ("KPNC"), comprised of many non-profit organizations, I am requesting that each of the signatories respond to its guarantees and assurances of support. I respectfully ask on behalf of KPNC that your government:

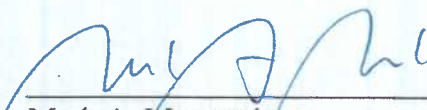
- a. Appoint a representative to meet with representatives of KPNC and their counsel to discuss the issues and possible solutions;
- b. Publicly condemn the conduct of the Cambodian government regarding the elections and their aftermath;
- c. Seek a resolution of the problems, and obtain enforceable promises that the violations will be investigated and corrected;
- d. Confer with other signatories of the PPA;
- e. Make a public statement that the violations will result in further action, including possible sanctions;
- f. Refuse to recognize the legitimacy of the government of Cambodia until it complies fully with the PPA and the Constitution of Cambodia;
- g. Consider, during the pendency of the election disputes, whether the government is properly seated at the United Nations;
- h. Request that the UN monitor, and if necessary, take action to conduct another election;
- i. Require the Cambodian government to investigate and punish police, soldiers, and others who have used and use disproportionate force, and have harmed or have killed non-violent demonstrators;
- j. Refer to appropriate international human rights and criminal courts, if necessary, and according to law, persons who have violated international norms;
- k. Consider the suspension of any non-humanitarian assistance to the government pending a resolution of the election dispute.

On behalf of KPNC, I respectfully thank you for your attention to this important matter.

Please feel free to contact me or any member of KPNC. While I have attached various reference links to reports and articles, my law firm and I do not necessarily concur with the opinions expressed in the reports and articles.

Respectfully and sincerely,

REES BROOME, PC

By: 
Mark A. Moorstein

November 26, 2013

Page 5

cc: The Honorable Tony Abbott, Prime Minister of the Commonwealth of Australia,
His Majesty Hassanal Bolkiah, Sultan of Brunei, Nation of Brunei, Abode of Peace,
The Honorable Hun Sen, Prime Minister of the Kingdom of Cambodia,
The Honorable Stephen Harper, Prime Minister of Canada,
The Honorable Xi Jinping, President of the People's Republic of China,
The Honorable François Hollande, President of the French Republic,
The Honorable Angela Merkel, Chancellor of the Federal Republic of Germany,
The Honorable Pranab Mukherjee, President of the Republic of India,
The Honorable Susilo Bambang Yudhoyono, President of the Republic of Indonesia,
The Honorable Shinzō Abe, Prime Minister of Japan,
The Honorable Choummaly Sayasone, President of Lao People's Democratic Republic,
The Honorable Najib Tun Razak, Prime Minister of Malaysia,
The Honorable Mark Rutte, Prime Minister of the Netherlands,
The Honorable Benigno Aquino III, President of the Republic of the Philippines,
The Honorable Bronisław Komorowski, President of the Republic of Poland,
The Honorable Tony Tan Keng Yam, President of the Republic of Singapore,
The Honorable Yingluck Shinawatra, Prime Minister of the Kingdom of Thailand,
The Honorable Vladimir Putin, President of the Russian Federation,
The Honorable David Cameron, Prime Minister of the United Kingdom,
The Honorable Barak Obama, President of the United States of America,
The Honorable Nguyễn Tấn Dũng, Prime Minister of Socialist Republic of Vietnam,
The Honorable Robert Mugabe, President of the Republic of Zimbabwe,
The Honorable Ivica Dačić, Prime Minister of the Republic of Serbia,
The Honorable Zoran Milanović, Prime Minister of the Republic of Croatia,

Attachments:

1. Appeal to the Members of the International Community
– National Press Club, October 23, 2013
2. Reference to additional material and websites



KHMER PEOPLE NETWORK FOR CAMBODIA

Paris Peace Agreements – October 23, 1991

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An Appeal to the Members of the International Community

Twenty-two years ago, after more than ten years of arduous negotiations under the auspices of the United Nations, nineteen countries had assembled in Paris to finalize and sign an international treaty named "Agreements on a Comprehensive Political Settlement of the Cambodia Conflict," which is now better known as the "Paris Peace Agreements on Cambodia of October 23, 1991," or simply, the "Paris Peace Agreements" (PPA). These Agreements were designed to put an end to the conflicts in Cambodia whose people have suffered tremendously, first from the Khmer Rouge atrocities from 1975 to 1979, and second from the war following the Vietnamese invasion and occupation of Cambodia since 1979.

