



ខុមហ្វ្រែល COMFREL

# The Committee for Free and Fair Elections in Cambodia (COMFREL)

## 2013 National Assembly Elections Final Assessment and Report



December 2013

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## Acronyms

ADHOC	Cambodian Human Rights and Development Association
AHRC	Asian Human Rights Committee
AKP	Agency Kampuchea Press
ANFREL	Asian Network for Free Elections
CAS	Center for Advanced Study
CAPDI	Centrist Asia Pacific Democrats International
CCC	Constitutional Council of Cambodia
CCHR	Cambodian Center for Human Rights
CDPO	Cambodian Disabled People's Organization
CEC	Commune Election Commission
CHRAC	Cambodian Human Rights Action Committee
CCIM	Cambodian Center for Independent Media
CISA	Cambodian Integrity and Social Accountability
CLEC	Community Legal Education Center
COMFREL	Committee for Free and Fair Elections in Cambodia
CNC	Cambodian News Channel
CP	Collaborative Platform
CSO	Civil Society Organizations
CTN	Cambodian Television Network
DAHRC	Democracy and Human Rights Organization in Action
EU	European Union
EUEOM	European Union Election Observer Mission
GADNet	Gender and Development Network
GADC	Gender and Development for Cambodia
HRW	Human Rights Watch
ICE	Identification Certificate for Election
ICAPP	International Conference of Asian Parties
ICSO	Indigenous Community Support Organization
LEMNA	Law on the Elections of Members of the National Assembly
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
MoI	Ministry of Interior
MPs	Members of Parliament
NA	National Assembly
NDI	National Democratic Institute for International Affairs
NEC	National Election Committee
NGO	Non-Governmental Organization
NICFEC	Neutral and Impartial Committee for Free and Fair Elections in Cambodia
NIS	National Institute of Statistics
OHCHR	Office of the UN High Committee for Human Rights
PEC	Provincial Election Commission
PEFOC <sub>J</sub>	People's Forum on Cambodian-Japan
PFI	Press Freedom Index
PSC	Polling Station Commission
PVT	Parallel Voter Tabulation
RCAF	Royal Cambodian Armed Forces
RFA	Radio Free Asia
RGC	Royal Government of Cambodia
TIC	Transparency International Cambodia
TVK	National Television of Kampuchea
UN	United Nations
UNDP	United Nations Development Program

VIN Voter Information Notice  
VOA Voice of America  
YAC Youth Association of Cambodia

**Political Parties**

CPP Cambodian People's Party  
CNRP Cambodian National Rescue Party  
FUNCINPEC National United Front for an Independent, Neutral, Peaceful and  
Cooperative Cambodia  
HRP Human Rights Party  
KAPP Khmer Anti-Poverty Party  
CNP Cambodian Nationality Party  
RDP Republican Democratic Party  
KEDP Khmer Economic Development Party  
LDP League for Democracy Party  
NRP Norodom Ranariddh Party  
SRP Sam Rainsy Party

## Foreword

The Committee for Free and Fair Elections in Cambodia (COMFREL) serves to promote democracy and citizen participation in the spirit of building nationwide networking and cooperation with its member organizations and partners. Democracy is not just about elections, but free and fair elections are a necessary condition of democracy. COMFREL continues to devote great efforts to promoting democratic and genuine elections towards strengthening democratic governance.

This report on the 2013 National Assembly elections includes findings, analysis, overall assessment and recommendations, as a compilation of COMFREL's reports and the situation room's statements published prior to election campaign, polling and immediately post-election periods, as well as an analysis of the election results. As with previous reports, analysis and recommendations seek to advance the debate on the reform and promotion of free and fair elections in Cambodia.

We are proud of and indebted to numerous local networks, local observers, activists and NGO who served as volunteers during the 2013 election period and made COMFREL's comprehensive election mission possible. Their work included long- and short-term observation, voter list audit, campaign monitoring, media monitoring, parallel vote tabulation/quick count, complaints observation and the establishment of the situation room on election-day. Situation room is composed of 41 NGOs<sup>1</sup> who contributed to immediate sharing of election-day information from CSO election observers and enhancement of proactive intervention and rapid response to crises connected to the election-day environment.

COMFREL fielded more than 11,000 local observers, covering more than 60% of all polling and vote counting stations in the 2013 National Assembly elections. COMFREL engaged in advocacy for improvements to the legal framework and conducted voter education through dissemination of printed materials and broadcasts and political forums/debates on political platforms.

We wish to extend our appreciation for the courtesy and cooperation extended to us by the National Election Committee and other authorities related to elections at all levels. We also wish to thank media organizations, political parties and groups as well as other election stakeholders. On behalf of COMFREL's Board and management, we wish to express our special gratitude and pay tribute to partners and donors: Oxfam Novib/Netherlands, Forum Syd/Sweden, Norwegian People's Aid (NPA), the British Embassy, Swiss Embassy, Open Society Foundation (OSF) and

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<sup>1</sup> COMFREL, ADHOC, NICFEC, YRDP, CCIM, CCHR, CHRAC, NGO FORUM ON CAMBODIA, API, CCC, CDP, CLEC, CPWP, PDP-CENTER, DHRAC, GADC, LWD, CISA, KYA, KID, DPA, KYSD, MVI, ICSO, TI/C, SILAKA, STAR KAMPUCHEA, HR VIGILANCE, VBNK, WMC, YCC, HRTE, CPN, IDEA, VSG, CCSP, KHARAM, FACT, MLOP BAITONG

Australia Embassy and acknowledge the effective cooperation of the Asian Network for Free Elections (ANFREL), the People's Forum on Cambodia, Japan (PEFOC,J), and Embassies.

Special acknowledgement goes to our election core team on this report, made up of the following members: Ms. Kong Ravine, Mr. Kim Chhorn, Ms. Sonket Sereyleak, Ms. Mao Phally, Ms. Sieng Dahlia, Mr. Korn Savang, Mr. Un Samnang, Mr. Blang Boeurth, Mr. Sin Tithseiha, Mr. Srey Sopheak, Mr. Taing Sokha, Ms. Heang Thunny, Mr. Meas Serey Sophaon, Mr. Soung Souen, Mr. Sean Bunrith and Mr. Chun Chanren, all under the supervision of Mr. Koul Panha, Executive Director.

**Thun Saray**

**Chairman of COMFREL's Board; President of the Cambodian Human Rights and Development Association (ADHOC)**

## **1. Introduction**

The National Assembly elections 2013 mark twenty years of peace-building in Cambodia. First parliamentary elections were held in Cambodia after the Paris Peace Treaty 1991 ended a prolonged civil war which has lasted for ten years. In 1993 first National Assembly elections were held under UN supervision. Since then three National Assembly elections were held in the years 1998, 2003 and 2008. The regular conduct of elections initiated a democratization process in Cambodia to support the peace-building process should allow a smooth political transition of Cambodia's political system from a previously authoritarian Communist one-party state to a liberal democracy build on the principles of a multi-party system and pluralism. Cambodia has made substantial progress in the peace-building process. Today Cambodia is widely perceived politically more stable and peaceful than in the first decade of peace-building when a short revival of the civil war occurred in 1997 followed by political crisis of government formation after the parliamentary elections 1998 and 2003.

The second decade of peace-building showed a significant decline in political violence and increasing political stability allowing a slow but steady economic and social progress. Nonetheless the peace-building process has not yet led to a consolidation of the democratic political system. The political process continues in the second decade to be fragile. The historical legacy of two civil wars and the totalitarian rule of the Khmer Rouge, the challenges of economic and social development and the ongoing but difficult process of reconciliation between the opposition and government have made politics a sensitive and highly tense political process. Accordingly also the National Assembly elections 2013 have still to be perceived as part of a complex peace-building process. COMFREL's challenge endure to foster and support improvements in the political process in which in particular elections are no longer seen as a conflictual issue, but a regular democratic practice towards the consolidation of the peace process and the consolidation of a democratic political system.

## **2. Executive Summary**

### **2.1 Principal Findings**

- The entire election period the political environment was dominated by an atmosphere of intimidation with threats made to voters and opposition political party activists. Government authorities and media supporting the ruling party repeatedly warned of the possibility of having war or the military seizing power if there would be a change of government before the election and, in reality, there was a very real mobilization of armed forces and visible prevalence of weapons during the election dispute resolution period.

- Despite these constraints a greater public participation in the electoral process was observed than in previous elections, in particular among young voters. More Cambodians have demonstrated during the election campaign that they know their political and civic rights expressing political opinions. More participated in political events without fear of reprisals.
- The official election campaign has not improved to previous elections. Though fewer serious violent incidents were observed, an atmosphere of intimidation and threats prevailed. The number of complaints concerning campaign violations has significantly increased. COMFREL recorded 531 cases which is an increase by 95 cases in comparison to the 2008 election.
- The election campaign continues to lack an equal level-playing field for electoral competition. The absence of equal access to and use of media, specifically television and radio, with excessive airtime and the misuse of state resources in favor of the ruling party disadvantaged other political parties. COMFREL found between September 2012 and July 2013 that private and state TV and radio stations pre-dominantly broadcasted campaigns for the ruling CPP.
- COMFREL also observed 343 cases of systematic violations of provisions regulating the use of state resources including the employment of civil servants for CPP campaigns, the misuse of state vehicles, public buildings and premises for CPP campaigns and the misuse of public events like inaugurations, graduation ceremonies and other public festivities for CPP campaigns.
- The election system continues to lack proportionality in regard to the distribution of number of seats per province and the total number of seats allocated to the National Assembly based on the population census. Despite that the population increased since 2003 from 13 to 14.5 million and migration between provinces have changed the demographics in a number of provinces, the number of seats had not been increased and re-allocated to adapt to these demographic changes since 2003. The current system also limits voter's choice by not allowing independent candidates and naturalized Cambodians to contest elections.
- The composition of the election administration including the NEC, PECs and CECs remained also in this election a major issue of contention, the composition and recruitment procedures for the election administration were not changed, even though the election administration is widely perceived among opposition political parties to lack independency and impartiality
- The voter registration process continues to be marred by irregularities undermining confidence in the electoral administration as already observed in previous elections. COMFREL estimates that 1.25 million eligible voters were possible disenfranchised, mainly

because of missing names on the voter's list, where names had been changed, misspelled, used by someone else or deleted. These disenfranchised voters constituted 48% of all those who were not able to vote even though they went to polling stations. There were some cases of Vietnamese voters (although some had names in the voters list) who were not able to vote while they were blocked by local residents

- Multiple names of more than 300,000 on the voter list and the issuance of more than one million Identification Certificates for Election ('ICE'), removability of indelible ink had undermined confidence in the safeguard on one person one vote and prove on polling.
- More than 1 million registered voters (13.93 %) had not received Voter Information Notices (VINs). The distribution of VINs led to confusion among voters. Some believed that they need the VIN to be able to vote, or their names are not in the voter list although VINs are only thought to facilitate voters. COMFREL also found like in previous elections that the distribution of VINs is open for undue political influence by local authorities and party agents. Those have in some cases linked the VIN distribution with political campaigning or discriminated against voters who were known to support opposition parties.
- There were instances of obstruction not allowing party agents and election observers to properly observe the polling and counting process. 27 polling stations were found where party agents and election observers had been prevented from observing the polling and in seven polling stations the counting. In 158 polling stations the process could be only partly observed.
- The polling and counting was marred by irregularities undermining the integrity of the electoral process. The number of irregularities recorded at polling stations was more than the total number of electoral irregularities observed in the 2003 and 2008 national elections. In 2003 15,000 COMFREL observers recorded 3,723 irregularities, whereby 90% of all polling stations across the country were covered. In 2008 2,012 cases of irregularity were reported, whereby 70% of all polling stations in 15 provinces and municipalities and 5% of polling stations in the nine other provinces and municipalities were observed.
- In this election COMFREL's 7,700 own election observers alone observed total 11,402 cases of irregularities. 11,139 irregularities were observed during polling and 263 irregularities during counting including transporting voters to polling stations from different provinces. Most cases of irregularities happened during polling while not many cases of irregularities occurred during the counting.
- Only two of the total eight contesting political parties have won seats in this election. The Cambodian People's Party won 68 seats by gaining 48.83% votes (3,235,969 votes) and the

Cambodian National Rescue's Party won 55 seats by gaining 44.46% votes (2,946,176 votes)<sup>2</sup>. There was only a vote difference of 4% between these two parties. The CNRP rejected the election results claiming it had won 63 seats, but did not provide evidence to support its claims.

- The number of elected female parliamentarian has slightly decreased from 21.14% to 20.33%. However, one percent equal to three youths (between 25 and 35 years) was elected as parliamentarian. This is the first time that youth engage as law makers in the legislature.
- The current election complaint procedures and mechanisms in place have not contributed to solve electoral disputes but increased tensions contributing to the current electoral dispute and political deadlock observed since four months. Procedures and mechanisms to receive and resolve election complaints continue to lack transparency, comprehension and confidence among opposition political parties. To this day the NEC does not have an effective investigation mechanism for the collection of evidence prior to the start of a hearing and for further inquiries with concerned parties for complaints. This led again to suspicions of a lack of impartiality and allegations against the NEC and the Constitutional Council of Cambodia by the opposition that election complaints were not properly handled, in particular complaints against the election results. Problems persist in the enforcement of the current electoral legal framework including LEMNA, code of conducts and regulations and procedures for the voter registration, the election campaign, the polling and counting process and the election dispute resolution.
- The current legal framework set no limits on campaign financing providing the ruling CPP a distinctive advantage in the campaign to all other contesting political parties. COMFREL estimates the campaign expenditure (not include political propaganda through mass media, or voter buying, gift giving) that CPP spend in this election 15 million USD for its campaign which is five time more than the second main contender, the CNRP who had spent estimated 3.5 million USD and the third main contender, the FUNCINPEC who had spent 500,000 USD for the campaign.
- The post-election environment was accompanied by an atmosphere of intimidation and fear after a heavy security build up by military and police forces including razor wire road blockades following the rejection of the election results by the opposition and mass demonstrations in the Capital Phnom Penh. Violent incidents occurred during the second mass-demonstration of the opposition but the situation calmed after negotiations over the electoral dispute were initiated, the security build-up reduced and new mass demonstration

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<sup>2</sup> National Election Committee (NEC): Official Election Results of the NA Elections 2013

were conducted in a peaceful manner. The electoral dispute and political deadlock continued when this report was finalized.

## **2.2 What Others Say**

### **Royal Government of Cambodia (RGC) led by– Cambodian People Party (CPP)**

*'In the 2013 general election for the fifth Mandate of the National Assembly, two political parties won seats: the CPP (68 seats) and the CNRP (55 seats). Following the allegations of irregularities, the NEC resolved all complaints filed by CNRP, and the supreme institution – the Constitutional Council – ordered the NEC to open Safety Packages to verify figures alleged to show irregularities. The Constitutional Council fulfilled its mandate according to procedures, and found that the election results remained unchanged despite technical mistakes ... The CNRP has no choice but to accept the results of the election derived from the real will of the people. Even though Mr. Sam Rainsy has played all kinds of tricks to realize his dream of becoming the Prime Minister, the truth remains unchanged and his last chance is gone. The momentum generated from the uniting of the two opposition parties may not last long.'*

Source: Office of Council of Ministers of the RGC – Quick Press Reaction Unit: White Paper on the 2013 General Elections for the 5<sup>th</sup> Mandate of the National Assembly of the Kingdom of Cambodia, Phnom Penh 17<sup>th</sup> September 2013

### **Cambodian People Party (CPP)**

*The 2013 election was held in free and fair follow the constitution of Cambodia and the democracy principle. The political environment was in peace free and transparent, a lot of Cambodian people who have name in the voter list carry out their right and obligation to vote.....*

Source: Press Statement of CPP on 08 September 2013

### **Cambodian National Rescue Party (CNRP)**

*CNRP call for the international communities do not recognize the election result of the 2013 election and the Government has been established by not showing the will of Cambodian people.*

Source: CNRP's press statement on 28 August 2013

### **International Conference of Asian Political Parties (ICAPP) and the Centrist Asia Pacific Democrats International (CAPDI)**

*The ICAPP-CAPDI considers the elections in Cambodia as a triumph of popular will and a victory of the Cambodian people in their quest to build a better future based on the supremacy and sanctity of the ballot. The elections were free, fair and transparent, and, above all, peaceful, non-violent and smooth bear testimony to the fact that Cambodian democracy has not only matured, but come of age politically. We extend our heartiest congratulations to the people, political parties, leaders, media, civil society and the NEC of Cambodia for the successful and orderly conduct of general elections.'*

Source: Statement of ICAPP and CAPDI on the Cambodian Elections, 30<sup>th</sup> July 2013

### **Transparency International Cambodia (TIC)**

*'Due to problematic pre-election conditions and voting process irregularities experienced, TIC cannot express with confidence that the outcome of the election reflects the will of the Cambodian people.'*

Source: Transparency International Cambodia (TIC): Final Election Observation Report on Cambodia's 2013 National Election, Phnom Penh August 2013

## **Human Rights Watch (HRW)**

*'The entire process is biased in favour of the ruling party and against the opposition'... 'What should result in the will of the people has been organized to result in the will of the Cambodian People's Party.'*

Source: Human Rights Watch: Cambodia – Systematic Problems Undermine Elections, New York 26<sup>th</sup> July 2013, [www.hrw.org](http://www.hrw.org)

## **Asian Network for Free Elections (ANFREL)**

*'Given the level of widespread complaints and reports of irregularities related to the July 28<sup>th</sup> General Election in Cambodia, the Asian Network for Free Elections (ANFREL) believes that greater transparency and a thorough and impartial investigation that includes a variety of participants is the best way to re-build confidence and legitimacy in the election system and ensure that the Cambodian people receive the electoral justice they deserve.'*

Source: ANFREL: Press Release – Transparency and Impartial Investigation Needed to Repair Lost Confidence in Cambodian Elections, 5<sup>th</sup> August 2013.

## **Embassy of the United States in Cambodia**

*'The United States urges a transparent review of irregularities in the July 28 national elections which would help efforts to assess and address flaws in the electoral process and give the Cambodian people greater confidence in the electoral system.'*

Source: Embassy of the United States in Cambodia, Press Release, Phnom Penh 23<sup>rd</sup> October 2013

## **Delegation of the European Union to the Kingdom of Cambodia**

*'The High Representative congratulates the people of Cambodia on the peaceful and calm conduct of the elections on the 28th July. The high level of participation in the election and the mobilization of the young people during the campaign are encouraging signs for democracy in Cambodia. The national Elections Committee took a number of steps prior to the elections responding to some recommendations of past EU Election Observation Missions. However, the High Representative regrets that the authorities did not take all necessary actions to address some of the key shortcomings such as improving the reliability of the voter list, ensuring equitable access to media and preventing the use of State resources including campaigning by civil servants and the military.'*

Source: Statement by the Spokesperson of the High Representative Catherine Ashton following the elections in Cambodia, European Union – Brussels, 29<sup>th</sup> July 2013.

## **Election Reform Alliance (ERA)**

While each of these problems is troubling on its own, taken together these irregularities represent cause for significant concern, not minor technical shortcomings. In the context of 2013, and particularly given the closeness of the election, these problems and irregularities are enough to undermine confidence in the electoral process and its outcome.

Source: Joint report on 2013 Cambodian National Assembly Elections in December, 13 2013.

## **2.3 Overall Assessment**

**COMFREL with the situation room concludes that the National Assembly election 2013 was 'Not Yet Free and Not Yet Fair' regardless, as compared to previous elections, of a decrease of serious violence, the absence of killings**

**of political activists or politicians and the active participation of youths in the electoral campaigns. Fairness of the elections and integrity of the electoral process has decreased.**

**Previous elections organized by the National Election Committee ('NEC') were deemed to be below the international standards of free and fair elections but in this election key problems had not been properly addressed which have affected again the electoral process and the administration of the election.**

**The environment of intimidation, the threats made the lack of fairness and integrity of the process and the administration of the election affected the election results by giving the government party an unfair advantage against opposition parties. The election results do not fully reflect the will of the voters.**

### **3. Political Environment**

#### **3.1 Political Tensions and Divisions**

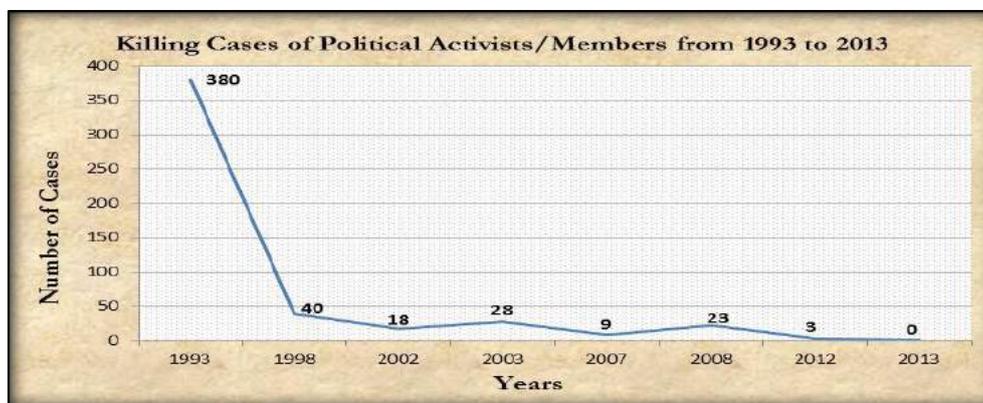
The political environment for the fifth National Assembly Elections marking twenty years of peace-building and democratization in Cambodia was characterized by political tensions and social divisions caused by the historical legacy of the past civil wars and the Khmer Rouge Regime and growing social tensions over economic problems reflected in growing labor and land-conflicts. The social divisions were accompanied by demographic changes towards an increase of the younger population entering the labor market, just to find that the demand for labor is declining and average salaries continue to be low. The pressure on the Royal Government of Cambodia had increased to change its supply oriented economic policies towards more social and demand oriented economic policies. In addition cases of misuse of authority by government and party officials of the Cambodian People's Party (CPP) in the fourth legislature have weakened the CPP led government. The divisions strengthened the opposition Sam Rainsy Party (SRP) and Human Rights Party (HRP), who had merged before the election and found the Cambodian National Rescue Party (CNRP).

The CNRP emerged in 2013 as the main challenger of the 32 year long dominant power position of the CPP and its junior partner, the royalist party FUNCINPEC who joined a coalition with CPP in 1998 after a protracted reconciliation process between the main contrahents of the past civil war. The CPP led government had pursued a policy of exclusion of the opposition since the last National Assembly elections 2008 through its control of the media and the conviction of opposition party leader Sam Rainsy for twelve years imprisonment for public forgery and disinformation, racial incitement and vandalism in 2009. The conviction was upheld by the

Supreme Court in March 2011 forcing Sam Rainsy to remain in exile in France to avoid prison until 2013. The verdicts had been criticized by civil society and international human rights organizations to be political motivated to weaken the opposition. Before the national election 2013 also MPs from SRP and HRP were excluded from the National Assembly for the reason that those parties had merged to the newly formed CNRP and could no longer occupy the parliamentary seats won in the national election 2008. Also this measure was widely criticized as a measure to weaken the opposition. Political tensions between the CNRP and CPP continued to increase intensively throughout the pre-election period. The CNRP demanded to delay the elections claiming severe problems with the voter list and the composition of the NEC, who CNRP claimed to have been controlled by the CPP. Conflicts further intensified during the election and post-election period as explained later in this report.