The United Nations intervention of 1991, mandated by the Agreements with a cost of 2 billion US Dollars, did help restore peace and provide democracy to Cambodia with the organization of a first ever free and fair election in 1993, in which the Cambodian people could freely elect their representatives and choose the system of government for their nation. Unfortunately, the true democracy the UN had helped establish in Cambodia was short-lived. The Cambodian People's Party (CPP), which had lost the election, forced its way back to co-lead the government. The CPP later overthrew the legitimate election winner, the FUNCINPEC,* by a coup in July 5-6, 1997. It had also ensured that it would win every election thereafter since it controlled the national administrative machinery, including the National Election Committee (NEC), the Courts, the Cambodian Constitutional Council (CCC), the national resources, the police and the military.

Once the CPP became the sole party in control, human rights and fundamental freedoms were severely restricted under the false pretense of national security. The destruction of natural resources under the name of economic development came at the very high cost of human misery and tragedy. These facts were well depicted by local NGOs, Human Rights Watch (HRW), Amnesty International (AI), the United States (US) and the United Nations (UN).

Earlier this year, with the two main opposition parties united, the majority of the people courageously stood up against nepotism, corruption, injustice and dictatorship. The Cambodian people, once again, have awakened. They showed up en masse at the polling stations, but many could not vote because the voter lists had been manipulated. According to the Committee for Free and Fair Elections (COMFREL), a non-profit and nonpartisan NGO, as referenced to in an HRW article, under the "Alleged Manipulation of Voter lists" Section, over one million voters were disenfranchised. And many local NGOs characterized the elections as being neither free nor fair, and that the results were flawed with massive irregularities and alleged frauds. However, the CPP simply ignored the people protests and forced the formation of an unconstitutional National Assembly and Government.

Having seen their ballots being discarded, Cambodian voters have expressed their soaring frustrations and anger through mass protests, and demanded the establishment

KHMER PEOPLE NETWORK FOR CAMBODIA

An Appeal to the Members of the International community

of an impartial committee to investigate election irregularities and alleged frauds. The people have shown up by the hundreds of thousands in nonviolent rallies and protests, braving razor barbed wire barriers, blocked roads and bridges, and rain or shine. Those men and women, young and old, including children and Buddhist monks in saffron robes, have been pleading for the truth and justice.

Reflecting the strong voices of the Cambodian people, the opposition Cambodia National Rescue Party (CNRP) refused to sit in the National Assembly until the widespread electoral irregularities are fairly resolved by an impartial committee. The CPP self-proclaimed government has not been recognized by the people. The government's legitimacy has seriously been contested by the opposition CNRP, the people and the NGOs since it was formed in violation of the Cambodian Constitution and the PPA provisions.

Given the gravity of the political deadlock in Cambodia as identified above, we would like to appeal to justice-loving governments and people, especially the signatory countries' governments, being parties to the PPA, to take urgent steps to ensure that such an impartial committee, with the participation of the national agencies and the United Nations, is established. It should be allowed to do its impartial work to help Cambodia avoid being thrown into a looming dangerous crisis. Moreover, while proceeding to form such committee, we urge the United Nations to leave the Cambodia's seat at the United Nations vacant until the committee finishes its works.