Only after international and domestic pressure from different stakeholders, King Norodom Sihamoni declared to amnesty opposition leader Sam Rainsy before the national election 2013. Sam Rainsy nonetheless was not allowed to run as candidate for the elections and to vote. The registration period for voters and the candidate registration had ended before he was amnestied. Officially was proclaimed that Sam Rainsy had been amnestied upon a request of Prime Minister Hun Sen. The return of Sam Rainsy, although only two weeks before the national election gave the newly merged opposition party CNRP a boost in political support, easing first political tensions and was widely positively perceived in Cambodia's public and international community. Positively was also observed that no severe instances of political violence occurred in 2013 as shown in Figure 1:

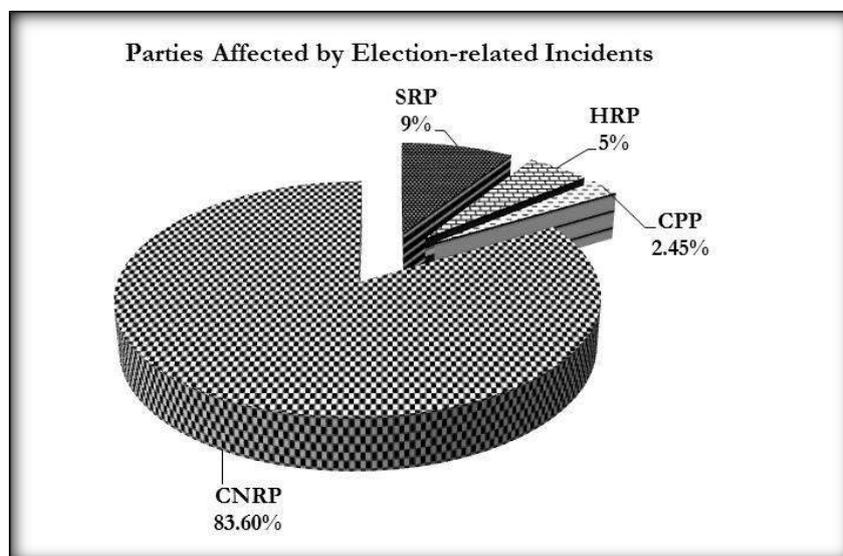
**Figure 1: Killing Cases of Political Activists/Members from 1993 to 2013**



Nonetheless non severe form of election related incidents including arrest threats, death threats, threats to evict and threats to destruct property continued mainly affecting opposition political parties. ADHOC with whom COMFREL closely cooperates in the observation of cases of political violence investigated 122 cases of political violence between January and September 2013. Mostly affected was the CNRP which reported 102 cases, followed by the SRP with 11

cases and the HRP with six cases. Three cases were reported from the CPP. Those cases included five cases of death threats and 56 cases of arrest threats. The other cases involved verbal threats to evict party members from their place of residence and to destruct property of party members. Figure 2 below illustrates the investigated cases of election related incidents and which opposition parties were most affected:

**Figure 2: Political Parties affected by election related incidents**



### 3.2 Contesting Political Parties

Since 2008 the party-system in Cambodia had developed towards a two-party system in which the CPP and the newly formed CNRP emerged as the main political players whereas other political parties lost on political support. Although totally eight political parties have registered for this election, only these two parties were widely perceived to be the frontrunners. FUNCINPEC, who once had been the second largest political party beside the CPP winning 58 parliamentary seats in the elections 1993, had since lost significantly on political support winning in 2008 only two parliamentary seats. As junior coalition partner in the CPP led government FUNCINPEC has been widely perceived as a close CPP ally with no programmatic differences. In the political conflicts between CPP and CNRP, FUNCINPEC have not taken a public position and been overall lacking any visibility in the previous legislature leaving the once powerful political party an unlikely challenger for the CPP and main opposition parties ahead of the National Assembly Elections 2013.

Among the other five political parties (LDP, RDP, CNP, KAPP and KEDP) who had been officially registered for the election, none had appeared before the national election 2013 as a main political player and serious challenger for the CPP or CNRP. Among those five parties, two had contested already in the National Assembly elections 2008 and commune election 2012. This included the Khmer Anti-Poverty Party (KAPP) and the League for Democracy Party (LDP).

The Republican Democratic Party (RDP) and the Cambodian Nationality Party (CNP) have contested only in the commune election 2012. Only the LDP and CNP succeeded to gain commune council seats in the commune elections 2012. The LDP won 8 seats, the CNP one seat. LDP and KAPP won no parliamentary seats in the national election 2008. The Khmer Economic Development Party (KEDP) had registered for the first time for elections. From these political parties LDP and CNP registered candidates for all the 123 contested seats, followed by KAPP with 122 registered candidates and RDP with 104 registered candidates. KEDP registered total 45 candidates. The number of contesting political parties has decreased to previous elections as shown in table 1 below:

**Table 1: Declining Number of Political Parties Competing in Elections**

1993	1998	2002	2003	2007	2008	2012	2013
20	39	8	23	12	11	10	8

### 3.3 Women Candidates

The number of women candidates has not increased in the national election 2013. Only 168 women candidates had been registered of the total 886 candidates contesting for this election equal to 19% of all registered candidates (compare Registered Candidates by Province and Political Party in the Appendix). Even though the percentage share is higher than in the national election 2008 when only 14% of all registered candidates were women, more women had contested in the election 2008 with 172 women candidates. Most women candidates contesting in the national election 2013 were registered in the provinces and municipalities of Kandal (26), Phnom Penh (21), Battambang (13) Kampong Cham (11), Kampong Thom (10) and Prey Veng (10). Svay Rieng (9), Takeo (9), Kampong Speu (8), Siem Reap (8), Pursat (7), Banteay Meanchey (7), Kampong Chhang (7), Kampot (6) and Kratie (4). In the provinces of Koh Kong, Monduliri, and Ratanakiri only two woman candidates in each province were registered. In the provinces of Preah Vihear, Sihanoukville, Stung Treng, Kep, Pailin and Oddar Meanchey only one women candidate per province registered.

In particular the main contesting political parties CPP, CNRP and FUNCINPEC, who most likely could win parliamentary seats in 2013 and had in past years often committed themselves to increase the number of women candidates, were not the frontrunners with women candidates. The CPP run with only 21 women candidates, one candidate more than in the national election 2008. FUNCINPEC registered only 12 women candidates, two women candidates more than in the national election 2008, even though FUNCINPEC had as only party in this election nominated a woman as prime candidate, Princess Norodom Arun Reaksmey. The HRP and SRP who merged to the CNRP for this election had registered 23 women candidates, the same

number of women candidates than in the national election 2008, when the SRP registered 17 and the HRP 6 women candidates. In seven provinces including Preah Vihear, Sihanoukville, Stung Treng, Kep, Oddar Meanchey, Mondulkiri and Ratanakiri the main political parties had registered no women candidates.

Three of the five smaller political parties in contrary appeared as frontrunners for women candidates in this election. Most women were registered by the Khmer Economic Development Party (KEDP) with 20 candidates, equal to 44% of its total 45 registered candidates. It followed the Republic Democratic Party (RDP) with 37 women candidates, equal to 35% of its total 104 registered candidates and the Khmer Anti-Poverty Party (KAPP) with 31 women candidates equal to 25% of its total 122 registered candidates. The Cambodian Nationality Party (CNP) registered 21 women candidates equal to 17% of its total 123 registered candidates. The League for Democracy Party (LDP) registered 15 women candidates equal to 12% of its total 123 registered candidates.

### **3.4 Youth Candidates**

The trend that youth voters (defined as age group between 18 and 35), plays an increasingly decisive role in elections continues as already observed in the commune elections 2012.<sup>3</sup>In order to attract more youth voters, all contesting political parties have increased efforts to recruit younger candidates to contest the election, though the number of registered youth candidates (between 25 and 35 years) remains still comparable low to the number of registered candidates above 35 years of age. The Law on the Elections of the National Assembly (LEMNA 2008) allow eligible voters with 25 years to register as a candidate. The NEC registered total 179 youth candidates for this election. This equals to 20 % of the total number of 886 registered candidates from the eight contesting political parties.

Similar to women candidates, most youth candidates were registered by smaller political parties. Among those were the LDP with 70 youth candidates equal to 57% of the total number of the candidates registered by this party and KAPP with 24 youth candidates equal to 20% of the total number of candidates registered by this party. From the main contesting parties, the CNRP had registered 14 youth candidates equal to 11% of the total number of its registered candidates, followed by FUNCINPEC with six youth candidates equal to 5% of the total number of its registered candidates. The CPP had only four youth candidates registered equal to 3% of the total number of its registered candidates. The CPP youth candidates included Hun Manet (30), a son of Prime Minister Hun Sen and Sor Sokha (32), a son of Sar Kheng, Minister of Interior leading

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<sup>3</sup> COMFREL: Final Report and Assessment on Commune Elections 2012, 07<sup>th</sup> November 2012, [www.comfrel.org](http://www.comfrel.org)

to speculations that the CPP government is preparing potential successors for future governments.

## **4. Election Campaign**

COMFREL positively observed that the amnesty of Sam Rainsy eased the political tensions and contributed to a more open political environment in the election campaign. A greater public participation in election campaigns was observed than in previous elections. Particularly youth participation increased. COMFREL found that the younger generations now discuss more openly politics. More Cambodians have demonstrated in the campaign period that they know their political and civic rights expressing political opinions. More participated in political events without fear of reprisals. The electorate also demonstrated in this campaign for the NA elections to be more critical towards political parties by observing more closely if they can follow through on their campaign promises. Internet and social media such as Facebook, Twitter and YouTube among others have been utilized by individuals, media and public institutions to post election related information contributing additionally to a more informed political environment. Positively was also observed that different to previous election campaigns severe election related incidents had decreased markedly.

Despite these positive developments however the election campaign for the national election 2013 remained again marked by incidents of intimidation, threats and election campaign practices contrary to electoral law including an unequal level-playing field for election competition in particular an unequal access to media and the misuse of state resources for campaign purposes in favour of the CPP. To this day there are also few laws regulating campaign financing providing the CPP another distinctive advantage. Currently parties are only required to maintain an election campaign accounts and disclose those upon NEC request. Election campaign contributions of individuals and organizations to political parties are unlimited. The CPP had used this freedom to its full advantage.

### **4.1 Pre-Election Campaign**

The pre-election campaign defined as the months before the official election campaign started, remained in general peaceful and calm but was marked by growing tensions between CPP, FUNCINPEC and CNRP who conducted election campaigns to discredit each other in public. The CPP accused CNRP Vice-President Khmer Sokha for denial of Khmer Rouge crimes and criminal offenses, whereas the CNRP tried to mobilize popular support with anti-Vietnamese resentments and accused unnamed high-ranking government officials for crimes committed during and after the Khmer Rouge Regime. FUNCINPEC alleged that the CNRP had defamed King Norodom Sihanouk to have been involved in the Lon Nol Coup 1970. The allegations and

counter-allegations of the main contesting parties, which often referred to the legacies of Cambodia's past civil wars and the Khmer Rouge Regime contributed to fears in parts of the population of possible political violence during and in the aftermath of the elections and an atmosphere of intimidation and fear, although no severe incidents of political violence were observed by COMFREL in this election.

In addition had the exclusion of opposition parliamentarians from the National Assembly in 2013 and the exclusion of opposition party leader Sam Rainsy before he was amnestied two weeks before Election Day confronted supporters and sympathizers of the CNRP with the awkward situation to be in support of a political party, whose leader was officially prosecuted and criminalized. The CNRP was forced to lower its profile until its party leader was amnestied in the last two weeks of the official election campaign. Consequently during the pre-election campaign and the first weeks of the official election campaign the CNRP could only partly compensate the absence of their opposition leader with internet live broadcasts and was constraint to extend its pre- and official election campaign to all 24 provinces, giving the ruling CPP a distinctive advantage in the campaign. Tensions between the CPP and CNRP mounted in the pre-election period when the CNRP revived its anti-Vietnamese nationalistic election campaign despite critics from civil society organizations in the past to stop these campaigns. Both, opposition party leader Sam Rainsy the former HRP party leader and now vice-president of the CNRP, Khem Sokha have been known for their nationalistic and anti-vietnamese rhetoric in past elections leading in 1998 to anti-Vietnamese riots in Phnom Penh killing four Vietnamese as alleged by the United Nations and the Vietnamese Embassy at this time. Though both have distanced themselves from their nationalistic and populist overtones in previous election campaigns, it was observed that the CNRP continued also in this election to use sometimes anti-Vietnamese resentments with the aim to strengthen their support. Among those SRP President Kong Korm led campaigns with anti-vietnamese slogans like that 'Number Buon' (in Khmer language for the number four), the number which CPP had gained on the ballot as fourth ranked party, brings 'Yuon' (a derogatory term for Vietnamese) to the country. To a public outcry in May 2013 led alleged anti-Vietnamese claims of the former president of the HRP and now vice-president of the CNRP, Khmer Sokha to have claimed in a broadcast speech that the notorious Khmer Rouge security prison Tuol Sleng, also known as S-21 in Phnom Penh, had been fabricated by Vietnam to justify its occupation of Cambodia and had linked the crimes committed in Tuol Sleng to Vietnam, but not to the Khmer Rouge. In reaction survivors of Tuol Sleng have staged protests against Khem Sokha supported by the CPP, first demanding an official apology of Khem Sokha and later threatening to sue him in court. The CPP led Royal Government of Cambodia hastily proposed a law to the National Assembly prosecuting individuals who deny crimes committed by the Khmer

Rouge, but ensured that the new law will not be applied reactive for Khem Sokha. The CNRP alleged that the accusations were fabricated by CPP to discredit the opposition claiming Khem Sokha had been misread, that he had not denied crimes committed by the Khmer Rouge and that he had lost himself his father during the rule of the Khmer Rouge regime.

COMFREL observed that the CPP support for protests against Khem Sokha by Khmer Rouge victims and negative broadcasts by state and private television and radio stations dominated by the CPP had stoked nationwide resentments of Kem Sokha, acting president of CNRP creating an insecure campaigning environment for the opposition. Kem Sokha once even has been physically barred from leaving a rally by members of the public. Also the CPP announced anti-denial law was approved by the National Assembly within only one week. COMFREL and a number of civil society stakeholders raised concern that the law was approved without public discussion while may be manipulated to suppress the freedom of expression. The opposition MPs also had been excluded from parliament and allowed no public discourse about its usefulness. Khem Sokha was sued by victims after he refused to apologize for his alleged comments. However, no court hearings took place. Khem Sokha did not appear at court and enforcement agencies had not arrested him on alleged charges. After the national election 2013 no further legal proceedings came to be known.

Tensions between CPP and CNRP further heightened when the CPP started than a smear campaign against Khem Sokha claiming that he had abandoned two adopted children and had sex with a smaller, a fifteen year old girl. The first claim was made by a woman who insisted to be his former wife that he had abandoned together with their two adopted children failing to provide financial support. Khem Sokha denied to have had any relationship with the woman before.<sup>4</sup> The second claim was made by Prime Minister Hun Sen personally who declared publically to know that Khem Sokha had been seen to have sex with a 15-year old girl and had been informed about it, but decided not to react on the accusations. The allegation backlashed on Prime Minister Hun Sen after he had publicly confirmed to have helped Khem Sokha to escape his arrest and a prosecution by warning Khmer Sokha that authorities are on the way to the hotel where he was suspected to commit the crime undermining the credibility of the claims made against Khem Sokha. Hun Sen nonetheless declared in public ‘So you have to remember that I helped you by breaking the law myself’<sup>5</sup>. Legal experts explained to local media that his saying was ‘nothing short of a self-incriminating confession to aiding in an alleged crime’<sup>6</sup>. No legal steps were taken against CNRP Vice-President Khem Sokha or Prime Minister Hun Sen. CNRP claimed that all

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<sup>4</sup> Cambodia Daily: ‘Court Investigates KhemSokha’s Role in Alleged Assault, 17<sup>th</sup> June 2013

<sup>5</sup> Cambodia Daily: ‘In Attacking Khem Sokha, Hun Sen Implicates Himself, 19<sup>th</sup> June 2013

<sup>6</sup> Ibid.

allegations were fabrications by the CPP to discredit CNRP Vice-President Khem Sokha in order to weaken the opposition election campaign.

The CNRP countered the CPP campaigns with campaigns alleging involvement of government officials in crimes. Opposition leader Sam Rainsy declared from exile, should the CNRP win the election he will bring current leading members of the Royal Government of Cambodia without mentioning them by the name to court for their involvement in crimes committed during and after the Khmer Rouge Regime and would start negotiations with Vietnam to demand the return of the island Koh Tral, which the CNRP claims to belong to Cambodia. The CPP prime candidate and incumbent Prime Minister Hun Sen warned in reaction that there would be war should the CNRP win the election with these promises defaming the CNRP as an adversary for war. Civil society organizations criticized Hun Sen's speech as intimidating for voters, who now would perceive the elections as either a voter for peace or war. The CNRP countered the CPP allegations by claiming to be a party of peace with no intention to provoke war with any country. In addition tensions were caused between FUNCINPEC and CNRP by SRP President Kong Korm who allegedly should have claimed that former King Norodom Sihanouk had ordered the coup of Lon Nol in 1970. FUNCINPEC accused Kong Korm of insulting the former King who just recently passed away demanding an apology or threatened to sue Kong Korm after the election. The CNRP rejected the allegations as another chapter of fabrications to discredit the opposition and weaken their campaign.

COMFREL and a number of civil society organizations<sup>7</sup> among others raised concerns in public statements during the tensions of the pre-election period. COMFREL alone observed total thirteen cases of intimidation, threats and discriminations against opposition supporters and politicians. Local authorities, mainly village and commune chiefs, have threatened in some case people who they thought to not support the ruling party and banned them from participating in public meetings organized by non-ruling parties, by disrupting public forums organized by opposition parties, or by telling people not to allow opposition parties to update political signs or posters displayed on their houses. Seven cases of the destruction of political party logos have been observed or reported between January and May 2013. In one case a Cambodian National Rescue Party (CNRP) poster in Pouk and Bakong district was torn down and there were another three similar cases in the province of Takeo. In each case civil society organizations noted that no

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<sup>7</sup> including the Cambodian Human Rights Action Committee (CHRAC), the Neutral & Impartial Committee for Free and Fair Elections in Cambodia (NICFEC), The Cambodian Human Rights and Development Association (ADHOC), the Cambodian Center for Human Rights (CCHR), the Community Legal Election Center (CLEC), the Democracy and Human Rights Organization in Action (DAHRC), the Cambodian Integrity and Social Accountability (CISA), the Cambodian Center for Independent Media (CCIM), the Gender and Development Network (GADNet), the Gender and Development for Cambodia (GADC)

steps were taken to bring legal charges against those suspected of vandalism. Civil society organizations also noted that local authorities and officials had been often biased and systematically distributed gifts (money, sarongs and other materials) for the CPP during the pre-election campaign. This practices of local authorities can be regarded as ‘vote buying’ during the campaign and contrary to election law.

## **4.2 Official Election Campaign Period**

The official election campaign period lasted from 27<sup>th</sup> June to 26<sup>th</sup> July. COMFREL observed that the atmosphere during the official election campaign had not improved to the pre-election campaign period and in comparison to previous elections. Though no severe violent incidents were observed, the number of complaints about campaign violations has significantly increased in comparison to previous elections. In 2008 total 116 complaints were forwarded to election authorities whereas in this election total 359 complaints were forwarded. 210 complaints were filed by the CNRP and 72 by the CPP. Most complaints referred to campaign disturbances, leaflet tearing, irregular blue cards and the use of state vehicles in the electoral campaign. 338 complaints were filed with Commune Election Commissions (CECs), 92 were forwarded and 18 directly filed to Provincial Election Commissions (PECs) 36 complaints were sent to NEC and three were filed directly to the NEC. Seven were sent to the Constitutional Council. Notably state official have often filed complaints against the CNRP for conducting campaigns or displaying campaign material on places they prohibited, but allowed CPP to conduct campaigns and display campaign material on these places.

COMFREL observed in total 448 cases of irregularities during the official election campaign and cooling day period which is an increase of 129 cases in comparison to the irregularities observed during the official election campaign for the National Assembly election 2008. Most irregularities during the official election campaign were observed in the provinces of Prey Veng (37), Kampot (34), Kampong Chnang (18), Kampong Cham (24), Kandal (16), Phnom Penh (10), Kampong Speu (18) and Siem Reap (16). On Cooling Day COMFREL observed total 203 cases of irregularities.

Like in previous elections the level playing field for electoral competition has not improved, disadvantaging political parties who contested against CPP. COMFREL observed a disproportional unequal access to and use of media, specifically of television and radio broadcasts for the CPP, whereas other political parties were often covered with negative and biased broadcasts. Only some independent radio stations, the internet and respective social media partly counterbalanced the CPP media dominance. Nonetheless television and radio continues to be the main source of information for the majority of Cambodia’s population. The unequal level playing

field for the media campaign among contesting political parties, in particular during the pre-election campaign period and the official election campaign period will be elaborated in a separate chapter of this report.

The ruling CPP could also again rely for their election campaign on state officials including government officials, military and police to the disadvantage of other contesting political parties. State officials often demonstrated open support for the CPP during campaigns. This led in some areas to an atmosphere of intimidation and fear in particular when military and police officials supported CPP campaigns. In some cases local authorities used their position to intimidate voters or bother other political parties during their campaign to discourage supporters. Cases of a lack of impartiality of government officials in the election campaign were in particular observed in the provinces and municipalities of Prey Veng, Kampong Chhang, Takeo, Kampot, Banteay Meanchey, Oddar Meanchey, Pailin, Phnom Penh, Kandal and Ratanakiri. In the provinces of Kandal and Kampot CNRP activists were temporarily arrested during the official election campaign. Also instances of destruction of campaign material, in particular of CNRP were observed in the provinces and municipalities of Kampong Cham, Kandal, Kratie, Prey Veng, Kampot, Banteay Meanchey, Oddar Meanchey, Battambang, Siem Reap, Kampong Speu and Kampong Chhang province.

In addition was found that state officials gave CPP often preferences in the organization of election campaign by providing them more popular public places for their campaigns or allowing them to display campaign material on public places where other political parties, in particular the CNRP, were prohibited to do so. COMFREL also found that often local authorities were clearly biased in regulating election campaigns in favour of the CPP to the disadvantage of other contesting political parties. For example other political parties were often even not allowed to stick their leaflet or theirs logos on private and public buildings. CPP in contrary was allowed to do so, often with assistance of local authorities, despite electoral regulations requiring the permission of owners of private buildings. Furthermore complaints were filed by local authorities including army officials against the CNRP for illegal campaign practices. Of 17 complaints filed, COMFREL found that 15 were filed because CNRP had displayed campaign material on light poles without permission. Such kinds of campaign disruptions in particular of CNRP were mainly observed in the provinces/municipalities of Prey Veng, Kampong Thom, Kampot, Ratanakiri Kampong Chhang, Battambang, Phnom Penh, Kandal, Siem Reap, Preah Vihear, Kampong Cham, Kampong Speu, Takeo, Svay Rieng and Kep.

COMFREL further observed a continuation of the systematic misuse of state resources as observed in previous elections and cases of vote-buying by the CPP. Misuse of state resources included the use of state promises and state vehicles for the CPP campaign and the active

encouragement of civil servants to participate in CPP campaigns. Details on the misuse of state resources are described in a separate chapter of this report. Cases of vote-buying included private money distributions of Prime Minister Hun Sen of total 500,000 USD for the construction of a new market in Krolanh District, Siem Reap during the official election campaign in July 2013 after a fire had destroyed the old market. Another case involving a high-ranking government official concerns the distribution of money donations by Minister of Interior, Sar Kheng in Svay Rieng province during the official election campaigns to citizens over 65 years needing medical treatment, to pregnant women giving birth and for funerals in the province. Between 100,000 to 500,000 Riels (25 to 125 USD) were distributed to each citizen. Other cases of vote-buying were observed in the provinces of Ratanakiri, Kampong Thom and Kampot, where CPP distributed gifts to encourage voter's support.

This obvious unequal level-playing field for election competition has clearly disadvantaged the other contesting political parties, although CNRP was able to resist the constraints allowing the CNRP to dominate the campaign beside the CPP. The CNRP conducted large scale rallies, organized often by its youth wing. Major rallies were held in the provincial capitals of Siem Reap and Battambang and in Phnom Penh. CNRP rallies attracted between 10,000 and 40,000 voters, in particular youth. CNRP campaigns also included motorcycle cascades and marches. CNRP claimed to have not paid any money to voters to attend rallies. Main message of the CNRP campaigns was the often heard slogan: 'Change or Not? Change!' Different the CPP, their main campaign slogans emphasized not to change and included slogans like 'The CPP is Love and Believe. Pity on Hun Sen.' or 'Dare to Promise Dare to Do'. Whereas the CNRP claimed to have offered no material incentives for their campaigns, the CPP had paid electoral activists from 5,000 to 30,000 Riel for a day of campaign. CPP also targeted specifically youth voters with attractive live concerts in popular places in Phnom Penh attracting large number of youth voters and conducted motorcycle cascades and marches in major municipalities of the country. Besides door-to-door meetings and gatherings in village halls dominated the campaign. The CPP was also strongly visible through display of campaign materials.



Picture1: From left to right: CPP, CNRP and FUNCINPEC Election Campaign Activities

The other contesting political parties lacked this dominance during the official campaign. Solely FUNCINPEC attracted some attention. In the provinces of Kampong Cham and Takeo and Phnom Penh COMFREL observed rallies of FUNCINPEC attracting about 10.000 voters. Smaller political parties relied less on large rallies but gatherings, meetings and door-to-door campaigns. Also campaign materials were more often displayed from the main contesters CPP, CNRP and FUNCINPEC than from other contesting political parties. Smaller parties lacked often the financial resources for an intensive election campaign. Considering additionally the uneven level-playing field in the election competition clearly favouring the ruling CPP, they were the most disadvantaged, though smaller parties gained some minor coverage in state and private TV and radio stations.

Of concern in regard to campaign speeches given by the contesting political parties was that also the official CNRP campaign was accompanied by anti-Vietnamese nationalistic speeches. In Siem Reap opposition leader Sam Rainsy told during the second largest rally in the country with 20.000 voters that he will return Angkor from the Vietnamese, whom he called 'Yuong', a derogative term and continued his derogatory speech by saying: 'We are full. We have been eating Vietnamese sour soup for 30 years. This time we need to eat a traditional Khmer Soup.' He further claimed that land has been mainly lost to Vietnamese companies and illegal immigrants from Vietnam and promised: 'We have to kick the Vietnamese out and will collect our property back'<sup>8</sup>. The anti-Vietnamese campaign intimidated ethnic Vietnamese with Cambodian citizenship. In one case the anti-vietnamese campaign led to clashes with CPP supporters in Phnom Penh injuring one police officer and one CNRP supporter. Although the CNRP denied leading an anti-vietnamese campaign, the party did not discipline supporters from the use of anti-vietnamese slogans. Also Sam Rainsy continued anti-vietnamese speeches as observed in Siem Reap contrary to the announcements of his own party.<sup>9</sup>

### **4.3 Campaign Finance**

The current legal framework for elections set no limits on campaign financing providing the ruling CPP a distinctive advantage in election campaigns before all other contesting political parties. COMFREL estimates that CPP spend in the national election 2013 15 million USD for its campaign. This is five times more than the other main contesters, the CNRP who had spent estimated 3.5 million USD and the FUNCINPEC who had spent 500,000 USD for this campaign. This estimation not includes costs of media expenditure, gift giving, vote buying and other hired expenditure. Although political parties are obliged by LEMNA as stipulated in article 82 and article 83 to have an account book showing sources of incomes and expenses for electoral

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<sup>8</sup> Cited from Cambodia Daily: Rainsy, Sokha Draw Large Crowds in Siem Reap, 25.07.2013

<sup>9</sup> Cambodia Daily: Comes Election Time, Xenophobia Proves Expedient, 26.07.2013

campaign purposes (article 82) and that all contributions received by a political party shall be credited into a bank account and all electoral campaign expenses shall be debited from the same account (article 83). But there are no provisions requiring contesting political parties to disclose their expenditures to the public. The NEC may only examine the account book if they believe it to be ‘necessary’. The NEC so far have not taken any action in examining campaign expenditures in past and the current national election.

#### **4.4 Cooling Day Period**

The last day before the election, called ‘White Day’ by the NEC, but often also referred to ‘Cooling Day’ is according to current electoral regulations a day in which any election campaign activities are prohibited in order to provide voters time for reflection before the vote. Prohibited campaign activities include also broadcasts about political parties in print media, radio and television stations. Nonetheless like in previous elections a number of electoral campaign violations were observed. COMFREL deployed 7,700 election observers on Cooling Day to observe the process of election preparations and possible irregularities in and around 7,691 polling stations before these observers were to observe the polling and counting process in the same polling stations on Election Day.

COMFREL observers reported in total 203 cases of electoral campaign violation on cooling day from the provinces and municipalities of Kandal, Prey Veng, Kampong Cham, Banteay Meanchey, Battambang, Kampot, Phnom Penh, Mondulhiri, Pursat, Rattanakiri, Siem Reap, Svay Rieng, Takeo and Pailin. In 64 polling stations observers found that the situation was insecure because an atmosphere of intimidation and fear. This was reported for polling stations in the provinces and municipalities of Kandal, Kampong Cham, Phnom Penh, Kampot, Prey Veng, Kampong Thom, Takeo, Sihanouk Ville and Rattanakiri. Beside some logistical problems were observed leading in 35 polling stations to shortages of important electoral equipment that partly obstructed the polling process. Those obstructions were observed in the provinces and municipalities of Kandal, Kampong Cham, Phnom Penh, Kampot, Prey Veng, Kampong Thom, Takeo, Sihanouk Ville and Rattanakiri.

#### **5. Misuse of State Resources**

**COMFREL observed from September 2012 to July 2013 in total 343 cases of systematic violations of provisions regulating the use of state resources** including the employment of civil servants for election campaigns, the misuse of state vehicles, public buildings and premises for election campaigns, the misuse of public events like inaugurations, graduations ceremonies and other public festivities for campaign and the misuse of government broadcasts in state TV and radio stations to campaign in favour of CPP. Although the misuse of state resources for

election campaign purposes has slightly declined in comparison to the commune elections 2012, when 500 cases<sup>10</sup> were observed by COMFREL, the CPP have made few attempts to stop this illegal practice.

The Law on Elections of Members of the National Assembly, Article 81 states that *'All expenses for electoral campaign incurred by a political party or a candidate shall be covered by that political party or candidate.'* The Law on Political Parties (1997), Article 29 stipulates that *'Political parties shall be banned from receiving contributions of any form from government's Institutions, associations, NGOs, public enterprises, public establishments, public institutes or foreign firms ...'* The Law on Co-statute of Civil Servants, Article 37 states that *'Any civil servant shall be neutral when exercising his/her functions and shall forbid himself/herself to use his/her position and the State facilities to undertake the following political activities: to work for or against a political party and to work for or against a political candidate. Any behaviour contrary to this Article shall constitute a transgression or a professional breach.'* The Law on General Statutes for the Military Personnel of the Royal Cambodian Armed Forces, Article 9 states that *'Military personnel may enjoy the same rights and freedom as other citizens. However, the exercise at certain rights and freedom shall be limited according to conditions as stated in these laws. Military personnel shall be neutral in their functions and work activities, and the use of functions/titles and state's materials for serving any political activities, shall be prohibited.'* The Code of Conduct for the Royal Cambodian Armed Forces Military Personnel states that *'military forces shall be all time neutral and impartial in implementing the duties and all tasks and that military personnel of the Royal Cambodian Armed Forces shall not use their position or state resources to serve political party activities.'*

The CPP nonetheless continued to sustain and strengthen its party organization within the state administration and the police and military forces. COMFREL found that most governors of provinces and districts and high-ranking civil servants have positions within the ruling party. Moreover CPP does offer lucrative party positions to civil servants and police and military officials. Among those are provincial governors, deputy governors, chiefs of departments, municipal and district chiefs, chiefs of the civil administration and of RCAF departments, police deputy chiefs and commanding officers. They are actually assigned in functions as civil servants and prohibited to participate in political party activities, but were recruited by CPP as head of party and committee members in a number of provinces, the capital and districts. COMFREL found also that civil servants in the rank of chief/deputy general of department, secretary-general and general director were nominated as CPP presidents and vice-presidents in their area of responsibility as civil servant.

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<sup>10</sup> COMFREL: Report on Misuse of State Resources for Political Party Purposes, May 2012, [www.comfrel.org](http://www.comfrel.org)

COMFREL's observed 343 cases of misuse of state resources for CPP campaigns for the national election between September 2012 and July 2013 as listed below. Most cases of misuse of state resources were found in Kandal (66), Kampong Cham (25), Kampong Thom and Phnom Penh (51):

- *Misuse of state vehicles for election campaign purposes (10)*
- *Misuse of public spaces for election campaigns (27) other than outlined in LEMNA, Article 77 which includes theatres stadiums, parks and halls. Among those cases most were held in Pagodas (19 cases).*
- *Misuse of state human resources by organizing the participation of civil servants (59 cases), police and armed forces in campaign events (248 cases) including gift-giving ceremonies, political campaigns and ballot-ticket trainings. Armed forces and police were not on duty to provide security for the events, but to actively support the CPP campaign and openly demonstrated their loyalty to the party. In 126 cases civil servants, police and armed forces were organized during official working hours for in campaign activities.*

**During the official election campaign the misuse of state resources did not intensify but continued. Between 27<sup>th</sup> June until 26<sup>th</sup> July 2013 COMFREL observers found 102 cases of misuse of state resources for election campaign purposes** of the ruling party including the misuse of state vehicles (2 cases), the use of pagodas for campaign purposes (3 cases) and the organization of civil servants, police and military officials for campaign activities of the CPP (24 cases). The CPP misused also its privileged position as government party to link official state events with political campaigns for the CPP. Those are broadcasted in state TV and radio stations providing the CPP a distinctive advantage to other political parties in the whole election period.

**COMFREL's observation found that from September 2012 to July 2013 the CPP used events organized by the state in total 73 cases for campaign purposes.** This included inaugurations of infrastructure projects like roads, bridges and buildings (38), the distribution of land titles (16), graduation ceremonies in universities (3), opening and closing ceremonies of state conferences (8) and government meetings (8). Mostly those state events were presided over by Prime Minister Hun Sen using the events as a platform to defend CPP policies, to remind the audience on CPP achievements and their role in liberating the country from the Khmer Rouge, but also to criticize opposition parties, in particular the CNRP. COMFREL estimates that these state events led to public expenses of probably 10,000 to 20,000 USD per state event, directly benefiting the government party campaign for this election to the disadvantage of other contesting political parties.



Source: PEFOC,J

Picture 2: The car shown above had not plate number while conducting CPP election campaigns

## 6. Media Role in the Electoral Process

Media, especially radio and TV stations play an important role for the electoral process providing electoral and political information throughout the election process, reaching the broadest audience in Cambodia. In the past ten years the media landscape in Cambodia has dramatically changed. According to the Ministry of Information citizens have today access to 97 international and national radio stations and 54 television stations. This is a sharp increase from the few television stations (7) and radio stations (14) which could be counted in the 2003 elections. All media with the exception of state owned TVK and the state owned radio stations FM 96 MHz and Wat Phnom FM 105.70 MHz are privately owned. Additionally an increasing number of the Cambodian population gain access to information about politics and elections through social media.

This new media development of the past decade should be to the advantage of all political parties trying to reach a broad electoral audience. In theory all political parties registered at the Ministry of Interior are allowed to broadcast their activities through media. Nonetheless to this day, no media law regulating political and electoral broadcasting had been adopted in order to ensure that media comply with code of conducts in their political and election reporting. This can be especially observed for providing broadcasting time on equal terms to political parties and candidates during official election campaign periods. But also in election free periods when information is often coloured with discriminatory, biased, insulting or defamatory language in political news broadcasts.

### 6.1 Access to Media in Particular Television and Radio

Whereas COMFREL can positively observe that the state owned television and radio stations have improved their broadcasts in terms of balanced coverage of political parties and unbiased reporting at least during the official campaign period, a number of private media however continue to not refrain from political biased reporting against political contrahents. This can be

especially observed during official election campaigns. Some private media are directly affiliated to political parties, either supporting the government or opposition parties. Best known party affiliated and often biased private media in the political broadcasts are listed in the table below. Significant remain that only the CPP owns television stations and is often also covered more positively in state media providing this political party another distinctive advantage in election campaigns as observed in all previous national elections. Table 2 below list TV and radio coverage for political parties in campaigns:

**Table 2: TV and Radio Stations per Political Party in the National Election 2013**

Media	CPP	CNRP	FUNCINPEC	Independent Station
Radio Station	FM 95 MHz	FM 93.5 MHz	FM 90 MHz FM 90.5 MHz	FM 92 MHz (RFI) FM 102 MHz FM 105 MHz FM 106.5 MHz (VOD)
TV station	All			

The unequal access to TV in particular as shown in table 2 above does not provide an equal level-playing field for electoral competition. Also in this election COMFREL found again that TV stations including state TV and radio TVK - with some exception during the official election campaign period - were clearly favouring CPP. Beside the few radio stations affiliated to opposition parties, only few independent radio stations provide equal coverage to all political parties and refrained from biased reporting against political contrahents during the whole election period. This included beside above mentioned radio stations, the private radios RFI Radio FM 92 MHz and Women's Radio.

Main campaign broadcasts for the CPP were for this elections aired through the private TV and radio stations Bayon TV and Bayon Radio FM 95 MHz owned by the daughter of Hun Sen, Hun Mana, by the Cambodian Television Network (CTN) and the affiliated Cambodian News Channel (CNC) and by the CPP affiliated APSARA TVstation. Interestingly the biased coverage of these media stations not only involves news broadcasts but also entertainmain programs in which often political messages are incorporated to campaign favorable views of the government party CPP. Those private media offered no airtime to other contesting parties claiming to be independent.

Also state TV and radio TVK broadcasted before and also with some exception in the official election campaign period mainly in favour of CPP. For example enjoyed CPP privileged coverage for charity events, whereas charity events of other political parties were not covered. TVK also broadcasted reports about private activities of high-ranking CPP members as well as broadcasts over state events used by CPP to conduct election campaigns. Only during the official election campaign period, TVK and affiliated radio stations provided all eight contesting political parties

some nationwide coverage. The NEC in collaboration with TVK broadcasted policies of all eight political parties contesting the national election 2013. Each political party was given equal airtime on the TVK network. During the official election campaign of thirty days from 27<sup>th</sup> June until 26<sup>th</sup> July 2013, TVK and Radio FM 96 MHz as well as the private owned radio station Wat Phnom FM 105.70 MHz broadcasted political parties' platforms four hours daily as outlined in table 3 below:

**Table 3: Election Campaign Broadcasting Time in TVK in the National Election 2013**

Time	TVK	FM 96 MHz	FM 105.70 MHz
Morning	N/A	N/A	8:00-10:00 am
Afternoon	13:00-15:00 pm	16:00-18:00 pm	N/A
Night	20:00- 22:00 pm	22:00 pm-24:00 am	21:00-23:00pm

Some more equal media coverage for the other contesting political parties than CPP was also reached after TVK broadcasted a National Democratic Institute (NDI) program that covered debates between representatives of all contesting political parties. It was broadcasted four times for one and half hour during the official election campaign period. Another UNDP sponsored and organized program called 'Equality' (Samthor) providing political parties the chance to express policies on social issues four times a day for forty minutes throughout the year in TVK was cancelled in November 2012 after allegations were made by the Ministry of Information that the broadcasts had been inaccurate. Latter reflect the tendency in current media policies to be more restrictive towards media networks supportive for opposition parties than to media supporting the CPP. In the recently released worldwide Press Freedom Index 2013 (PFI), Cambodia was ranked only on the 143th place in 2012, falling from place 117 in 2011 by 26 places within only one year.<sup>11</sup>

Other political parties than CPP could rely in this elections only on this two TVK programs and a few privately owned radio stations. The CNRP broadcasted through three radio stations, but with coverage only in Phnom Penh and Battambang. This included Beehive radio FM 105MHz and 93.5 MHz radio in Phnom Penh and one radio station in Battambang. FUNCINPEC broadcasted through two radio stations, FM 90 MHz and Radio FM 90.5 MHz. From the smaller parties the League for Democracy Party (LDP) was similarly constrained. In the past, LDP programs were broadcasted by radio stations in the provinces of Siem Reap, Battambang, Banteay Meanchey, Oddar Meanchey, Kampong Cham, and Kampot. But because those programs were first broadcasted on behalf of Training and Development Organizations not disclosing their affiliation to the LDP, most radio stations have cancelled the programs. Moreover some provincial departments of the Ministry of Information had explicitly prohibited LDP broadcasts. The LDP

<sup>11</sup> Reporters without Borders: Press Freedom Index 2013, en.rsf.org

was like CNRP only able to broadcast in two radio stations with coverage only in Phnom Penh and Battambang.

The persistent political bias in Cambodia's media was for this election also verified through media monitoring results of COMFREL between January and July 2013. Whereas the official election campaign allowed some more equity through TVK, the pre-election periods prove often the opposite raising the question, if a genuine competitive media campaign can be guaranteed solely by TVK. COMFREL monitored between January and July 2013 news broadcasts of the television stations CTN, TVK and Bayon news TV and the radio station Beehive FM 105 counting which and how often political leaders are mentioned in their news programs. CTN, TVK and Bayon news TV were observed daily from 05:00 pm to 11:00 pm and Beehive radio FM 105 daily from 12 to 5 pm.

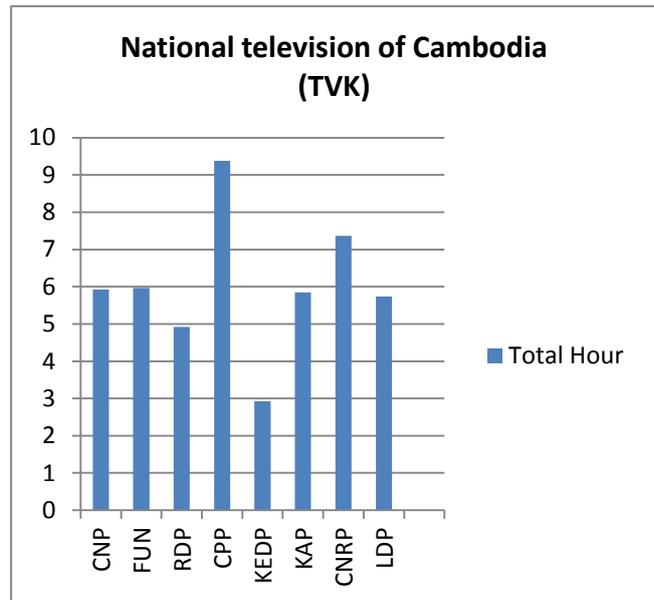
During this period COMFREL has observed that the ruling Cambodian People Party (CPP), dominated both state and private television's airtime to propagandize its political platform and its leader's works and political activities. As shown in table 4 CPP gained clearly more access to media during the election campaign for the NA election 2013 than any other contested political party:

**Table 4: Airtime for Political Party of TVK, Bayong News and CTN**

N	Political Party	TVK		CTN		Bayon News	
		Airtime	%	Airtime	%	Airtime	%
1	Cambodian National Party (CNP)	05h 55mn 02s	12.32	00h 00mn 07s	0.21	00h 00mn 00s	0
2	FUNCINPEC Party (FUN)	05h 54mn 25s	12.42	00h 02mn 51s	1.94	00h 02mn 16s	0.41
3	Republican Democracy Party (RDP)	04h 50mn 31s	10.23	00h 00mn 00s	0	00h 00mn 00s	0
4	Cambodian People Party (CPP)	09h 19mn 22s	19.51	06h 45mn 25s	75.60	16h 26mn 30s	87.98
5	Khmer Economic Development Party (KEDP)	02h 47mn 51s	6.08	00h 00mn 00s	0	00h 00mn 00s	0
6	Khmer Anti-Poverty Party (KAP)	05h 48mn 16s	12.16	00h 00mn 05s	0.15	00h 00mn 00s	0
7	Cambodian National Rescue Party (CNRP)	07h 15mn 41s	15.32	01h 42mn 28s	19.71	02h 00mn 56s	11.48
8	League for Democracy Party (LDP)	05h 44mn 02s	11.94	00h 08mn 29s	2.37	00h 00mn 08s	0.11

### State Television Station (TVK)

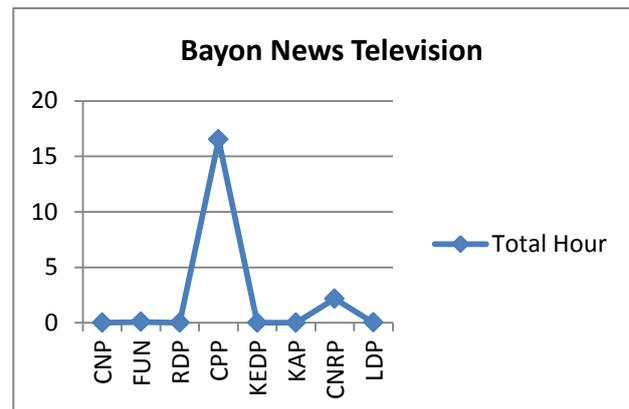
During the official election campaign from 27 June to 26 July 2013, airtime of National Television of Cambodia (TVK) was used by the NEC to broadcast a election campaign program called ‘equality for political parties’ to allow all contesting political parties to present their political platform. Although TVK provided in this case equal airtime to all contesting political parties, some political parties have not used it because they lacked the ability to produce campaign spots or could not afford them. Furthermore, despite more equal access to TVK during the official election campaign the channel still continued to favour the CPP in its regular programs during the official election campaign period. Among those



broadcasts TVK aired some programs concerning private matters of Prime Minister Hun Sen including the funeral ceremony of Hun Sen’s father which was broadcasted many times during the campaign.

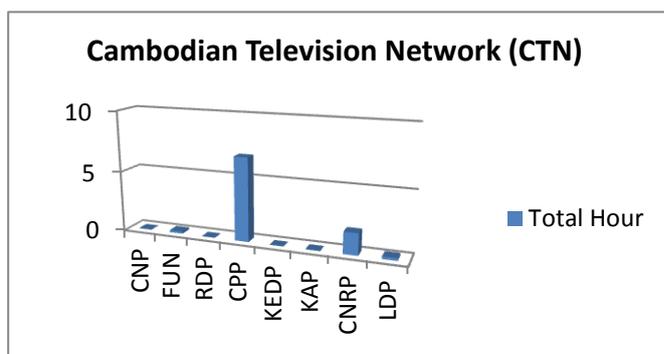
### Private Television Stations

Bayon News and Cambodian Television Network (CTN) are considered as the private television station which have the best nationwide coverage, particular reaching with their broadcasts citizens people who are living in remote areas. During the 2013 electoral campaign, these two TV stations played a very important role for the ruling party, CPP, not



only to propagandize its political platform but also to attack the opposition, in particular the CNRP. CPP dominated 87.98% of the airtime of in Bayon News TV which is known to be under the control and ownership of Prime Minister Hun Sen’s daughter. This TV channel mostly broadcasted about campaign activities of the CPP and about achievements of Prime Minister Hun Sen.