Furthermore, the Cambodian expatriates and their compatriots inside Cambodia, joining in rallies and protests at the United Nations, Washington, DC, Seattle, Olympia, Long Beach, San Francisco, Lowell, etc., and in Canada, Australia, New Zealand, South Korea, France, Switzerland, and Cambodia, have pleaded for the United Nations to help save Cambodia. After the 1993 election, there have been a long series of serious breaches of the PPA by the governing CPP regarding Human Rights and Democracy. We urge the world community, especially the signatory countries, to call for the reconvening of the Paris Peace Conference to mediate the political impasse and to avoid the dangerous constitutional crisis that may lead Cambodia back to its recent past tragedy, bringing along the undesirable destabilizing effects on the entire region of Southeast Asia.

Khmer People Network for Cambodia
October 23, 2013

References:

The Trap of Saving Cambodia Trailer - IMDb www.imdb.com/video/imdb/vi679780633
Over 1.2 million voters disenfranchised: <http://www.hrw.org/news/2013/07/26/cambodia-systematic-problems-undermine-elections2>.

* FUNCINPEC is a French acronym for Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique, et Coopératif, which translates to "National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia". VS, KHO, NU, RU, TY, SM, HM

Attachment 2:
Reference to Additional Materials and Websites

1. Paris Peace Agreements: <http://www.usip.org/publications/peace-agreements-cambodia>
2. Over 1.2 Million Voters Disenfranchised:
<http://www.hrw.org/news/2013/07/26/cambodia-systematic-problems-undermine-elections>
3. Illusion of Democracy: <http://www.licadho-cambodia.org/reports.php?perm=149>
4. Cambodian Official Rejects UN Request for Updates on Rights:
<http://blueandgreentomorrow.com/2013/05/14/land-grabbing-in-laos-and-cambodia-breach-human-rights/>
5. Brad Adams 10,000 Days of Hun Sen: <http://www.nytimes.com/2012/06/01/opinion/10000-days-of-hun-sen.html>
6. Right to Freedom of Assembly Has Been Severely Violated: <http://www.salem-news.com/articles/march152012/cambodia-shooting-wg.php>
7. United Nations: New York, August 2, 2013 – Statement Attributable to the Spokesperson for the Secretary-General on Cambodia’s elections: <http://www.un.org/sg/statements/?nid=6999>
8. State Department Spokesperson Jen Psaki. Daily Press Briefing July 29, 2013:
<http://www.state.gov/r/pa/prs/dpb/2013/07/212527.htm>
9. U.S. Calls for Cambodia Election Investigation After Hun Sen Win:
<http://www.businessweek.com/news/2013-07-30/u-dot-s-dot-calls-for-cambodia-election-investigation-after-hun-sen-win>
10. Statement by the US State Department Regarding the Opening of the National Assembly:
<http://iipdigital.usembassy.gov/st/english/texttrans/2013/09/20130923283387.html#axzz2kWx31H6m>
11. Jen Psaki said “We do believe and continue to believe that a credible and transparent review of the election would help efforts moving forward,”: <http://www.rfa.org/english/news/cambodia/probe-10172013183118.html?searchterm:utf8:ustring=jen+psaki>
12. Situation room on Cambodia Election Day 2013: Joint Statement, The Assessment on Temporary Election Result:
http://www.comfrel.org/eng/components/com_mypublications/files/11290920130821_Joint_Statement_Assessment_Temporary_Election_Result_Eng_Final.pdf
13. CNRP Marches Through Phnom Penh, Delivers Petition to UN:
<http://www.cambodiadaily.com/elections/cnrp-marches-through-phnom-penh-delivers-petition-to-un-45737/>
14. Report of the Special Rapporteur on the situation of human rights in Cambodia, Surya P. Subedi:
http://cambodia.ohchr.org/WebDOCs/DocReports/3-SG-RA-Reports/A-HRC-21-63_en.pdf
15. Report of the Special Rapporteur on the Situation of Human rights in Cambodia Follow up on Elections:
http://cambodia.ohchr.org/WebDOCs/DocReports/3-SG-RA-Reports/A-HRC-24-36_en_SR_report_2013_ENG.pdf