CNRP gained access to CTN about 19.71% of the total broadcasts on political activities during the electoral campaign. However, only CNRP election campaign activities on the road were



broadcasted, but no other information on CNRP political activities and its political platform were provided.

COMFREL's media monitoring results reveal a clear political bias of all media monitored. Whereas CTN, TVK and Bayon TV with nationwide coverage

more often mentioned Hun Sen, the pro-opposition radio station Beehive FM 105 with coverage in Phnom Penh mentioned more often Sam Rainsy and Khem Sokha. FM 105 nonetheless provided also some airtime for the LDP, whereas other broadcasters with few exceptions mentioned only CPP and CNRP leaders. Table 5 below list the total count in the monitored period of names mentioned by these broadcasters. The coverage of Hun Sen reached 58, 47% of all counts between January and July 2013. Even when the strong media presence of Hun Sen is explained by his position as Prime Minister the coverage is disproportional. Smaller political parties as shown in the table 5 have gained no access to these media except LDP:

**Table 5: Amount of Entries/Mentioning of Politicians from all eight contesting political parties in selected TV and Radio stations during the National Assembly election 2013**

N	Politicians	FM 105	CTN	Bayon	TVK	Total
01	Hun Sen (CPP)	828	764	4195	4040	9836
02	Kem Sokha (CNRP, HRP)	1570	433	257	14	2263
03	Sam Rainsy (CNRP, SRP)	1225	431	135	22	1813
04	Heng Samrin (CPP)	36	63	257	424	780
05	Chea Sim (CPP)	21	35	43	206	405
06	Khem Veasna (LDP)	347	00	00	03	350
07	Samdech Norodom Arun Rasmey (FUNCINPEC)	235	00	04	24	263
08	Nhek Bun Chhay (FUNCINPEC)	200	04	05	41	250
09	Sao Rany (FUNCINPEC)	200	00	01	00	201
10	Kong Korm (CNRP, SRP)	140	13	20	05	178

11	Pol Hom (CNRP)	129	00	00	00	129
12	Son Chhay (CNRP, SRP)	63	00	04	04	71
13	Pen Sovann	61	00	02	00	63
14	YemPonhearith (CNRP, HRP)	52	00	06	00	58
15	Mu Sochua (CNRP, SRP)	34	00	04	00	38
16	Ou Chanrith (CNRP, HRP)	30	00	01	00	31
17	Eng Chhay Eang (CNRP, SRP)	29	00	00	00	29
18	Yim Sovann (CNRP, SRP)	15	00	03	01	19
19	Keo Puth Raksmeay (FUNCINPEC)	17	00	00	00	17
20	HoCann	12	00	01	00	13
21	You Hockry (FUNCINPEC, NRP)	09	00	00	00	09
22	KimsourPhirith (CNRP, SRP)	04	00	00	00	04

## 6.2 Violations of Codes of Conduct and NEC Guidelines

Problems for a genuine level-playing field for electoral competition in media were raised in this election also by the insufficient implementation of current NEC media regulations in regard to the prohibition of biased access to media and the use of biased, discriminatory, inflammatory, insulting and defamatory language in political and electoral broadcasts. The NEC could seldom enforce campaign regulations on the media as also observed in this election, because currently no legal framework is in place regulating the media campaign except for guidelines given by the NEC. Also for this election media guidelines were released by the NEC but except for the state owned TVK and affiliated radio stations they were not very effective to force private media into compliance.

The NEC required in the election 2013 in its ‘Manual for Election Campaign’ and ‘Guidelines for Media’ that state and private media during the official election campaign period provide all contesting political parties airtime on equal terms for election campaign. The NEC also required private radio and TV stations aiming to sell airtime during the campaign to report the number of sold hours. Private TV and radio stations however claimed that they do not sell airtime for election campaigns for political parties and were therefore not required to inform the NEC. The ‘Manual for Election Campaign’ outlines that private media are free to refuse the selling of

airtime to any political party, but only when they have not sold airtime to any other political party. Accordingly private media claimed to sell no airtime to any political party for campaigns despite their affiliation to the CPP. LDP and CNRP had tried to buy airtime in private TV stations but were refused.

COMFREL finds this legal situation unbearable. The media monitoring obviously reveal that one political party gain airtime in private TV and radio stations for election campaigns. The NEC has not yet developed effective mechanisms to monitor and enforce media regulations against private TV stations. The NEC reported in its White Paper to have enforced regulations only in one case. The NEC stated that 'in the 2013 Election, no complaints were filed in relation to equal media access; however, it is noted that on 26 July 2013, the NEC took action against ABC Radio Station for airing provocative news by sending a letter to the Ministry of Information to temporarily shut down this radio station.<sup>12</sup> Nonetheless the radio station was not shut down by the Ministry of Information.

Other potential violations of media guidelines in regard to the use of biased, inflammatory, discriminatory, insulting and defaming language in political and electoral broadcasts against political contrahents were not investigated by the NEC. COMFREL found that a number of private media have operated in a 'grey zone' which would have allowed investigations how far those media comply to current code of conducts and guidelines in place for state and private media during the election campaign and the possibility to take measures against some programs broadcasted, but the NEC obviously lacked the enforcement capabilities and requires support of other government ministries.

This includes broadcasts made by Bayon Radio Station in its program called 'Khmer Culture' (Vabakthor Khmer) which allows call-ins from listeners to express their political views. Often those call-ins include insulting language and allegations against opposition parties, which are not corrected. Defamatory language like 'the opposition leader is foolish' and 'would the opposition win the elections war would break out and the Pol Pot Regime would return' is heard in call-ins but not put into question by the radio moderator. Another example is the ABC Cambodia radio station FM 107.5 which broadcasted questionable commentaries on 23 to 24 July during the campaign by claiming 'if CNRP win the election and forms the government, all investment will leave Cambodia. After three months CNRP government, armed forces will be deployed to rule the whole country, leading to a brake up of diplomatic relations and new bloodshed like under the Khmer Rouge.' The broadcast did not only insult the CNRP but also the armed forces of the Kingdom of Cambodia.

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<sup>12</sup> NEC White Paper, p. 27

Also the radio station Beehive FM 105 MHz, whose director Mom Sonando is a prominent democracy activist provides now airtime to all political parties including programs where opposition as well as government parties can launch verbal attacks against each other accompanied by often biased, inflammatory, discriminatory, insulting and defaming language. This includes programs of the CNRP who broadcasts messages similar to the ones broadcasted by Bayon radio station for CPP including anti-vietnamese campaign by naming the CPP ‘a puppet of Vietnam and traitor of the Cambodian nation’. But also CPP airs now on Beehive radio FM 105 MHz with the program called People’s Knowledge (Porath Vichea). The program is directly under the management of Dr. CHHIM Palvoron, who insults and alleges the CNRP’s leaders offensively, but also ride verbal attacks against Mr. Khem Veansa, President of the League for Democracy (LDP) calling him a religious sectarian, because the LDP links its political programs with Buddhist ethics and morality.

Turning to the TV stations similar observations could be made. The private TV stations Bayon News TV station, Cambodian Network TV station (CTN) and ASARA TV have developed programs which are sold as political analysis but serve as platforms to criticize and verbally attack the opposition, in particular the CNRP, but also institutions and individuals suspected to oppose the ruling CPP. Examples are programs of the CTN news commentator, Mr. Chum Kosal, who insulted on April 04, 2013, in his Thursday Talk program on CTN the CNRP leadership by calling ‘Mr. Sam Rainsy and Mr. Kem Sokha incapable individuals who are not able to rule the country and their wisdom cannot be compared with Samdech Hun Sen’s’. In Bayon News TV, a news commentator, Mr. Sathya Rak attacked on 21 May 2013 in a program called ‘Fact Revealing program’ Mr. Kem Sokha by stating ‘Mr. Kem Sokha’s reputation is sold for only \$20,000. He is a person who cares much about his benefit even less or more. He does everything to get it’.

Such campaign broadcasts send obviously intimidating messages to voters, insult voters capacities to make judgements themselves, are highly unprofessional and often in contradiction to media code of conducts prohibiting the use of discriminatory, inflammatory, insulting or defaming language. Some of those broadcasts might not comply with the current law on the press in place since 1<sup>st</sup> September 1995 which ensure press freedom but outline that media should not fabricate information and defame individuals and might also contradict NEC media guidelines and regulations.

Nonetheless it seems that CPP supporting is less restrictively monitored in case of such broadcasts than this is the case for opposition supporting media. While media critics of the CPP are sometimes suppressed with law suits for defamation as observed in the past, similar critics against opposition parties seem to have led to no legal consequences. Although COMFREL has not observed cases of harassment against media in this election campaign, the current broadcasts

of media should be changed with new regulations preventing improper attacks against any political party or individual.

### 6.3 Facebook and other Social Media

In the National Assembly elections 2013 for the first time it appeared that social media and other internet services including YouTube and webpages of different actors are playing an increasingly important role for the electoral process in Cambodia. It is estimated that currently about one million Cambodian citizens, mostly young Cambodian in the age group between 18 and 30



years counting for estimated 3,5 million voters of total 9.6 million registered voters in this election, used Facebook as a medium for information including the exchange of opinions on politics and elections. The number of internet users is expected to increase further in the coming years. This new media behaviour has partly shifted the election campaign strategies of the main contesting political parties. The CPP, CNRP and FUNCINPEC, but also smaller political parties like the LDP increasingly used the internet and its services to reach more national and international media coverage in the election. The internet presence of political parties and their leadership is demonstrated with own home pages, live-online casts, YouTube videos but also the use of popular social media like Facebook and Twitter to bring their political messages to national and international public attention. A profile called ‘Samdech Hun Sen, Cambodian Prime Minister’ has been activated in 2013. On the account continuously information about his mission is posted and also responds or calls for people on behalf of Prime Minister of Cambodia are made. By October 09, 2013, the account had 117, 455 visitors. Facebook is also used to criticize other political parties and praise CPP achievements. These messages not only show the CPP’s successful works in previous time, but also included a video clip on Facebook<sup>13</sup> warning that a change of leadership will lead to political instability and might even lead to war as propagated on



04<sup>th</sup> July 2013 during the official election campaign.

Likewise, CNRP opposition leader and president, Sam Rainsy and CNRP vice-president Khem Sokha have opened Facebook accounts. On 9<sup>th</sup> October 2013, 254,940 visitors for Sam Rainsy and 201,224

<sup>13</sup><https://www.facebook.com/photo.php?v=525215527526949&set=vb.111975152184324&type=2&>

visits for Kem Sokha could be counted. For the CNRP social media and other internet services are particularly important considering that they have only limited access to TV and radio broadcasts to reach nationwide coverage in Cambodia. Facebook and other internet services became in this way a new strategy to advertise their political platform and criticize the CPP and its government. The latter has reacted negatively on those CNRP internet campaigns. In 2013 the government announced to draft a cybercrime law for which public officials were sent to China to learn from their experiences. This raised doubts among civil society organizations that the government might plan a 'Great Fire Wall' similar to China. The CPP led government denies such claims, but declared to need a cyber-crime law solely to crack down on criminal internet activities in Cambodia, but not to restrict the freedom of expression.



Beside political parties, numerous non-governmental organizations like election observer organizations including COMFREL and other organisations like the human rights and election platform, [www.sithi.org](http://www.sithi.org), gender and election platform open institute [www.open.org.kh](http://www.open.org.kh) and numerous other civil society organizations pursue increasing influence on public opinion building through internet. This includes also governmental institutions in Cambodia which have significantly improved their internet presence in past years, including the 'Quick Press Reaction Unit' of the Council of Ministers, the state news agency AKP (Agency Khmer Press) and for elections especially the webpage of the NEC, [www.necelect.org.kh](http://www.necelect.org.kh) and citizen calling through voice responding machine 1285 providing to some degree more transparency and information on the electoral process. Also the number of individual bloggers is increasing. Either national or international observers have installed blogs allowing a global audience to follow the elections. Social media contributed to a more open and plural discourse on the electoral process.

On the other hand the question needs to be raised how best to monitor social media and other internet services in Cambodia in order to ensure proper conduct during the electoral process. Currently there are no codes of conducts which target especially social media and other internet services to ensure that the electoral process is not jeopardized with wrong or misleading information. Similar like in other media, social media and other internet services are also used for biased and discriminatory, inflammatory, insulting and defaming messages contradicting the actual purpose of social media contributing to a more open and plural political discourse in elections.

## **7. Electoral Legal Framework and Election System**

The current legal framework for national elections is governed by the Law on the Election of Members of the National Assembly (LEMNA), which was last modified in 2006. This law is substituted by National Election Committee (NEC) regulations and procedures, manuals directives, joint directives together with line ministries, internal regulations and code of conducts for political parties, media, observers, electoral officials and members of government including civil servants, the police and armed forces. Additionally also other laws impact the electoral legal framework. This includes the Cambodian Constitution, the Law on Political Parties, the Press Law, the Law on Nationality and other civic and criminal penal codes. Although the legal framework seems in general workable to regulate the electoral process, the legal framework is often not properly enforced and current complaint procedures are insufficient to effectively solve electoral complaints and disputes.

COMFREL observed in this election in particular problems in the enforcement of code of conducts and regulations and procedures regulating the voter registration, the election campaign, the polling and counting process and the electoral complaint procedures as outlined in this report. In regard to weaknesses in the complaint procedures it was found that current procedures and regulations also do not ensure that complaints are filed and investigated properly according to the current legal framework. In addition are the complaint procedures not appropriate to resolve electoral disputes because of the widely perceived lack of independence of the Constitutional Council of Cambodia. Urgent reforms of the current legal framework will be necessary to overcome the observed shortcomings as outlined in this report in particular in the above mentioned domains of regulations.

### **7.1 Number of National Assembly Seats**

The current legal framework requires a proportional election system for national elections. Electoral constituencies are delimited along the provincial borders, dividing Cambodia into 24 electoral constituencies. The number of seats contested in each constituency differs depending on the population size. Nine of the 24 electoral constituencies are single-member constituencies including Koh Kong, Mondulhiri, Ratanakiri, Sihanoukville, Strung Treng, Kep, Pailin, Oddar Meanchey and Preah Vihear. These provinces adopt de facto a plurality system. The party who win the most votes gets the seat. In the 15 multi-member constituencies the number of seats ranges from 2 to 18. The provinces/municipalities of Kampong Cham (18), Phnom Penh (12), Kandal (11), Prey Veng (11) and Battambang (8) have the highest district magnitude<sup>14</sup>. In other provinces the seat number ranges from 2 to 6 including Banteay Meanchey (6), Kampong Thom

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<sup>14</sup> District magnitude refers to the number of representatives chosen for each electoral constituency. The more seats an electoral district has to be contested the more proportional the election results will be.

(6), Kampong Speu (6), Kampong Chhang (4), Kampot (6), Kratie (3), Pursat (4), Siem Reap (6), Svay Rieng (5) and Takeo (8).

The current election system of proportional representation does not fully ensure proportionality. The current distribution of number of seats per province and the total number of seats allocated to the National Assembly have not been modified since 2003 despite that the population has increased from 12 million to 14,5 million in 2008 and that the population has decreased in some provinces while in others increased until 2013. The Law on the Elections of Members of the National Assembly (LEMNA), Article 7 stipulates that *'In the third year of every legislative term, the Council of Ministers shall form a Commission for the Determination of National Assembly Seats to modify the number of seats and allocate seats to each province/ municipality'*. To this day the CPP led government has however made no modifications to adapt the current number of seats and the seat distribution to the changing demographic realities, although demands for reforms were made already during the national election 2008.<sup>15</sup> Additionally the current election system of proportional representation is de facto a mixed election system of plurality and proportional representation because of the current set-up of single-member and multi-member constituencies. This clearly advantages larger parties, in particular the CPP who won in all previous elections most single-member constituencies. Additionally the current election system does not allow citizens to give preferential votes for candidates but only to vote for parties limiting their choice to influence which candidates are elected into the National Assembly.

## **7.2 Procedures and Regulations on NA Elections (PREMNA)**

On the 13<sup>th</sup> and 15<sup>th</sup> February 2013 consultation meetings took place between NEC commissioners and primary electoral stakeholders including civil society and political party representatives to discuss recommendations submitted to the NEC for improving the draft on procedures and regulations on the election of members of the national assembly in 2013. The NEC decided on 18<sup>th</sup> February 2013 to accept 40% of the recommendations made by civil society and political party representatives including COMFREL. This is a positive step towards improving PREMNA. Civil society recognizes that the NEC's decision to agree with some of the recommendations and suggestions could lead to improvements in the electoral process for the NA election 2013. The recommendations which were accepted by the NEC included:

- *The prohibition of civil servants, judicial staff, royal armed forces, and the national police from participating in election campaign to support political parties.* The implementation of this recommendation would guarantee the neutrality of the royal armed forces, police, and judicial staff in elections.

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<sup>15</sup> COMFREL: Final Report and Assessment of National Assembly Elections 2008, pp. 82-83

- *Permission for the organization of political election campaigns to be conducted in public places such as the market. The NEC and authorities shall identify such public places and ensure that all political parties have equal rights to display their campaign material in those places.* The implementation of this suggestion would increase the integrity and fairness of election campaign between political parties.
- *Campaign materials of political parties should not be located in/on state buildings, offices, or within their parameter.* The implementation of this suggestion would strengthen election laws and other related regulations prohibiting the use of state buildings for political campaigning.
- *The prohibition of the use of transportation vehicles with no license plate or fake license plates during election campaign.* The implementation of this suggestion would enforce existing laws prohibiting the use of state resources for election campaigns.
- *The ease of certain conditions regarding eligibility requirements such as electoral management experience for the recruitment of NEC officials, whilst adding the condition that NEC's officials in one commission must not be either a sibling or spouse of another official.* The implementation of this suggestion would increase opportunities for women, youth, and disabled people to be recruited into electoral positions and reduce the recruitment of election officials based on personal affiliations.

Despite the NEC's approval of the above suggestions, civil society representatives and COMFREL remain disappointed that other recommendations were not accepted, although these recommendations could have enhanced the credibility of the electoral managements and increased confidence in the electoral process among all stakeholders, in particular the competing political parties. The recommendations which were not accepted included:

- *The establishment of an ad-hoc commission including all political parties with seats in the National Assembly to recruit and monitor the selection and appointment of the Provincial/Capital Commissions (PECs), Commune/Sangkat Election Commissions (CECs) and Polling Station Commissions (PSCs).* The NEC's rationale for maintaining the original article as prescribed in the draft of PREMNA based on the new article 12 is that the NEC is an independent and impartial body. However, the draft of NEC's PREMNA defines impartiality and independence of the NEC to refer to the representation of all perspectives of groups in society such as civil servants, political parties, and civil society organizations. Political parties' participation by making suggestions regarding the recruitment of election officials and monitoring of the elections, and requests by Provincial/Capital Election Commission regarding the NEC's accreditation of officials will not affect the independent and impartiality of the NEC. The accreditation procedure must lie under the NEC's authority and the PEC must also carry out competent work to submit a candidate for the CECs and PSCs as stipulated in LEMNA.
- *Permission for political party observers to stand behind the polling office's secretariat to view the process more clearly. The observer should also have the right to request verification of voter's data in voter list and the*

*identification document submitted by the voter. This principle should be integrated into the procedure and the instruction book and explained with illustrations.* The NEC's rationale for maintaining the original procedure outlined in the draft of LEMNA, is that political party observers already have the right to submit complaints. However the recommendation actually does not relate to the right to submit complaints but rather to allow political party observers to stand behind the polling office's secretary to observe more closely the voter identification and make requests on voter's identity verification. The procedures should be the same than for the ballot verification, where party observers can request the polling or counting officer to show or repeat them louder when they cannot see the results on the ballot papers clearly.

- *Political parties must disclose their incomes and expenditure for the election campaign to the public.* The NEC had maintained its stance based on article 82, paragraph 2 of LEMNA, to keep the original regulation in the draft of PREMNA which states that The National Election Committee may examine the account book if they believe it to be 'necessary'. However, the definition of 'necessary' should be elaborated for the NEC to effectively enforce article 82, which stipulates that every political party contesting in elections shall have an account book showing sources of incomes and expenses for electoral campaign purposes, and article 83, which stipulates that all contributions received by a political party shall be credited into a bank account and all electoral campaign expenses shall be debited from the same account.
- *Identification Certificate for Elections (ICEs) issued after the 26 of June 2013 should not be allowed. All relevant ICE related documents must be controlled by Commune/Sangkat Election Commissions and revealed in the public domain. This provision should prevent the misuse of ICEs during the election campaign and on Election Day.* The NEC however explained the need to adhere to the original regulation by shedding light on that fact that doing so might lead to the loss of voter's rights. Besides that, the NEC would encounter the risk not to implement the LEMNA once there is an official complaint on the procedure of issuing the ICE. There is no LEMNA provision allowing commune chiefs to issue ICEs after the registration period. If there is no facilitation between political parties and the NEC to define a clear period and transparent process for the issuing procedure for the ICE, when a complaint arises regarding faked or illegal issuance of the ICE the NEC will be the one to blame and accused of abusing the LEMNA.
- *Improving article 7.10 and others in the draft of PREMNA, by the removal of impartiality of non-governmental organizations and local civil society and associations or international non-government organizations [in general], except NGOs or associations participating in election observation after acknowledgement by the NEC - [need impartiality].* The NEC maintained its original regulation in the draft of PREMNA in order to expand its authority over the neutrality of non-government organizations, local civil society, associations, and others in general. However LEMNA allows

the NEC to be involved with only those who are involved in election observation and are acknowledged by the NEC. The NEC must comply with and implement LEMNA in relation to the existing article 16, point 4. In addition, political parties, particularly the Cambodian People's Party (CPP); whom by its own by-law includes mass organizations, can act in favor of a party. Mass organizations however are an entity not political party or state institution so therefore is a part of a non-government organization, local civil society, and/or association. In the case that the NEC implements the PREMNA concerning the neutrality of non-government organizations and independent associations, but not mass organizations [affiliating with a political party], the result will be abuse of the existing law, discrimination, and a double standard in the implementation of PREMNA.

## **8. Recruitment and Impartiality of Electoral Officials**

The impartiality and independency of the election administration evolved also in the National Assembly Election 2013 again as a major issue of contention. The National Election Committee (NEC) with nine members is perceived by a number of international and national electoral stakeholders to lack independency and impartiality as already criticized in past elections. Originally the NEC was composed of representatives of political parties holding seats in the National Assembly, but regulations were changed in 2002. The NEC is now not composed of representatives of political parties, but of 'Cambodian Dignitaries, competent in politics, having professional experience and good reputation'<sup>16</sup>. NEC committee members must resign from any party membership and party activities. NEC members are first selected by the Ministry of Interior (MoI) and then be approved with a majority vote by the National Assembly. CPP and FUNCINPEC holding a majority of parliamentary seats controlled and approved the selection of NEC members between 1997 and 2003 providing the opposition only minor representation. The NEC included until 2012 five members formerly affiliated to the CPP, two members formerly affiliated to FUNCINPEC and two members formerly affiliated to the SRP, but no members from the HRP elected into parliament in 2008. Binding decisions within the NEC are made by majority vote, which had secured the CPP a majority in NEC decisions during all elections held since 2003.

In October 2012, ten months before the National Assembly elections 2013 the composition of the nine member National Election Committee replacing two members with two more formerly CPP affiliated members. The new members are two judges, Sin Dim a former Supreme Court judge and Sor Sophary, a former Phnom Penh Municipal Court president. The recruitment and selection of these members by the CPP led government was undertaken in secrecy and excluded the HRP and SRP. Nonetheless all members of the National Election Committee were endorsed

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<sup>16</sup> NEC: The National Election Committee of Cambodia, Phnom Penh 27<sup>th</sup> July 2013

by the National Assembly in 2012, despite a boycott of the special session by members of two opposition parties. The CPP had gained a super-majority in the National Assembly after the national election 2008 (90 seats). HRP and SRP criticized that all new members were selected by the CPP and holds now in the NEC a clear majority with seven members. SRP and HRP had demanded to establish a multi-party committee to for the national election 2013. The demands however remained unheard, despite that they could have increased confidence in the electoral process for the national election 2013.

The current composition of the NEC also has not decreased suspicions that election commissions on provincial and commune level are impartial. For the 2013 Election, the NEC employed 347 officials and staff at its headquarters, 927 officials and staff for Provincial Election Commissions (PECs), 8,180 officials and staff for Commune Election Commissions (CECs), and 114,054 polling officials for Polling Station Commissions(PSCs).<sup>17</sup> During the recruitment of electoral personnel COMFREL found that the recruitment for the PECs was often met by mistrust among political parties other than CPP and often claims were made that the recruitment lacked transparency. In twelve provinces and municipalities former deputy commission presidents and commission secretaries were promoted by the NEC into the position of president and deputy president of PECs in the provinces/municipalities of Kampot, Svay Rieng, Prey Veng, Kampong Thom, Banteay Meanchey, Kampong Speu, Takeo, Battambang, Siem Reap, Kampong Cham, Kandal and Phnom Penh. Opposition political parties raised concerns about this proceeding. The recruitment has not been properly addressed in public by the NEC, increasing suspicions of undue political influence, though no formal complaints were raised by any of the eight contesting political parties.

COMFREL also found a lack of transparency in the recruitment process for election officials for CECs and PSCs. Some candidates were selected without interviews. In some cases CEC members were appointed by other appointed CEC officials without prior PEC approval. In some cases, political parties other than CPP claimed that bribes had to be paid in order to obtain a position or that CPP members were recruited. Similar claims were made by political parties other than CPP during the recruitment process of election officials for the commune election 2012. Additionally most election officials for CECs and PSCs were recruited without proper public notifications.

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<sup>17</sup>NEC White Paper, p. 3

## **9. Electoral Administration**

### **9.1 Voter Registration**

Cambodia adopts according to the NEC a so called ‘permanent voter registration system’. Eligible voters have to register and verify their registration on the voter list annually when the NEC conducts a voter list revision and registers new eligible voters. The voter registration system is not linked to a civic registration system or ID card system. Eligible voters changing their residence are not automatically registered in the voter list. In order to be registered as voter in their new residence they have to re-apply or return to their home residence where they have been registered first as voters. Considering the rapid social and economic changes which are taking place in Cambodia forcing many eligible voters to change their residence in order to find employment or to conduct business supplemented by rapid demographic changes characterized by population growth and internal migration, the voter registration system requires every year to cover these internal migration movements and demographic changes in order to ensure that all eligible voters are registered to vote. The current voter registration system in place however has continuously failed to fulfill this task and has been criticized for many years for these shortcomings. Demands were made from different domestic and international stakeholders to change the system into a permanent voter registration through a new civic computerized registration system, which could better ensure that all eligible voters are registered to enjoy their right to vote. After twenty years of voter registration failures however no reforms in this direction were made.

Accordingly few improvements were observed in the voter registration process for the National Assembly elections 2013. The voter registration continued to lack transparency and remained open for fraudulent practices undermining hereby the credibility of the electoral process. COMFREL found that a significant number of voters have been in this election again disenfranchised from their right to vote. COMFREL estimates the number to be approximate 1.25 million eligible voters. Among those are a significant number of eligible voters who had registered, but could not find their name on the voter list on Election Day as observed by COMFREL, other domestic election observer and human rights organizations (NICFEC, LICADHO). Moreover, in order to correct the shortcomings of the current voter registration system more than one million alternative documents for voter identification called in 2013 ‘Identification Certificates for Elections’ had to be issued.

#### **9.1.1 Annual Voter List Revision and Voter Registration (AVLR & VR)**

The 2012 Annual Voter List Revision and Voter Registration (AVLR &VR) was conducted from 1<sup>st</sup> September to 12<sup>th</sup> October 12, 2012. Since 2002 the NEC delegates the power for VLR & VR to the commune councils and the clerks and assistants in 1,633 communes. NEC validated the

Official Voters' Lists by 31<sup>st</sup> December 2012 with a total of 9,675,453 voters on the roll, spread over 19,009 polling stations. During the 2012 AVLR &VR, the NEC has registered 940,445 newly registered voters and corrected 92,366 voters' and deleted 468,485 names.<sup>18</sup> The number of registered voters increased by 1,783,695 between 2003 and 2008 and by further 1,549,924 voters between 2008 and 2013. The increase in registered voters is shown in table 6, published by NEC in September 2013:<sup>19</sup>

**Table 6: Registered Voters and Voter Turnout in National Assembly Elections 1993-2013**

Election Year	Registered Voters	Voter Turnout	Voter Turnout as % of Registered Voters
1993	4,764,430	4,267,192	89,56%
1998	5,395,595	5,057,830	93,74%
2003	6,341,834	5,277,494	83,22%
2008	8,125,529	6,110,828	75,21%
2013	9,675,453	6,735,244	69,61%

Audits conducted by COMFREL deploying 142 observers to conduct auditing and monitoring in 223 sample polling stations/or villages with 2600 interviewees in 207 communes, 119 districts in all 24 municipality/provinces and an audit conducted by the National Democratic Institute (NDI), NICFEC and CAS found however that the voter lists were only by 86.5 % complete in the case of COMFREL, whereas the NDI-NICFEC-CAS audit found that that the voter lists were only by 82.9% complete. Completeness refer here to the question if all voters were registered, accurate registered and if registered voters did really exist. COMREL found hereby that 97.7% percent of interviewed eligible voters have registered, but only 75.1% of those had their birthdate, 83.4% their name, 86% their gender and only 77% their address correctly registered on the voter list. On E-Day a number of voters should be turned away because their personal data were incorrectly registered.<sup>20</sup> The audits also found that 10.8 percent of eligible voters who thought to be registered were not found on the voter list in the case of the NDI-NICFEC-CAS audit and 13.5% in the case of the COMFREL audit.<sup>21</sup> An internal audit conducted by the NEC confirmed these results partly by revealing that 9% percent of voters who have registered were not found on the voter list 2012.<sup>22</sup>

Nonetheless the NEC later corrected the findings of its internal audit conducted by a private company in Thailand to 3% percent claiming that 6% percent of voters were found on the internal database with 'advanced capacity'. NDI gained access to this advanced internal database

<sup>18</sup>NEC, p.2

<sup>19</sup>NEC White Paper, p. 8

<sup>20</sup> See chapter 'Polling and counting' in this report

<sup>21</sup>COMFREL, NICFEC Audit

<sup>22</sup> NDI-NICFEC-CAS Audit

only reduced the VRA finding from 10.8% to 8.8% (a reduction of 2%)<sup>23</sup>. This does not match the 3% finding of the NEC. The institute allowed for misspellings, incorrect data (date of birth), and/or incorrect gender, according to the NEC's polling station guidelines for identification. Also remained unclear whether this 2% of citizens found through the search would have been able to vote anyway, given the discretion required by polling station officials. Therefore NDI concluded that the findings of the original audit of 10.8 percent remain valid: a significant number of eligible citizens who believed themselves registered were not on the voter registry, anywhere in the country or under any misspelled name.

COMFREL estimates that 1.25 million eligible voters were possible not registered. NEC estimated in contrary that only 290,000 eligible voters were not correctly registered, which appears to be an exaggerated underestimation by the NEC.<sup>24</sup>The audit of NDI-NICFEC-CAS found similar to COMFREL that at least one million eligible voters have not been registered or were wrongly registered disenfranchising them of their right to vote.<sup>25</sup>Among those estimated unregistered or wrongly registered eligible voters of COMFREL's estimation, 62.8% were women. COMFREL found also that among registered voters with no data recorded on the voter list, 2.88% of those were wrongfully deleted, because those voters continued to live in the commune where they had registered.<sup>26</sup>The NEC deleted total 468,485 voter names (approximately 5% of registered voters) from the voter list for the National Assembly elections. This raises the question if not more than only the observed cases were probably incorrect deleted from the voter list. On E-Day was observed by COMFREL that in a number of polling stations voters who wanted to vote had to find that their name was not on the voter list, despite having registered during the AVLR & VR in 2012.

Additionally another problem was observed, called voter over-registration as observed in a number of communes. Voter over-registration means that the number of residents was lower in these communes than the number of registered voters. If the NEC's estimation of the total number of eligible voters for 2012 is accurate, the NEC registered voters at a rate of 101.74%. Also did the total amount of registered voters' amount to 9,675,453 voters, well over the NEC's estimate of 9,509,732 eligible voters. It may be assumed that this inaccuracy is a result of the registration of 'ghost voters' and the duplicated registration of some individuals. The NEC confirmed in September 2012 that the deletion of voters needs verification with legal documents and therefore often cannot be done, leading to an inflation of the number of voters registered since 2003: 'From year to year, the number of 'Ghost names' (name of voters registered more

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<sup>23</sup> Joint-Report on the conduct of the 2013 Cambodian Elections

<sup>24</sup> NEC White Paper

<sup>25</sup> NDI-NICFEC-CAS Audit

<sup>26</sup> COMFREL Audit

than one time and deceased voters) were accumulated since 2001, which make the voter list inflated in numbers because NEC was not able to legally delete those names. Unfortunately this challenge remains difficult to overcome.<sup>27</sup>

Only improvement in 2013 was that the amount of voter over-registration was lower in 2012 than in 2011 when the NEC registered 104% of eligible voters on average on national level. Nonetheless also in 2012 extreme cases of over-registration obviously persists as found by COMFREL and other organizations. For example the human rights organization LICADHO, who employed 173 observers to hundred polling stations on Election Day found one polling center with fifteen polling stations which had a voter over-registration of 139.6%.<sup>28</sup> The highest rates of voter over-registration were recorded by the NEC in 2013 for following provinces and municipalities: Oddar Meanchey (108.96%), Kampong Speu (107.26%), Phnom Penh (106.64%), Ratanakiri (105.49%), Preah Vihear (105.15%), Kandal (104.92%), Kampong Cham (102.50%), Pailin (102.01%) and Kampong Chhang (101.53%). In other provinces the over-registration was lower than 101%.

COMFREL also conducted case studies relating to the verification of preliminary voter lists and official voter lists from the NEC in 226 polling stations. The aim of the study was to locate voter's name in the preliminary voter list and verify whether the data was consistent with the NEC's official voter list. COMFREL identified 25 discrepancies in voters data located in the two voter lists. In the case study conducted in Boueng Tum Pun commune, Mean Chey district, Phnom Penh capital city, the case study revealed that 127 duplicate names (256 names) among 4,178 voter names were found in the 2011 official voter list. The same study conducted in 2012 revealed that 38 multiple names (76 names) remain in the voter list for the 2013 election. In the final voter list 2013 COMFREL and other domestic observer organizations found that more than 300,000 names were exact duplicates.

A further weakness of the annual voter registration and voter list revision in 2012 was that the oppositional parties have not observed the process systematically. The Sam Rainsy Party (SRP) and the Human Rights Party (HRP), who at this time not yet have merged, stated the voter registration procedures are too complicated and therefore had not sent observers to all provinces, despite that they suspected that the voter registration would be biased in favour of the CPP. The non-participation of the opposition parties SRP and HRP left it to COMFREL and other domestic observer organizations and international observers to monitor the accuracy,

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<sup>27</sup> National Election Committee (NEC): NEC's International Communities Meeting on the Annual Revision of Voter's Lists & Voter Registration, September 26, 2012, [www.ncelect.org.kh](http://www.ncelect.org.kh), p. 2

<sup>28</sup>LICADHO, p. 4

completeness and validity of the voter list. According to the NEC total 4,667 political agents and 1,634 domestic and international observers were accredited for the voter registration process.<sup>29</sup>

Official complaints regarding the voter registration were accordingly low with only 37 complaints nationwide, although COMFREL and NICFEC-NDI-CAS had revealed the shortcomings in audits before the elections. According to official figures of the NEC, the SRP and HRP who later merged to the CNRP filed together nine complaints. Other complaints were filed by the CPP (2) and individual citizens (26). All complaints concerned the registration of individual voters were accepted according to the NEC except for one SRP complaints demanding the deletion of 357 names from the voter list of Kandal. The NEC deleted only eleven names.<sup>30</sup> Three complaints were appealed by the SRP to the Constitutional Council who rejected the appeals upholding the NEC decisions.

Shortcomings in the voter registration were revealing during Election Day. COMFREL and other election observer and human rights organizations found numerous cases of voters, who had registered in 2012 but could not find their name on the voter list in the polling stations because their data were wrongly or not registered. COMFREL observed directly total 8,490 cases of voters losing their voting right after they faced any obstacle at the polling station such as they could not find their names on the voter lists or their name had been voted by somebody else. A representative and nation-wide conducted COMFREL survey further proved the shortcomings of the current voter registration system. COMFREL interviewed 4,103 voters by random sampling after Election Day. The survey revealed that 48.30% of eligible voters interviewed could not vote, because they had not found their names on the voter list, lacked voter information in which polling station to vote or found discrepancies between their identification documents and the information recorded on the voter list at the polling station and subsequently were disenfranchised losing their voting right.

Problems in the voter registration also disturbed the polling process on Election Day. In one polling centre in Phnom Penh, Stung Meanchey riots broke out after a number of voters found their name missing on the voter list leaving two police cars burned. In one polling station in Kampot province crowds became upset after discovering that their names were not on the voter list. Though these cases do not prove sufficiently systematic fraud to the advantage of one particular political party, the observed disenfranchisement of voters under the current voter registration system continues to deny a significant number of citizens their right to vote and

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<sup>29</sup> NEC White Paper, p. 22

<sup>30</sup> NEC White Paper, p. 22

undermines the credibility of election results.<sup>31</sup> Disenfranchisement of voters should become a major issue of contention during the post-election period leading to the rejection of election results by the CNRP.

## **9.2 Distribution of Identification Certificates for Election (ICE)**

In order to prove the identity of voters and to ensure the right to vote, voters need the Cambodian Citizen Identification Card (National ID), which proves Cambodian citizenship, age and residence. However in Cambodia to this day still not all citizens including eligible voters (18 years of age and above) have a National ID card requiring the distribution of alternate documents for voter identification on Election Day. This alternate identification document, previously known as form 1018 was replaced in 2011 with a new document called ‘Identification Certificates for Election’ (ICE). During the NA elections 2008 was found that 1018 forms were often issued, used without following the procedures. The new ICEs should improve alternate documents for identification in July 2011. ICEs can be obtained only personally by voters when they bring with them two photos and two eligible voters in the same commune or district to verify their identity to the commune chiefs who have to sign the ICEs. The new procedures also require that MoI and NEC receive ICE copies and mandatory reports from communes, how many and for what purpose ICEs were issued.

COMFREL observed nonetheless with concern in this election that a large number of these forms were issued. Despite new procedures and regulations to prevent fraudulent use of ICEs COMFREL observed that the issuing of ICEs was also accompanied by irregularities raising concerns among political parties and civil society organizations that the ICEs could have been misused to influence the election results. Since the AVLR & VR 2011 approximately 1.8 million ICEs were issued. For the National Assembly elections 2013 alone approximate 750,000 ICEs were issued during the AVLR & VR in 2012 and additionally 480,000 ICEs were issued from January to July 2013. This means that to this day almost two million eligible voters have not a National ID card. The issuing of ICEs stopped on 12<sup>th</sup> July after the NEC instructed PECs and CECs to no longer issue ICEs.

Irregularities observed by COMFREL included that a number of commune chiefs didn’t follow the NEC’s instruction which require them to report to NEC and MoI for what reasons and how many ICEs were issued in their communes. Also COMFREL found that in a number of communes reports on ICEs were not published in communes halls including Kon Chriech commune, Beong Daol commune/Preah Sdach district, Svay Chrom commune/Mesang district in Prey Veng province; in Kondieng commune, Sya commune and SreSdok commune/Kondieng

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<sup>31</sup>LICADHO, p. 5

district in Pursat province; in Sre Cha commune/Snau district in Kratie province; in Chhieng Prey commune/ Bateay district in Kompong Cham province and in Prek Kmeng commune/Lvie Oem district in Kandal province. COMFREL also observed that ICEs had been issued wrongly. Cases were observed of ICEs being pre-signed by commune chiefs before the forms were filled, cases of ICEs issued for citizens not on the voter list, cases of ICEs issued later than 12<sup>th</sup> July by changing the actual issuing date to an earlier date and cases of ICEs that had no or the wrong photos.

Should such irregularities been widespread ICEs could have been used to vote on behalf of voters. The number of duplicate voters in the voter list 2012 was observed to be approximately 300,000. This means that this number of voters was more than once registered with the exact same names, birth dates and places of residence. Beside voters were listed, which had passed away or changed their place of residence. Additionally voter list audits of COMFREL and NICFEC/NDI found as outlined in this report an over-registration of voters in a number of communes that were officially confirmed by the NEC. The observed voter over-registration might indicate that voters were registered in more than one polling station in different communes, not only in the one they reside. Accordingly some voters were enabled to vote in more than one polling station in different communes. Such a misuse nonetheless could only be effective, when indelible ink procedures are misused or not followed on Election Day and voters are transported to specific areas to change the election results in favor of one over other political parties. Such instances of a systematic misuse of indelible ink or that ink procedures were not followed properly could however not be verified by COMFREL, though on Election Day was observed that procedures to check ink were not followed properly or voters were allowed to vote despite being stained with ink, but only in total 35 cases and some voters has no right to vote was totally 50 cases.

Of greater concern became that ICEs probably were issued in a way to exclude voters supporting the opposition, in particular CNRP. ICEs could have been distributed preferable to CPP supporters by facilitating those voters, whereas suspected supporters of other contesting political parties might have been confronted with more restrictive administrative procedures and delays in handling their ICEs applications. These concerns were raised among a number of electoral stakeholders, including national and international election observer and human rights organizations. It is widely perceived that local officials of PECs and CECs and in particular commune chiefs, who were responsible for the issuing and distribution of ICEs, are often members or affiliated to the CPP. Most commune chief posts of the total 1,633 communes in

Cambodia are occupied by the CPP since the commune elections 2012. This provides opportunities for undue political influence on local authorities.<sup>32</sup>

The international human rights organization, Human Rights Watch (HRW) claimed in a report most critically that ICEs were systematically misused to influence the election results, claiming that the ‘Ruling Party or chest rated vote fraud’<sup>33</sup>. Transparency International Cambodia (TIC) who had sent observers for the elections stated: ‘While many voters were turned away, there was an unusually large number of people using temporary Identification Certificates for Electoral Purpose (ICEs) distributed by government officials, who were allowed to vote.’<sup>34</sup> Also LICADHO, NICFEC, CCIM and ADHOC observed a number of irregularities in regard to the issuing and use of ICEs.

LICADHO found that in one commune in Prey Veng Province 1,331 ICEs were issued reflecting over 30% of voters in this commune. In one district in Phnom Penh was observed that ICEs were issued on Election Day despite that the NEC issued an instruction to stop the issuing of ICEs on 12<sup>th</sup> July.<sup>35</sup> ADHOC observed in Kandal province, Kraing Yov Commune, Sa Ang District that voters with ICEs were transported from other places to Kraing Yov Commune to vote. Thereby ADHOC found that 50% of the ICEs had no proper finger print and photo. Total 3,000 ICEs were issued to voters who had no residence in this commune. The ICEs were issued by the commune clerk and the village chief, both from CPP claimed that procedures were not always properly followed because so many voters had requested ICEs. CCIM found that in Prey Veng Province, Kdoeung Reay Commune, Kanh Chriech District that approximately 300 voters, not residing in this commune were transported by a CPP working team with 30 cars from polling station to polling station to vote in favor of the CPP. The voters included also Vietnamese as claimed by CCIM. NICFEC found in Phnom Penh, Koh Dach Commune, Russey Keo District that ICEs were faked not including the witness thumbprints. Total 461 such ICEs were issued in this commune. On Election Day was found that voters not residing in the commune had held such faked ICEs.

Besides, the Japanese election observer organization (People’s Forum of Cambodia, Japan - PEFOC, Japan) reported about a number of irregularities concerning the issuing, distribution and use of ICEs. Among those were that ICEs were issued in one commune with the same citizens name and signature to verify the voter’s identity of 48 voters, ICEs were issued without meeting

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<sup>32</sup>COMPREL: Final Report and Assessment Commune Council Elections 2012, p. 49

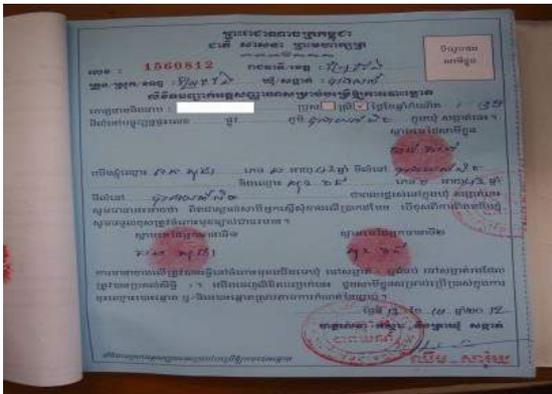
<sup>33</sup> Human Rights Watch (HRW): Cambodia. Ruling Party Orchestrated Vote Fraud, 31<sup>st</sup> July 2013, [www.hrw.org](http://www.hrw.org)

<sup>34</sup> Transparency International: Cambodia. Systematic Irregularities Raise Doubts on Election Integrity, 2<sup>nd</sup> August 2013, [www.transparency.org](http://www.transparency.org)

<sup>35</sup> LICADHO: ‘Turned Away. Fraud Irregularities, and Intimidation During the 2013 National Assembly Elections’, Phnom Penh August 2013, [www.licadho.org](http://www.licadho.org)

the requirements, ICEs were issued for persons who were registered wrongly in name, birth date or residence and ICEs accordingly issued with the wrong data to comply with the data in the voter list. In one commune PEFOC, Japan observed that ICEs were issued in one day by the CEC for 70 citizens in the compound of a casino.<sup>36</sup> Irregularities in regard to ICEs were also observed by the CNRP who claimed to have investigated the issuing of ICEs in thirty communes in Svay Rieng claiming to have found thousand irregularities including that ICEs had no or wrong photos.

The instances of irregularities reported by these organizations and observed by COMFREL raise concerns that such practices might have been more widespread, possibly influencing particular election results to the disadvantage of contesting political parties. A throughout investigation into these irregularities seem therefore necessary in order to preclude that possible systematic misuse of ICEs occurred in this election. COMFREL observations found in particular in the provinces of Takeo, Battambang, Kampong Cham, Prey Veng and Kandal that many ICEs were issued and used. Examples of this misuse have been also photographically documented as shown in pictures below:



Picture 3: ICE issued without photo in Prey Veng



Picture 4: Issuing ICEs kept at PEC in Prey Veng

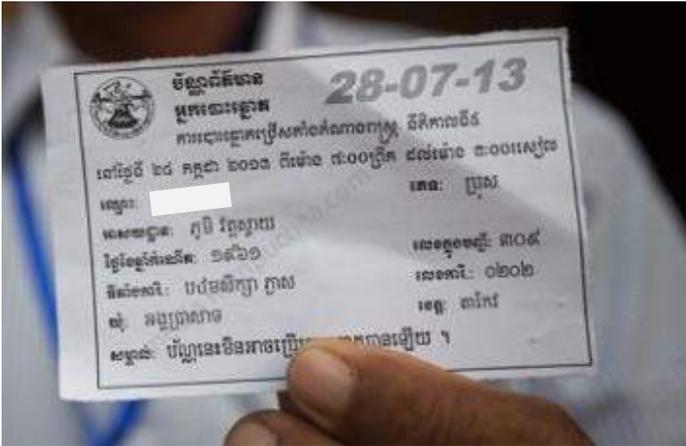
### 9.3 Distribution of Voter Information Notices (VINs)

The distribution of VINs for the 2013 elections was conducted by the Commune Election Committees (CECs) with support of commune councilors, village and commune chiefs in two stages. First VINs were directly distributed to voters between 1<sup>st</sup> and 25<sup>th</sup> June. Voters who did not receive the VINs by then could personally pick them up at CECs offices until the 25<sup>th</sup> July. The distribution of VINs should guarantee that all eligible and registered voters receive key election information before the polling day including their name, gender, address and date of

<sup>36</sup> PEFOC, Japan: Observation Report on the 2013 National Assembly Elections in Cambodia, Phnom Penh, 7<sup>th</sup> August 2013

birth as indicated on the voter list, the location of polling station, the date of the election and which official identity documents are needed to vote. According to the NEC, VINs were distributed in 2013 to 8,328,120 registered voters (86.07%). This is a slight increase in comparison to the elections in 2008 when 85% of all registered voters received VINs. COMFREL nonetheless remains concerned that 1,181,162 registered voters (12.42%) had not received VINs in this election. COMFREL also noted that the distribution of VINs still leads to confusion among voters. Some believe that they need the VIN in order to be able to vote, although VINs are only thought to facilitate voters.

COMFREL furthermore found like in previous elections that the VIN distribution is vulnerable for undue political influence by local authorities and party agents. Latter have in some cases linked the VIN distribution with political campaigning or discriminated against voters who were known to support opposition political parties. Although all political parties and NGOs are invited by the NEC to observe the VIN distribution, they lacked the material capacities to deploy observers nationwide to prevent such misuses, whereas the majority of commune chiefs and village chiefs are either members or supporters of the CPP.COMFREL indeed found that VINs were attached with CPP campaign cards and distributed in a number of communes. COMFREL suspects that voters who were known to support or sympathize with CNRP were less likely to receive VINs than CPP voters. The picture below illustrates the design of Voter Information Notices used in this national election:



Source: mediakampuchea

Picture 5: VIN use on Election day

### 9.4 Test of Indelible Ink

Picture6, show COMFREL’s staff finger with indelible ink when the National Election committee (NEC) on 26 July 2013 allowed representative of political parties, Civil Society

Organizations (CSOs), journalists to test the indelible ink to show its quality. Indelible ink is used to mark voters' finger to ensure they do not vote multiple times, however the ink on COMFREL staff's finger was washed off by a liquid (for curly hair dressers) with gasoline in a few minute. He went to NEC while reported this problem to NEC.



Picture 6: COMFREL's staff tested ink on its finger before NEC and media (TVK broadcast)



Picture 7: After wash off the ink by liquid for curly hair dressers and gasoline, he showed it evidence before NEC official at the same day

## 9.5 Political Party and Candidate Registration

The current legal framework for political party and candidate registration does not comply fully to international standards and best practices as outlined in the EUEOM election report 2013.<sup>37</sup> Problematic is in particular that independent candidates are not allowed to contest elections. Also the registration of candidates who are not born in Cambodia is prohibited, even when individuals have naturalized and received citizenship. The right to stand for elections is a human right and refers not only to political parties but to citizens as outlined in the Covenant on Political and Civic Rights, Article 25 (b) to which Cambodia is a signatory: 'Every citizen shall have the right ... to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.'

According to the NEC no complaints were filed in regard to the registration of political parties and candidates. However, opposition leader Sam Rainsy was excluded from the electoral process after his conviction in 2011. He was not allowed to register as voter and candidate for the CNRP. Sam Rainsy had send two requests to the NEC two weeks before elections upon his return to Cambodia following his royal pardon, first to reinstate his name on the voter list and second to register him as candidate for the CNRP. The NEC however rejected both requests. The NEC defended its decision in the NEC White Paper arguing that he could not be registered as voter because he had no official residence in Cambodia and that his name was deleted because he had

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<sup>37</sup>EUEOM Cambodia: Final Report – National Assembly Elections Cambodia 2008, 13<sup>th</sup> October 2008, p.11

been convicted due to his criminal conviction during the voter registration and revision in 2012. Accordingly he also could not be registered as candidate, because any candidate first must be registered as voter.

Moreover the NEC argued that the period to register as voter and candidate was already over and according to LEMNA the NEC is not allowed to change the candidate list once it has been validated before the elections. Sam Rainsy was only allowed after the national elections to reinstate his name on the voter list during the voter registration and revision in October 2013. Although COMFREL acknowledge these administrative legal concerns, it is widely perceived that the opposition leader was convicted for political reasons. Accordingly the outlined administrative legal provisions concerning purely procedural matters (the registration was not done before the deadline) could have been in this case put out of force to ease the political reconciliation process. Not considered by the NEC in its decision was that the rejection to be registered as candidate for the election excludes the main opposition leader of the CNRP for the next five years from occupying a parliamentary seat.

## 9.6 Polling and Counting (July 28)



**Picture 8: Activities during voting and counting at the polling station**

COMFREL employed 7,700 own observers and 3,500 accredited observers from 30 non-governmental organizations<sup>38</sup> and international organizations (total 11,200 election observers) for the observation of the polling and counting process on Election day in 7,691 polling stations. COMFREL also conducted a rapid voter survey of eligible voters on Election Day who had not been able to vote. Reports by COMFREL observers revealed that the number of irregularities recorded at polling stations on July 28, 2013 was more than the total number of electoral irregularities observed in the 2003 and 2008 National Assembly elections together. In 2003 15,000 COMFREL observers recorded 3,723 irregularities, whereby 90% of all polling stations across the country were covered. In 2008 2,012 cases of irregularity were reported, whereby 70% of all polling stations in 15 provinces and municipalities and 5% of polling stations in the nine other provinces and municipalities were covered. In the 2013 elections in contrary, COMFREL's 7,700

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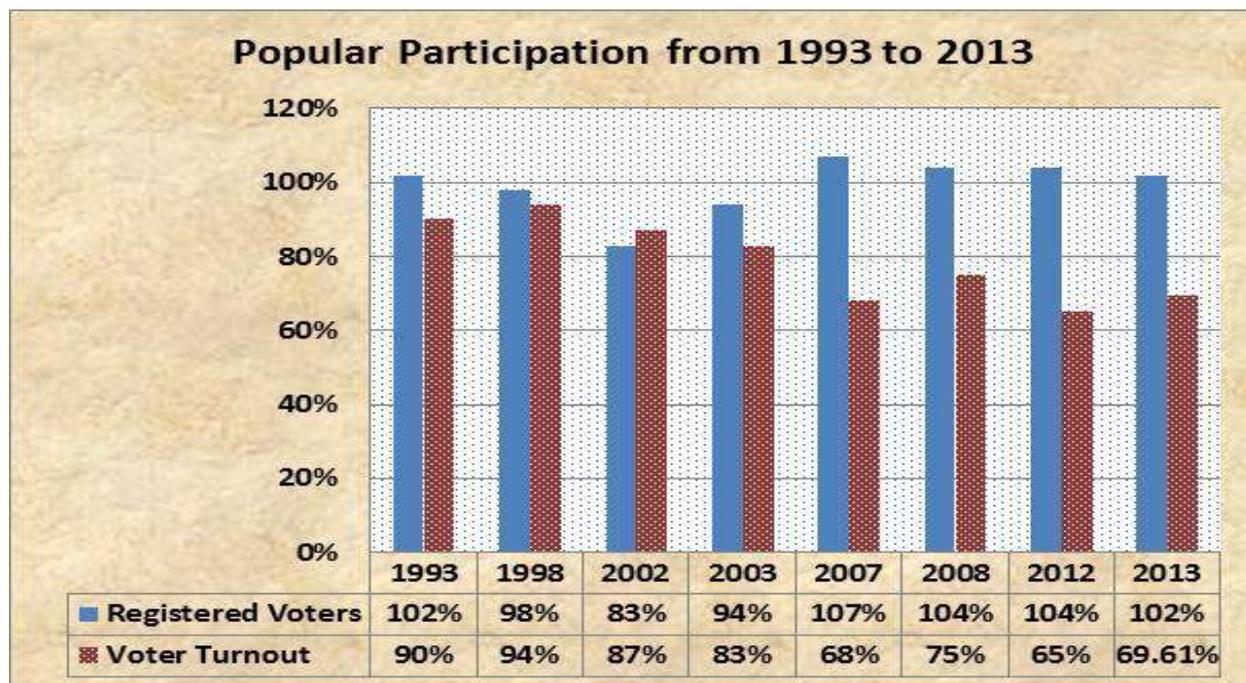
<sup>38</sup> COMFREL, ADHOC, NICFEC, YRDP, CCIM, CCHR, CHRAC, NGO FORUM ON CAMBODIA, API, CCC, CDP, CLEC, CPWP, PDP-CENTER, LICADHO, DHRAC, GADC, LWD, CISA, KYA, KID, DPA, KYSD, MVI, ICSO, TI/C, SILAKA, STAR KAMPUCHEA, HR VIGILANCE, VBNK, WMC, YCC, HRTE, CPN, IDEA, VSG, CCSP, KHARAM, FACT, MLOP BAITONG

observers, who could this time, cover only 40% of all polling stations observed 11,605 irregularities. During Cooling Day COMFREL found 203 irregularities, 11,139 irregularities during polling and 263 irregularities during counting. This is a drastic increase of irregularities in comparison to past elections undermining the integrity of the electoral process. Irregularities were found in 2,127 of 7,691 polling stations covered by COMFREL. Total 19,009 polling stations opened for the election.

Most irregularities were observed in the provinces and municipalities of Kampong Cham (3,148), Phnom Penh (2,185), Kampot (860), Kandal (840), Prey Veng (435), Takeo (431), Siem Reap (413), Pursat (383), Pailin (354), Banteay Meanchey (344), Battambang (683), Sihanouk Ville (265) and Koh Kong (202). In other provinces and municipalities irregularities observed were less than 200 cases. Compared to the elections in 2003 and 2008, more serious irregularities were observed which affected the voting right of Cambodian citizens. Total 8,490 citizens were directly observed by COMFREL who lost their right to vote, mainly to obstacles resulting from several factors: (1) eligible voters could not find their name on the voter list, (2) eligible voters did not know which polling station to go to (did not receive their VIN or were not aware of changes in the polling station code) or were at a wrong polling station not finding their names on the voter list and went home without voting, and (3) voters were confused about whether they could use their VIN to vote. Such irregularities were mostly observed in the provinces/municipalities of Phnom Penh, Kampong Cham, Takeo, Banteay Meanchey, Kampong Thom, Siem Reap, Kratie and Battambang.

COMFREL also observed a declining voter turnout in comparison to previous elections to only 69.61% (about 6 million people) of 9.6 million registered voters. The voter turnout was in 2008 with 73.51% and in 2003 with 87.25% higher. This indicates at least partly that the lower voter turnout was caused by the current voter registration system and difficulties for voters to cast their vote on E-Day. Figure 3 below compares changes observed in voter turnout between the years 1993 and 2013:

Figure 3: Popular Participation from 1993 to 2013



### 9.6.1 Other Irregularities during Polling

On Election Day COMFREL observers found during polling 2,649 other irregularities besides those 8,490 voters who have lost their voting right. In 2008 only 2,012 irregularities were observed during the polling and counting process. During this election more irregularities were observed during the polling process (11,139) than during the counting process (263). Irregularities observed included that polling station officials not complied with electoral regulations leading to irregularities during the polling process, cases of intimidation, campaign violations, obstruction of party agents and election observers and vote-buying. Table 7 below list the irregularities observed in frequency of occurrence:

**Table 7: Forms of Irregularities Observed During the Polling Process for the 2013 Election**

Form of Irregularity	Number of Cases
<i>8,490 citizens were observed who lost their right to vote, mainly to obstacles resulting from several factors: (1) eligible voters could not find their name on the voter list, (2) eligible voters who did not know which polling station to go to (did not receive their voter information notice – VIN – or were not aware of changes in the polling station code), or were at a wrong polling station and went home without voting and (3) voters were confused about whether they could use their VIN to vote. Those irregularities were observed in the provinces and municipalities: Phnom Penh, Kampong Cham, Takeo, Banteay Meanchey, Kampong Thom, Siem Reap, Kratie and Battambang.</i>	8,490
<i>Illegal presence of local authorities, particular village chiefs in around polling stations, watching voters or instructing them to vote for the CPP, sometimes intimidating voters. Such cases were reported by COMFREL observers from all provinces.</i>	296
<i>Preparing many ballot papers from the ballot book before voters arrived</i>	294
<i>Not ensuring Secrecy of Balloting</i>	252
<i>Voters asking Polling Officer to vote for them, even they are not disabled</i>	185

<i>Not checking voters' forefingers for indelible ink, not staining voters' forefingers with indelible ink, not verifying identity documents against the lists before providing ballot papers or giving voters more than one ballot paper</i>	138
<i>Campaign violations, including voter gift distribution, posting of party posters and distribution of leaflets aimed at seeking CPP support on Election Day. Observed in the provinces and municipalities of Banteay Meanchey, Battambang, Kampong Cham, Kampong Chhang, Kampot, Kandal, Mondulkeiri, Phnom Penh, Preah Vihear, Prey Veng, Pursat, Rattanakiri, Svay Rieng and Pailin.</i>	125
<i>Allowing eligible voters whose forefingers were stained with indelible ink and people who have no right to vote to cast their ballot</i>	85
<i>Not allowing party agents or observers to stand behind or near secretary of polling station to check documents that show voter's identity with the voting lists</i>	78
<i>Late opening of polling stations (not following opening time of 7am)</i>	67
<i>Polling station officials dismissing or ignoring voters' or party agents' requests or refusing to give them a complaint form (Form 1202)</i>	35
<i>Not showing the empty ballot box before opening the polling station</i>	28
<i>Election observers or party agents being prevented from observing the polling. Observed in the provinces and municipalities of Battambang, Kampong Cham, Kampong Chhang, Kampot, Kandal, Kob Kong, Phnom Penh, Prey Veng, Takeo and Kep.</i>	27
<i>Postponing the polling process or the closure of polling stations during the polling process</i>	20
<i>Ballot papers were taken out of the polling station to let another voter mark it.</i>	9
<i>Eligible voters being prevented from casting their vote in exchange for gifts or money in the provinces of Kampot, Kandal and Takeo.</i>	4
<i>Many voters having difficulties finding their names at this polling station so give up to vote</i>	613
<i>Other irregularities</i>	393
<i>Total</i>	11,139



Picture 9: There were violence case in Stueng Mean Chey in front of Stueng Mean Chey Pagoda related to polling problem and other picture Vietnamese voters were blocked by local residents

## 9.6.2 Irregularities during Counting

During the counting process COMFREL observed total 263 irregularities in this election. This included that polling station officials did not comply with electoral regulations, the exclusion of party agents and election observers from observing the counting, interruptions of the counting process, intimidation, too fast counting, no proper display of invalid and valid ballots and ballot boxes, in transparency during the transportation of election material and election results, and improper announcement and display of election results at polling stations. Table 8 below list all irregularities observed by COMFREL during the counting process in frequency of occurrence:

**Table 8: Forms of Irregularities Observed During the Polling Process for the 2013 Election**

Form of Irregularity	Number of Cases
<i>Too fast counting which did not allow observers and political party agents to catch up as observed in the provinces and municipalities of Banteay Meanchey, Kampong Cham, Kampot, Kandal, Phnom Penh, Prey Veng, Pursat, Siem Reap, Sihanouk Ville, Takeo and Kep.</i>	52
<i>Closing the door or window of polling office while counting ballots</i>	33
<i>Interruptions of the counting process were observed in Banteay Meanchey, Kampong Cham, Kampong Chhang, Kampot, Phnom Penh, Prey Veng, Pursat, Siem Reap, Sihanouk Ville, Takeo and Kep.</i>	32
<i>Allowing persons who were not on duty to go in and out of the polling stations during the closing process as observed in the municipalities and provinces of Banteay Meanchey, Kampong Chhang, Phnom Penh, Mondulkiri, Siem Reap, Prey Veng, Pursat, Sihanouk Ville, Keo and Takeo.</i>	24
<i>Ballots had been declared valid and invalid without showing them to election observers and party agents as observed in the provinces/ municipalities of Kampong Cham, Kampot, Phnom Penh, Siem Reap, Sihanouk Ville, and Takeo.</i>	20
<i>Election results were not accurately announced as observed in the provinces and municipalities of Kampong Cham, Kampong Chhang, Kampot, Phnom Penh, Rattanakiri, Siem Reap and Takeo.</i>	18
<i>Election observers and party agents were not informed about the safe place or the location at the polling station centre where the ballots would be kept.</i>	18
<i>Polling station officials were not properly trained leading to delays in the counting process as observed in the provinces and municipalities of Banteay Meanchey, Kampong Cham, Mondulkiri, Phnom Penh, Pursat, Svay Rieng, Takeo and Uddar Meanchey.</i>	15
<i>Important election material were missing leading to delays in the counting process</i>	10
<i>Election observers and party agents could not observe the sealed lock of the box before the lid was removed covering the ballot box as observed in the provinces and municipalities of Banteay Meanchey, Kampong Cham, Phnom Penh and Prey Veng</i>	8
<i>Election observers and party agents were not allowed to observe the counting process as observed in the provinces of Kampong Cham, Kandal and Prey Veng.</i>	7
<i>Election observers and party agents were not shown the polling and counting records as observed in the provinces of Kampong Cham, Kampong Thom and Prey Veng.</i>	7
<i>Not putting on the lid to cover the ballot-insertion holes, or not locking the large boxes used for packing the ballot boxes as observed in the provinces of Kampong Cham, Rattanakiri, Sihanouk Ville and Takeo.</i>	6
<i>Election observers and party agents were not allowed to observe every part of the process of preparing and packaging the electoral documents and materials before transporting them to the CECs as observed in the provinces of Kampong Cham and Prey Veng</i>	4
<i>Individuals bringing weapons into the counting station were observed in Banteay Meanchey, Kampong Cham and Rattanakiri.</i>	3
<i>The holes in the ballot box not being closed and the box not being sealed</i>	6
<i>Total Counting Irregularities</i>	263
<i>Total Counting and Polling Irregularities</i>	11,402

## 10. Electoral Complaints and Solution

COMFREL observed in this election like in previous national and commune elections that procedures to receive and resolve election complaints continue to be insufficient. The complaint procedures as outlined by LEMNA, NEC Regulation and Procedures and Code of Conducts are theoretical comprehensive, but are often in its practical implementation ineffective. Although

election officials and complainants are more aware of the complaint procedures, shortcomings were observed especially in regard to the handling of complaints against the preliminary results after the election. To this day the NEC does not have an effective investigation mechanism for the collection of evidence prior to the start of a hearing and for further inquiries with concerned parties for complaints, as observed also in previous elections. This led again to suspicions of a lack of impartiality and allegations against the NEC that election complaints are not properly handled. The NEC defended its decision with the arguments that complainants had not provided sufficient supporting evidence and in regard to the workload and limited resources of the NEC to investigate and inquire such cases often had justified rejections without further investigations and inquiries.

The workload for the NEC indeed had increased in this election. The number of complaints has significantly increased during the campaign period and the polling and counting process. This indicated also that the observed drastic increase in irregularities by COMFREL during the polling and counting process is confirmed by the increase of electoral complaints in this election. According to NEC figures alone 373 complaints were submitted during the election campaign, which is an increase of about 300% in comparison to the NA elections 2008, when 122 complaints were filed. Likewise the NEC received during the polling and counting process total 281 complaints which is an increase of 100% compared with the NA elections 2008, when 143 complaints were filed.

### **10.1 Complaints during Election Campaign**

The NEC outlines that ‘during the electoral campaign period, in the event of any violation of LEMNA, and/or NEC Regulations and Procedures, and/or the various Codes of Conduct issued by the NEC relating to campaign activities, any person may file a complaint to CECs within three days of the incident. The CEC is obliged to reconcile the dispute promptly within a reasonable time. If the reconciliation is not successful, the complainant may file a complaint to the PECs within three days. The PEC is obliged to resolve the complaint promptly within a reasonable time by carrying out a thorough investigation. The PEC is obliged to begin with an attempt at reconciliation, but if not successful, must hold a public hearing within one day of the reconciliation. If dissatisfied with the resolution by the PEC, the complainant may file a complaint to the NEC within three days of receiving PEC’s decision. The NEC is obliged to resolve the dispute promptly within a reasonable time by carrying out a thorough investigation. If dissatisfied with the decision taken by the NEC, the complainant may file a complaint to the Constitutional Council within three days of receiving the NEC’s decision. The Constitutional Council is obliged to resolve the dispute within ten days. According to the Regulations and Procedures, CECs, PECs and NEC have the right to immediately reject any complaints filed

outside the prescribed time limit, and to issue a rejection letter for any complaint that is not based on a violation of LEMNA or Regulations and Procedures<sup>39</sup>.

During the election campaign, the NEC recorded total 373 complaints, which were first filed with the Commune Election Commissions (CECs). 164 complaints were rejected, 47 resolved on CEC level, 122 appealed to Provincial Election Commissions (PECs) of which 78 were resolved and 44 further appealed to the NEC. After resolution of 32 cases by the NEC, 12 complaints were further appealed to the Constitutional Council. Latter rejected all 12 complaints. COMFREL observed that among political parties most complaints were submitted by CNRP (210), followed by CPP (72), FUNCINPEC (4) and KAPP (1). Other political parties had not submitted complaints to election authorities, though some local authorities, citizens, military officials and private companies have submitted complaints mainly for displaying campaign material. This included complaints by commune/district authorities (26), private companies (3), military officials (1) and citizens (20). Of those complaints 85 were appealed by the CNRP, 15 by the CPP, two by FUNCINPEC and one by KAPP to PECs. 44 complaints were forwarded to NEC of which 36 were from CNRP, one from CPP and one from KAPP. 12 complaints were forward to the Constitutional Council – CCC (CNRP: 7, CPP: 1). All twelve complaints were rejected by the CCC confirming the NEC decision.

According to the NEC most cases related ‘to campaigning outside the hours permitted, not following the schedule allocated to each political party, refusing to obey the regulations and procedures and the code of conduct for political parties, which prohibit acts such as inciting supporters or voters to commit offences against LEMNA, threatening or committing violence, swearing or defaming<sup>40</sup>. Questionable remains in regard to the complaint procedures why in comparison to previous elections when only 12 complaints were rejected, in this election 164 complaints were rejected. For COMFREL this indicates either those complaints were not properly handled, or complainants lacked awareness how to file proper complaints or cases were resolved outside the official complaint procedures through negotiations. COMFREL observed thereby that some political parties choose on local level often the latter way, despite that some violations could have led to criminal penalties. The NEC defended rejections with the argument that many complaints had not sufficient supporting evidence or were submitted outside the timeline given for complaints. According to NEC measures were taken against 24 offenders. This includes 16 persons who were given a warning letter, one person who was given a verbal disciplinary warning, three persons who were fined 5,000,000 riels, one person who had his/her name removed from the voter list for a period of three years, one person who was given a

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<sup>39</sup>NEC White Paper, pp. 26-27

<sup>40</sup>Ibid.

reminder and two persons were referred to the Ministry of Interior and Ministry of Education, Youth and Sports, respectively, for sanction.

The NEC also recorded complaints submitted during Cooling Day. According to NEC figures total five complaints were filed of which one was filed in Banteay Meanchey, one in Battambang, one in Kampot, one in Prey Veng and one in Takeo. Of these complaints two were appealed to PECs and one was appealed to the NEC. CNRP had filed two complaints, FUNCINPEC one and two were filed by citizens. COMFREL is not aware of these cases but have found during its own observations as outlined in this report total 104 cases of election campaign violations. This raises the question how aware voters and political parties are about the possibility to raise complaints during Cooling Day. The observations would indicate a larger number of complaints should have been made.

## **10.2 Complaints during Polling and Counting**

Similar to the complaints submitted during the election campaign the number of complaints submitted during the polling and counting process do not reflect the number of irregularities observed by COMFREL in this process, indicating difficulties in the complaint procedures either to submit complaints during the process or lack of awareness among complainants how to raise and submit complaints in order to resolve irregularities or forward cases to the next higher level. During the polling and counting process the NEC recorded total only 281 complaints, whereas COMFREL observed 10,954 irregularities. Most complaints were filed by the CNRP (151), followed by CPP (65) and FUNCINPEC (1). Complaints were also submitted by citizens (50), election observers (13) and from polling station officers (1). Most complaints were made according to the NEC for disturbing the polling process (49), intimidating voters (30), preventing voters from casting their votes (28), recording names, taking photos, questioning voters at the polling stations (24), allowing voters to vote with insufficient proof of identity (20), curbing political parties' agents and observers exceeding their rights (12) and permitting immigrants to vote (10). Of these complaints 109 were appealed to PECs, who resolved 71 cases. 38 cases were forwarded to the NEC who resolved 26 cases. 12 cases were further appealed to the CCC. The NEC reported to have taken measures in 25 cases where sufficient supporting evidence was provided. 11 persons were given a warning letter, 11 persons had their names removed from the voter list for a period of 3 years, 1 person had voting rights withdrawn for a period of 3 years, 2 persons were referred to the Ministry of Interior for sanction.<sup>41</sup>

The NEC claimed after the election that 'during the polling and vote-counting process of the 2013 Election, no complaints or objections were made against the polling and vote-counting and

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<sup>41</sup>NEC White Paper, p. 30

all political parties' agents at all polling stations signed Forms 1101, 1102 and 1108, as well as the tally sheets. This means that they recognized the polling and vote-counting process as having been organized in a smooth manner and proceeded with no irregularities<sup>42</sup>. This can only confirm COMFREL's impression that the current complaint procedures are not effective to ensure that irregularities can be investigated by party agents in due time and effectively reported to the responsible election committee in charge. Currently the complaint procedures have a very tight time schedule and requires 'sufficient supporting evidence' for the cases besides following up on the administrative procedures to submit complaints should the complaint be rejected at polling stations.

The NEC referring to current regulations and procedures outlines that 'political party agents have the right to immediately raise verbal complaints or objections against the conduct of polling and vote-counting officials or any decision made by the chief of the PSC at their respective polling stations to the chief of the PSC, giving reasons and providing evidence of any irregularities or violations of LEMNA or the Regulations and Procedures at the polling stations. The chief of the PSC must immediately resolve the complaints or objections. The political parties' representative dissatisfied with the decision made by the chief of the PSC may file a complaint with the CEC by 11:30 AM on the day following the election. The CEC then holds a meeting and resolves the complaint within 2 days. In case the complainant is dissatisfied with the decision made by the CEC, he or she may appeal to the PEC within 2 days. The PEC is obliged to resolve the complaint within 3 days. In case the complainant is dissatisfied with the decision made by the PEC, he or she may further appeal to the NEC within 2 days. The NEC must resolve the complaint within 3 days<sup>43</sup>.

Not surprisingly most complaints about the irregularities should be submitted to the NEC only after the elections. The NEC released on 10<sup>th</sup> August 2013 a statement on the 'Examination and Verification of the Irregularities Reports of National Assembly Elections, 5<sup>th</sup> Mandate' in which is reported that total 48 reports had been received about irregularities from eleven provinces and municipalities including Phnom Penh, Battambang, Kampong Chhnang, Kampong Speu, Kandal, Kratie, Preah Vihear, Prey Veng, Pursat, Takeo and Uddar Meanchey. Reports were submitted from five stakeholders including the CNRP, CPP FUNCINPEC and authorities and citizens. It has to be mentioned that these reports also have to be submitted within a very tight timeline of only eight days (from 2<sup>nd</sup> to 6<sup>th</sup> August for this election) to the PECs and NECs in order to ensure they are submitted and accepted and require as well 'sufficient supporting evidence' beside the

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<sup>42</sup>Ibid., p. 28

<sup>43</sup>Ibid., p. 28

mentioned complaints submitted to CECs and PECs, NEC and CCC, which fall in the same time line.<sup>44</sup>

COMFREL believes the time lines are improper to handle electoral complaints, leading to rushed resolutions without proper time for investigations and inquiries or fast rejections, when sufficient supporting evidence cannot be provided timely. In regard to the CNRP report the NEC stated: ‘The CNRP submitted only a letter describing 3 kinds of irregularities related to issues of the 2012 voters’ lists, the certificates of identity and various events taken place on polling day. The party did not submit the report with evidences to the NEC at the moment; the party will submit them provided a special committee to investigate the irregularities and evaluate their impact on the election would be created. Therefore, the NEC could not examine the irregularities (no report submitted).’<sup>45</sup> De facto the NEC had rejected the report because no sufficient supporting evidence was provided. Also irregularities reported by other stakeholders were resolved by the NEC simply by concluding that those irregularities mainly took place outside the close proximity of polling stations, did therefore also not impact the overall election results and accordingly were resolved within the time line. Also most cases were already handled as complaints by CECs, PECs, NEC and CCC and resolved.

Thereby did the reports after elections include a number of severe irregularities, which the NEC also had outlined in its statement from 11<sup>th</sup> August mentioned above. This included campaigning on Cooling Day, disturbing the polling and counting process, undermining the credibility of the election through informing or showing to people the indelible ink can be washed out, threatening and preventing voters from voting, intimidating voters so that they do not dare to vote, offering incentives to buy votes, disturbing the tasks of the electoral officials, transporting voters, persuading citizens to lodge their complaints after the polling day. Nonetheless within only 14 days all irregularities listed in reports and all complaints made after Election Day to the CECs including appeals to PECs and to NEC were resolved. The announcement of the provisional results, originally scheduled to be made on 10 August 2013, were only postponed by one day until 9:00 AM of 12<sup>th</sup> August 2013. Provisional results were announced on this day on state television and radio TVK. The NEC concluded that the announcement of provisional results on 12<sup>th</sup> August 2013 without further postponements was according to LEMNA and regulations and procedures.<sup>46</sup> COMFREL doubts if current complaint procedures, especially the time lines, can effectively ensure that stakeholders will be able to trust the election outcomes and that election irregularities have been resolved properly.

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<sup>44</sup>NEC ‘Examination and Verification of the Irregularities Reports of National Assembly Elections, 5<sup>th</sup> Mandate’, Phnom Penh 11<sup>th</sup> August 2013

<sup>45</sup>Ibid.

<sup>46</sup>Ibid.

### 10.3 Complaints against Election Results

The Law on the National Assembly elections (LEMNA) provide political parties according to article 114 the option to protest a part or the whole temporary election result either to the NEC or Constitution Council of Cambodia (CCC) within 72 hours after announcement of the temporary results. Complaints at this stage again have to be resolved in a very tight time schedule. The NEC is obliged by current electoral regulations to resolve complaints within only 48 hours. On 15<sup>th</sup> August the NEC reported to have received total 17 complaints. 16 complaints were lodged against temporary results in the provinces and municipalities of Banteay Meanchay, Battambang, Kampong Cham, Kampong Chnang, Kampong Speu, Kampong Thom, Kampot, Kandal, Kratie, Phnom Penh, Prey Veng, Pursat, Siem Reap, Sihanoukville and Svay Rieng and one complaint was filed against the temporary election results of all 24 provinces and municipalities. All complaints had been lodged by the CNRP. No other party lodged complaints against the temporary results. The following lists all complaints filed by the CNRP with a brief description of the nature of complaints:

- **Banteay Meanchey:** *CNRP complained that the voter list was flawed containing wrong data (voter's name, birthday date, residence wrongly registered, not registered) causing voters to lose their right to vote. Also was complaint that duplicates of voters (voters registered more than once on the same voter list) and irregularities in issuing ICEs allowed other than registered voters to vote. Additionally was claimed that the voter ink could be washed off allowing fraudulent voting. CNRP demanded re-election in two polling stations (0913 and 0921) and a verification of temporary election results with form 1104<sup>47</sup>.*
- **Battambang:** *CNRP complained that the voter list was flawed (duplicates, wrong data), that counting procedures were not followed properly and that figures in form 1104 were not compatible with NEC figures. CNRP demanded a verification of forms 1102<sup>48</sup> and 1108<sup>49</sup> in 'Safety Package A'<sup>50</sup> in 117 stations and called for a recount of election results in 116 stations.*
- **Kampong Cham:** *CNRP complained the voter list was flawed (duplicates, wrong data) and local authorities had intimidated voters. CNRP demanded re-election for the whole province after verification of forms 1102 and 1104 in all polling stations.*

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<sup>47</sup> Form 1104 is a document providing party agents in polling stations preliminary results of the election in their polling stations, but is not used to compile the results (this is form 1102). The difference between form 1102 and 1104 that 1104 is only compiled on CEC level than send to PEC, who compiles the figures of CEC in form 1105, who then is sent to NEC for the announcement of preliminary results on the day of the election.

<sup>48</sup> Form 1102 is copied four times include the official election results of a polling station, have to be signed by party agents and are required to be posted at the polling stations. 1102 is used to compile the official final results on the next levels (CEC-PEC-NEC), therefore four copies, but not used to announce the preliminary results.

<sup>49</sup> Form 1108 is the table to record votes in every polling station. The results are then transferred to form 1102.

<sup>50</sup>Safety Package A contains among other items, the envelope containing forms 1102 and 1108 sent to NEC and form 1102 and 1108 to be sent to the CEC.

- **Kampong Chhang:** CNRP complained the voter list was flawed (duplicates, wrong data, unlawful registration of immigrants). CNRP demanded a re-election for the province.
- **Kampong Speu:** CNRP complained the voter list was flawed (duplicates, wrong data). CNRP demanded verification of election results with form 1104. A re-election for the whole province was demanded.
- **Kampong Thom:** CNRP complained that in nine communes, election officials did not follow procedures during counting. CNRP demanded verification of form 1102 in nine communes.
- **Kampot:** CNRP complained the voter list was flawed (duplicates, wrong data). A re-election for the whole province was demanded.
- **Kandal:** CNRP complained that procedures were not followed by election officials. CNRP called for a re-election in polling station 1204, where was found that only 80 of 280 registered voters had casted their ballot. For 72 ballot stations a recount of invalid ballots was demanded. For 199 stations verification of forms 1102 and 1108 was demanded.
- **Kratie:** CNRP complained that in one polling station the voter list was flawed and in 15 polling stations counting procedures were not followed properly by election officials. CNRP demanded a re-election in the polling station and a recount of ballots in the other 15 polling stations.
- **Phnom Penh:** CNRP complained the voter list was flawed (duplicates, wrong data) and ICEs were unlawful issued). CNRP demanded a re-election for 31 districts in Phnom Penh.
- **Prey Veng:** CNRP complained the voter list was flawed (duplicates, wrong data) and ICEs were unlawful issued. A re-election for the whole province was demanded.
- **Pursat:** CNRP complained the voter list was flawed in five polling stations (duplicates, wrong data) and unlawful issuing of ICEs. CNRP demanded a re-election for the whole province.
- **Siem Reap:** CNRP complained that voter list was flawed (duplicates, wrong data), unlawful voter transportation of troops was observed, and counting procedures were not followed properly. CNRP demanded a re-election in 16 polling stations, a re-count in 200 and the verification of election results in 75 polling stations.
- **Sihanoukville:** CNRP complained that voter list was flawed for same reasons as in other provinces and that local authority were intimidating voters. A re-election for the whole province was demanded.
- **Svay Rieng:** CNRP complained that voter list was flawed for same reasons as in other provinces. A re-election for the whole province was demanded.
- **Takeo:** CNRP complained that voter list was flawed, indelible ink could be outwashed and that votes were bought. A re-election for the whole province was demanded.

### **Complaint against the Temporary Results of the Election Results on National Level**

*CNRP lodged a complaint against the election results on national level stating following reasons: the voter list was flawed, ICEs were wrongfully issued, indelible ink was removable, individuals were allowed to vote without identification, election officials did not follow procedures, voters were denied to vote who had proper voter identification, no access to media which allow a genuine media competition during the election campaign. CNRP demanded that all 'Safety Packages A' should be opened and forms 1101, 1102, 1104 and 1108 verified and all irregularities observed investigated and evaluated by a Technical Working Group including civil society organizations, international experts and UN representatives. Citizens who lost their voting right in this election should be allowed to revote.*

#### **10.3.1 NEC Examination of Complaints against Election Results**

The NEC confirmed on 15<sup>th</sup> August that 17 complaints had been lodged. The NEC then summoned CNRP representative for inquiries and examination of evidence provided to support the complaints, deciding to reject 13 complaints with notification letters of rejection as foreseen by LEMNA, whereas four complaints were further investigated. Rejected were complaints against the election results of all 24 provinces/municipalities and the complaints concerning partial election results in the provinces and municipalities of Banteay Meanchey, Kampong Cham, Kampong Chhang, Kampong Speu, Kampong Thom, Kampot, Phnom Penh, Prey Veng, Pursat, Sihanoukville, Svay Rieng and Takeo. For the rejection of these complaints the NEC outlined following reasons:

- *CNRP did not provide proven cases of names missing and duplicate names or wrong data saved in the voter list to verify the extend of errors on the voter list*
- *CNRP did not provide sufficient supporting evidence allowing the NEC to check and evaluate on the alleged irregularities*
- *CNRP did not provide sufficient supporting evidence for severe irregularities, which would require a re-election in all 24 provinces and municipalities.*
- *With not one exception all CNRP party agents have signed all relevant documents in the polling stations on Election Day including the relevant counting forms 1102 and 1108.*

The other four complaints were considered by the NEC to need further examination. This included complaints raised by CNRP against the temporary election results in the provinces of Battambang, Kratie, Kandal and Siem Reap. The NEC organized for this examination summary hearing with CNRP. For Kratie and Battambang the NEC verified the forms 1109<sup>51</sup> and 1110<sup>52</sup>

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<sup>51</sup>Form 1109 is a Summary Table of all Polling Station Results compiled on CEC level

with the results of CNRP compiled by the party on commune level. The examination included also a verification of forms 1102 and 1104 which were cross-checked. For Siem Reap the NEC verified 1102 forms of 75 polling stations with the 1104 forms provided by the CNRP. For Kandal, the NEC verified 1102 and 1108 forms with the 1104 forms provided by the CNRP for 199 polling stations in the province.

During the cross-examination of above mentioned forms no severe irregularities were found by COMFREL. In Kratie was found that in eleven polling stations the forms 1102 were not exactly identical with forms 1104, but only in regard to the election results of other political parties than the CPP, CNRP and FUNCINPEC. **In Siem Reap was found that for four polling stations (0982, 0426, 0988, 0025) form 1102 was not outside the ‘Safety Package A’ and for two polling stations was found that the results on form 1102 and 1104 were not identical, not properly filled (votes of smaller parties were written in the box supposed to include the number of valid and invalid votes in form 1104) leading to improper calculations in form 1104.** Since form 1104 is not the official result sheet as form 1102, those differences could nonetheless not impact the election results, but it led to suspicions about possible manipulations because party agents were not able to accurately cross-check their received copies of form 1104 with the official result form 1102. In future election form 1104 should be as properly filled by election officials than the official result forms 1102 to prevent confusion leading to severe electoral disputes as observed in this election. A complaint of unlawful voter transportation of troops to polling stations in Siem Reap was rejected.

COMFREL remain concerned that the verification process was not open to the public and that ‘Safety Packages A’ were not opened for verification undermining confidence in the process. Safety Packages A include all primary documents for the compilation of election results including form 1102 and 1108. Theoretically it is possible that results forms outside the Safety Package A are manipulated. COMFREL found during the verification that form 1102 outside Safety Package A in Kratie was changed with a correction pen, leading to doubts if the results shown are the same than the result shown of form 1102 inside Safety Package A. The opening of Safety Package A would also have allowed a verification of ballots declared void or invalid, which might have made a difference for the provincial results in Kandal where CNRP had lost a seat with only a razor-thin margin of 168 votes difference gaining six instead of seven parliamentary seats from this province.

COMFREL therefore concludes that there were technical irregularities related to the election results in form 1102 and 1104. The cross-checking of result forms solely outside the Safety

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<sup>52</sup>Form 1110 is a Summary Table of all Commune Election Results compiled on PEC level

Package A were not sufficient to examine in-depth alleged irregularities. The NEC defended the procedure to be proper, because Safety Package A could only be open in case of severe irregularities and decided to reject also these four complaints made by CNRP for the reason that no severe irregularities were found. COMFREL found that this cannot be a proper investigation of disputes. CNRP rejected the NEC decision and announced to appeal the cases to the Constitutional Council of Cambodia (CCC).

### **10.3.2 Constitutional Council Examination of Complaints against Election Results**

The CNRP filed 15 complaints against the decision of the NEC to the CCC. Complaints were filed for the provinces and municipalities of Banteay Meanchey, Battambang, Kampong Speu, Kompong Thom, Kampot, Kandal, Kratie, Phnom Penh, Prey Veng, Pursat, Siem Reap, Sihanoukville, Svay Rieng, and Takeo and one complaint against the election results of all 24 provinces and municipalities. The CCC decided to uphold all the decisions made by the NEC on 6<sup>th</sup> September. The final election results were announced on 9<sup>th</sup> September by the NEC confirming that CPP won 68 seats and CNRP 55 seats. Other contesting parties won no seats. Eleven complaints were decided in favor of the NEC stating that the CNRP had failed to provide sufficient supporting evidence for irregularities in these provinces and municipalities, that some complaints were raised for the first time and could therefore not be handled by the CCC, and that some had been submitted later than 72 hours after announcement of provisional results. The CCC however ordered preliminary investigations on the temporary election results for the provinces of Kratie, Battambang, Siem Reap and Kandal based on the complaints submitted by CNRP to the Constitutional Council as follows:

- *CNRP submitted a complaint against the NEC decision on temporary results in Siem Reap on 16<sup>th</sup> August, requesting the NEC to organize re-elections in 16 polling stations in Svay Leu and Varin District after alleged unlawful voter transportation of troops to polling stations have been observed on election day, and to open Safety Package A in order to verify in 75 polling stations result forms 1102, 1108 and 1104, and to verify invalid ballots in 200 polling stations.*
- *CNRP submitted on 17<sup>th</sup> August a complaint against the NEC decision on temporary election results in Kratie with the request that the NEC explains the reasons why voters in this province have not been registered on the voter list losing their right to vote and called for a re-count and re-vote in thirteen stations in Svay Chbrom Commune, for a recount in polling station (0011) in Domrey Pong commune and one polling station (0024) in Kampong Domrey commune and for a re-vote in one polling station (0292) in Vothnak commune.*
- *CNRP submitted a complaint the temporary results of Battambang province on 19<sup>th</sup> August requesting the NEC to open Safety Package A in order to verify forms 1102 and 1108 in 117 polling stations.*

- *CNRP submitted a complaint against the NEC decision on temporary results in Kandal on 19th August, requesting the NEC to organize re-elections in one polling station (1204) in Sarang Phnom commune, to open the Safety Package A in order to verify result forms 1102 and 1108 in eight polling stations of Takhmau commune and to verify invalid ballots in 72 polling stations.*

The CCC followed the CNRP request to open Safety Packages A. The NEC opened Safety Packages A in the presence of representatives of the Constitutional Council, the NEC, CPP, CNRP, and FUNCINPEC, as well as journalists and local and international election observers. The CCC however refused demands to organize re-counts and re-elections and refused verifying all polling stations listed in the CNRP complaints (total 475 polling stations). Total only 41 polling stations were examined by opening Safety Package A. The CCC examination came to following results:

- ***Kratie:*** *of the fourteen thirteen polling stations examined it was found that none of them had sealed the Safety Packages A. Verification of forms 1102, 1108 and 1104 showed however no discrepancies confirming the election results in these polling stations.*
- ***Siem Reap:*** *of the twelve polling stations examined, seven were found to have not sealed Safety Package A were unsealed and in one polling station Form 1102 was not filled. However verification of result forms 1108 with 1104 recorded the same figures for this polling station.*
- ***Battambang:*** *of the eight polling stations examined all had properly sealed Safety Packages A. Two polling stations however had not filled the form 1102. Verification of results forms 1108 and 1104 showed however no discrepancies confirming the elections results also in this polling station.*
- ***Kandal:*** *all the eight polling stations examined had properly sealed Safety Packages A. In one polling station form 1101<sup>53</sup> and 1102 was not properly filled. Verification of form 1108 and form 1104 recorded however the same figures for the polling station.*
- *The CCC ordered the NEC to disciplinary action against staff members at seven polling stations for irregularities in the election. The action could include fines or prohibition of participating in future elections.*
- *The CCC found that the transportation of troops to polling stations in Siem Reap was unlawful rejecting the NEC decision that had allowed the transportation, but did not challenge the election results as the number of soldiers transported did not change the result. CNRP had lost one additional seat with a margin of 4,083 votes.*
- *The CCC decided to uphold all other decisions made by the NEC for all four complaints leading to no re-count or re-elections and confirmation of provisional election results.*

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<sup>53</sup>Form 1101 includes the number of used, unused and spoiled ballot papers and actual number of ballots received.

COMFREL has observed the examination process of the CCC. Though decisions made in these cases have to be respected, the question remains why only some of the complaints were examined and why the examination was done on a small sample of 41 polling stations. Remarkable is that in four of the 41 polling stations the official and most important election result form 1102 was not filled. Notable is also that form 1104 which is according to the NEC no official election result form was used in the hearings of CCC to verify election results. This raises the question what discoveries would have been made, would have all 475 Safety Packages A as demanded by CNRP be open?

Questionable is also that no further examination on the case in Siem Reap was made in regard to voter transportation in Kandal, where the CNRP only needed 168 votes more to win a seat indicating that the irregularities could have had an impact on the election result. Noteworthy is besides that the complaints submitted by the CNRP did not demand a verification of the transfer process of election results from polling stations to CECs, PECs to NEC for possible result discrepancies considering that unsealed Safety Packages were found in four polling stations.

Of concern in the complaint process on the level of the Constitutional Council remains also, that to this day the institution is not perceived to be fully independent. The current President of the CCC is a permanent member of the CPP Steering Committee and other council members are thought of being closely affiliated or members of the same party, despite that this composition contradicts with the internal regulations of the CCC, article 4 stipulating that “the members of the constitutional council aren’t be a part of the political party...”. COMFREL therefore doubts that the current complaint procedure on CCC level is effective and can raise confidence in the electoral process.



Picture 10: Process of CCC solving the complaint and ordered NEC to open the safety package A

## 11. Election Results, Verification, Analysis and Comparison

### 11.1 Accuracy of Election Results

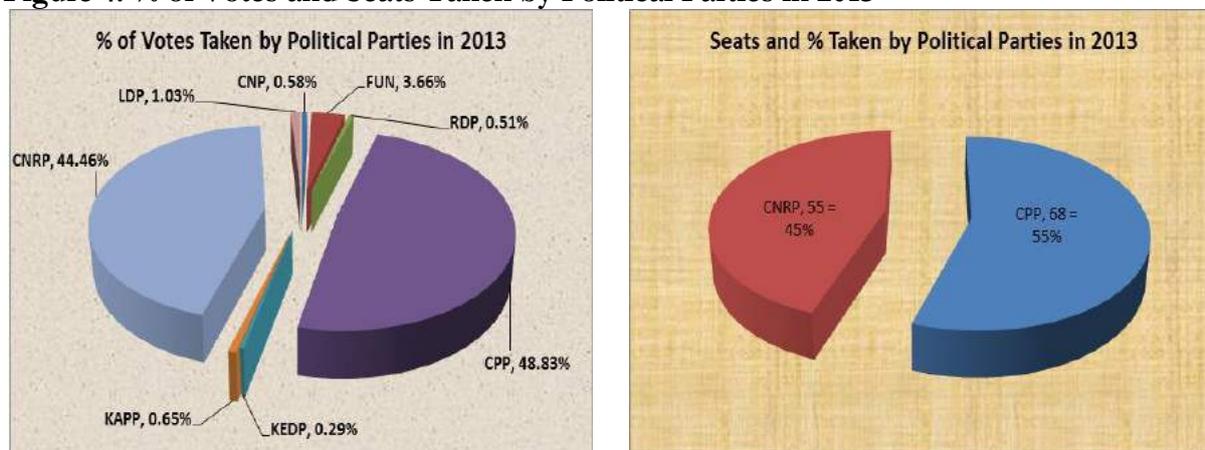
The official election results for the National Assembly Elections 2013 confirm the ruling CPP with a clear majority of National Assembly seats allowing the CPP to form a government. The CNRP became the second largest political party in Cambodia after the SRP and HRP decided to

merge for this election. Together both parties have strongly improved their electoral record in number of votes and seats. No other political parties who had contested the elections won enough votes to obtain a National Assembly seat. The official election results for all contesting political parties are illustrated in tables 9-10, figure 3 and figures 4-5 below and compared to all previous elections results:

**Table 9: Official NEC Final Election Results for the National Assembly Elections 2013**

Party	Total Votes	Percentage of Votes	Seats
CPP	3,235,969	48.83%	68
CNRP	2,946,176	44.46%	55
FUNCINPEC	242,413	3.66%	0
LDP	68,389	1.03%	0
KAPP	42,222	0.65%	0
CNP	38,123	0.58%	0
RDP	33,715	0.51%	0
KEDP	19,152	0.29%	0

**Figure 4: % of Votes and Seats Taken by Political Parties in 2013**



**Table 10: Pattern of voting between Political Parties 1993-2013**

Party	1993		1998		2002		2003		2007		2008		2012		2013	
	No	%														
CPP	1,530,943	39.63	2,014,912	41.7	2,647,849	60.89	2,445,177	47.3	3,148,533	60.82	3,492,374	58.11	3,631,082	61.80	3,235,969	48.83
SRP	-	-	694,169	14.36	736,454	16.94	1,137,308	22	1,303,906	25.19	1,316,714	21.91	1,224,460	20.84	2,946,176	44.46
HRP	-	-	-	-	-	-	-	-	-	-	397,816	6.62	580,483	9.88	-	-
FUN	1,821,886	47.16	1,547,767	32.01	955,200	21.97	1,072,136	20.74	277,545	5.36	303,764	5.05	222,671	3.79	242,413	3.66
NRP	-	-	-	-	-	-	-	-	419,791	8.11	337,943	5.62	170,962	2.91	-	-
Others	510,678	13.22	578,794	11.97	9,061	0.21	514,751	9.96	27,094	0.52	161,666	2.69	46,069	0.78	202,601	3.05
Total	3,863,507	100	4,835,642	100	4,348,564	100	5,169,372	100	5,176,869	100	6,010,277	100	5,985,458	100	6,627,159	100

Figure 4: Comparison of election results 1993 - 2013 by Political Party

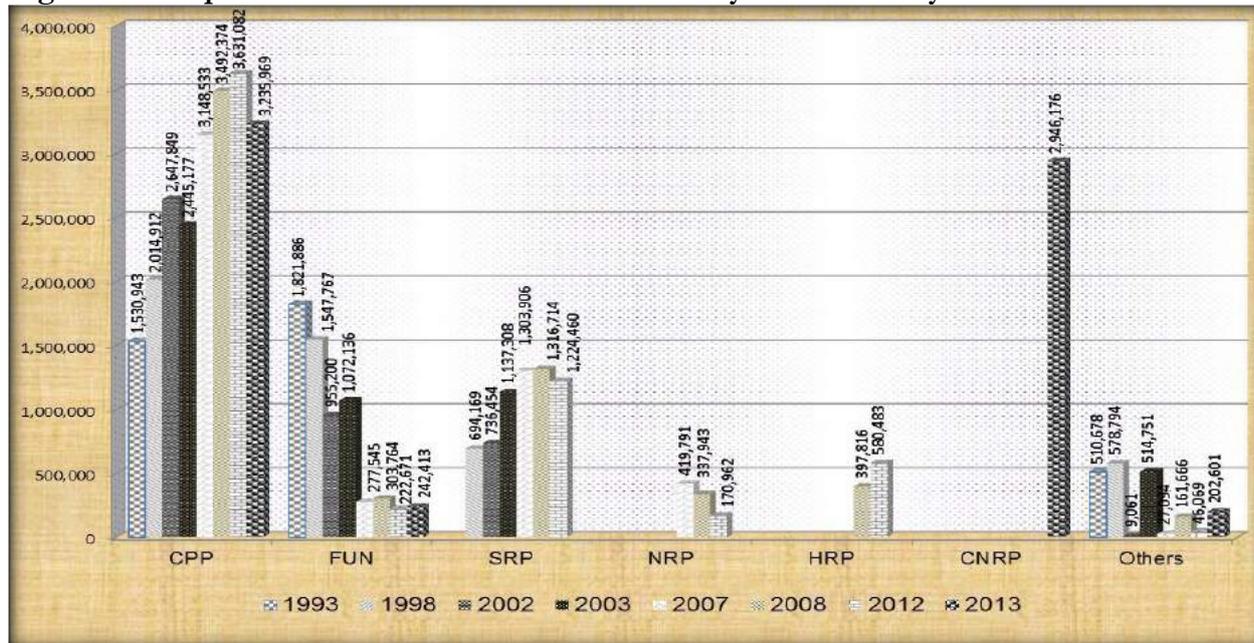
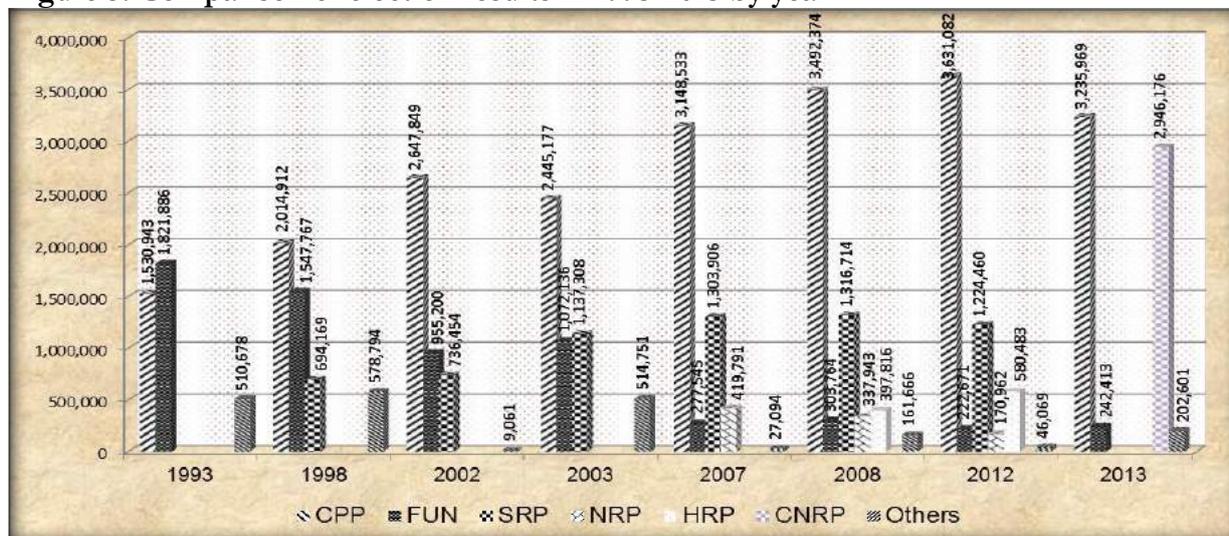


Figure 5: Comparison of election results in 1993-2013 by year



COMFREL’s own calculations based on the Parallel Vote Tabulation through Quick Count (PVT) of 1,470 polling stations with samples from all 24 provinces and municipalities differs from the temporary and later official election results of the NEC only by 1% showing that the CPP had gained 49.49% and 67 seats and the CNRP’s 43.05% and 56 seats. Despite the high accuracy of calculations of the elections results based on the PVT method in technical terms, COMFREL however cannot say with confidence that the election results are accurate and genuinely reflect the will of the voters. Considering the numerous irregularities in the voter registration, the election campaign, vote disfranchisement and the polling and counting process in addition to the relatively close margin of vote difference between the CPP and CNRP of 289,793

votes, it is impossible to conclude with confidence the accuracy of election results based solely on the PVT method.

For instance there remains a high probability to reverse election results in Siem Reap and Kandal province. In Kandal the CNRP has failed to gain one more seat by only 166 votes, in Siem Reap by only 4,083 votes. Considering the electoral irregularities observed during the whole election process, in particular in Kandal where among others one polling station was closed at 9am and in Siem Reap where among other irregularities was observed that voter transportation of soldiers not residing in Siem Reap influenced the vote, the probability of inaccurate election results remains high.

## **11.2 Election Results Analysis**

The results of the National Assembly elections 2013, if accurate, are a ‘surprise vote’, when is considered that the CPP had gained a clear majority in the commune election 2012 indicating a secure re-election of the CPP one year before the national election. In percentage of total votes casted in the commune election 2012, the CPP won an absolute majority with 62 percent of votes, followed by the SRP with 21 percent, HRP with ten percent and FUNCIPEC with four percent of total votes. Based on the commune election results it was for COMFREL difficult to predict in 2012 that opposition parties will make major electoral gains in the national election 2013.<sup>54</sup> Surprisingly exactly this happened. Compared with the commune election, the CPP had lost thirteen percent of votes and the CNRP after the merger of HRP and SRP has gained together fourteen percent more votes. The CPP lost with the exception of Ratanakiri in all provinces and municipalities votes in the national election sliding down from 3,632,082 votes casted in the commune election (62%) to 3,235,969 votes in the national election (49%). The CNRP in contrary won in all provinces and municipalities more and often significant more votes in the national election than in the commune election increasing its support from 1,804,943 (29%) to 2,946,176 votes (44%) after the merger of SRP and HRP into the new CNRP. Only for FUNCINPEC the election results did not change between these elections. The party gained an equal number of votes in both elections (four percent).

The CNRP increased strongly its support by 1,141,233 votes in the national elections within only one year compared to the commune elections and by 1,231,646 votes when compared to the national election 2008 when SRP and HRP had won together 1,714,530 votes. HRP and SRP increased together its support only by 90,413 votes between the national election 2008 and commune election 2012, but than by 1,141,233 votes between the commune election 2012 and national election 2013. In comparison the CPP won in 2008 3,492,374 votes increasing its votes

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<sup>54</sup> COMFREL: Final Report and Assessment of Commune Election 2012, September 2012, [www.comfrel.org](http://www.comfrel.org)

in the commune elections to 3,632,082 and then declining in voter support in 2013 to 3,235,969 votes, losing in total 396,113 votes since the commune election. What explains these changes in terms of votes transferred among the contesting political parties? Most likely the CPP had lost most of its votes to the CNRP, but this does not explain the remaining 745,120 gained votes for the CNRP.

Another factor must have been the higher number of votes in the national election 2013 compared to the national election 2008 and commune election 2012. In the national election 2008 6,100,884 voters casted their vote of total 8,125,529 registered voters (75%). In the commune election 2012 5,993,992 voters of total 9,203,493 registered voters casted their vote (65%). In the national election 2013 6,735,244 of total 9,675,453 registered voters casted their vote (70%). That means 635,640 voters more had casted their vote in 2013. Most of these votes must have gone to the CNRP, who seem to have been more successful to mobilize new voters than the CPP in this election. The remaining 109,480 of the total votes won by CNRP are explained by the vote losses made by FUNCINPEC and the five small political parties that had contested in the 2013 national election.

Still another contributing factor explaining the gains made by CNRP could have been the election system. CNRP won only in provinces and municipalities an absolute majority of votes and seats, which have the highest district magnitude. This included Kampong Cham (10/8), Kandal (6/5), Phnom Penh (7/5) and Prey Veng (6/5), whereas CNRP lost most provinces with a low district magnitude. In one province, Kandal, CNRP won an absolute majority in total number of votes casted, but failed by only 166 votes as mentioned earlier to obtain one more seat against the CPP. Obviously the more seats distributed in one electoral constituency the more proportional the election results. This had advantaged the CNRP. In provinces where fewer seats were distributed the CNRP failed to win a majority of seats or reached only an equal number of seats than the CPP.

The election results 2008 also reveal that never before has any other contesting party except the FUNCINPEC who gained an electoral victory in 1993, come so close to an electoral victory against the CPP in total number of votes. The CPP won with only a difference of 289,793 in total number of votes against the CNRP, although the seat allocation shows a clear majority for the CPP with 68 against 55 seats for the CNRP. In the national election 2008 the CPP had won in all 24 provinces and municipalities in total number of votes and in number of seats allocated. This time the CPP lost votes in all 24 provinces and municipalities, but the province of Ratanakiri (see Annex 8: National Assembly Election Results with Seat Allocations). Nonetheless the election results 2013 were not the worst result for the CPP. In percentage of votes the CPP had only

once, in the national election 2008 gained more votes than in any other elections (58%). Since 1993 the CPP had continuously increased its voter support from 40 percent in 1993 to 42 percent in 1998 to 47 percent in 2003 and to 58% percent in 2008, experiencing in 2013 for the first time a declining voter support to 49%.

The CPP also continues to hold absolute majorities in total number of votes casted and seats allocated in fourteen provinces/municipalities in this election including Banteay Meanchey (4/2), Battambang(5/3), Koh Kong (1/0), Kratie (2/1), Monduliri (1/0), Preah Vihear (1/0), Pursat (3/1), Ratanakiri (1/0), Sihanoukville (1/0), Stung Treng (1/0), Svay Rieng (3/2), Kep (1/0), Oddar Meanchey (1/0) and Pailin (1/0).<sup>55</sup> In five provinces neither CPP nor CNRP won absolute majorities in total number of votes casted, but the CPP gained more votes and seats in Siem Reap (4/2), - though only by 4,083 votes, otherwise the CNRP would have gained one more seat - and more votes but only an equal number of seats in the provinces of Kampong Speu (3/3), Kampot (3/3), Kampong Thom (3/3) and Takeo (4/4). In one province, Kampong Chhang, CPP won an absolute majority in total number of votes casted, but only by 923 votes leading to an equal number of seats with the CNRP (2/2). The CPP lost only in the above mentioned four provinces clearly against the CNRP, where the CNRP won an absolute majority in total number of votes and seats.

### **11.3 Youth candidates elected as National Assembly members**

Few youth candidates were successful in the election to obtain a parliamentary seat. As outlined in this report most youth candidates had been similar to women candidates registered by smaller political parties, while the main contesting parties failed to register more youth candidates lowering their chance to win parliamentary seats. Of the 176 registered youth candidates for this election, only three youth candidates were elected into parliament for the fifth legislature. This includes two CPP youth candidates, Hun Manet (30), a son of Prime Minister Hun Sen and Sor Sokha (32), a son of the Minister of Interior, Sar Kheng, and one CNRP youth candidate, Korng Kim Hak (33).

### **11.4 Women candidates elected as National Assembly members**

Total 25 women candidates succeeded in this election to obtain a parliamentary seat. This is an increase of the number of women obtaining a parliamentary seat in comparison to the previous elections. In the fourth legislature only 20 women gained a parliamentary seat. In percentage share, only 16% of parliamentarians were women in the fourth legislature, in the fifth legislature 20% are women. The increase however was only achieved after the CPP adjusted the ranking of

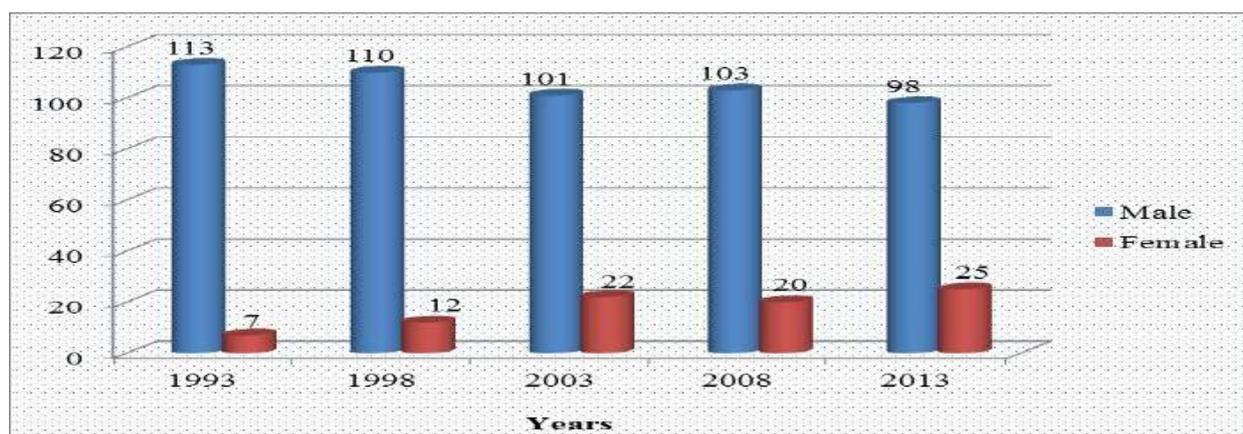
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<sup>55</sup>Absolute majority in total number of voters as calculated from the percentage of votes gained from the total number of votes casted not from the total number of voters registered. Absolute majority means to have gained more than 50% of the votes of the total number of votes casted.

women candidates on its party lists to increase the number of women candidates obtaining a parliamentary seat. Otherwise fewer women candidates would have been elected. From CPP 18 women candidates obtained a parliamentary seat, two more than in the previous election. From CNRP seven women candidates obtained a parliamentary seat, three more than in the previous national elections. Despite this increase the number of women candidates continues however to remain relatively low.

One reason is that the main contesting political parties nominated few women candidates for this election when compared with the smaller political parties, decreasing the likelihood of women candidates been elected into parliament. Also the main contesting political parties CPP and CNRP failed to rank women candidates higher on their party lists and to nominate at least one women candidate for each of the 24 electoral constituencies as outlined earlier in this report (see chapter 3.2 on the nomination of women candidates). Already in past elections the main contesting political parties failed to register more women candidates, rank them higher on their party lists and foster women candidates in their election campaigns. Cambodia will therefore not reach the UN Millennium goal of 30 per cent women’s representation in the National Assembly by the year 2015. Figure 6 below illustrates changes of parliamentary seats won by women between 1993 and 2013:

**Figure 6: Parliamentary seats won by women candidates between 1993 and 2013**



## 12. Prospects for the Commune and National Elections 2017/2018

The election results must be a warning signal for the CPP. The party never had experienced a declining voter support since the national election 1993. Growing grievances in the Cambodian population about social and economic developments which seem not to be as far reaching and advantageous as had been proclaimed by the CPP led government might be one explanation for the declining voter support. Especially the number of youth voters will further increase as will their expectations on social and economic changes. When the CNRP remain as effective as now

to mobilize increasing voter support, in particular among new voters as observed in this election, the CPP will need more effective social and economic policies in order to meet citizen's expectations, in particular of youth voters. The number of youth voters will further increase until the next elections.

On the other hand the demographic factor towards a younger electorate explaining the change might be overvalued to explain the declining voter support for the CPP. The election results could also indicate a growing frustration in parts of the population with a lack of political leadership change in Cambodia. Prime Minister Hun Sen is in office since 1985, although his leadership was accompanied by a brief disruption between 1993 and 1997 when he had to share the Prime Minister post with Prince Norodom Ranariddh. The CPP had made no attempts to change their political leadership in this election or in any other election before. Prime Minister Hun Sen declared even during this election campaign that he would like to stay in office until he will reach the age of 74 years although before he had declared to stay in office until he is 90 year old. Currently Prime Minister Hun Sen is 60 years. The lack of leadership change within the CPP might have been on reason for the declining voter support. Should this be the case, the CPP will need to consider a change of leadership to secure the next elections. However, this raises the question if the CPP will be able to bring about a leadership change and what alternate candidates the CPP will be able to offer to replace the widely unchallenged leadership of Hun Sen in the CPP.

Another important new development with implications for the next national election will be that for the first time in Cambodia's political transition of two decades (1993-2013), only two political parties have gained enough votes in national elections to obtain parliamentary seats. The Cambodian party system is apparently undergoing a transformation from a multi-party system towards a two-party system. Other political parties will most likely not play a substantial role on national level in the fifth legislature, although the FUNCINPEC will remain represented on local level occupying a number of commune chief and commune councillor seats. In the second chamber of the Cambodian parliament, the Senate currently only CPP and SRP hold seats. The indirect Senate elections in 2012 brought only electoral support for these two political parties. This development might complicate the transition towards an established democracy, because no third party can act as an intermediary or balancer in case of major political conflicts between the main parties as observed between the CNRP and CPP in the last two decades. FUNCINPEC acted than as a balancer, in particular in 1998 and 2003. A two-party system could be less conducive for the democratization process considering the post-conflict situation after decades of civil war. A two-party system, in particular in a parliamentary government system does only allow

winners and losers and is more polarizing than a multi-party system allowing coalitions and shifting alliances between government and opposition parties.

The transformation towards a two-party system could however also turn out to create a new dynamic of political transition towards a constrained democracy of party list/proportional system, because for the first time CPP and CNRP are forced to compromise and find ways out of their permanent political deadlock opening the way for a reconciliation between the two parties. This will be however a difficult process for the CNRP as well as CPP, though the CPP might be more matured to overcome opposition from its own radical wings within the party for such a difficult reconciliation process.

The CNRP might not take risk to work with CPP in such a reconciliation process with the CPP as observed in the past, when alliances of the CPP and FUNCINPEC while the FUNCINPEC failed and lose all seats in this 2013 elections. Yet the current crisis over the elections as elaborated in this report in the next chapter does not indicate a successful reapproachment between CNRP and CPP but more likely a continuation of political tensions between those parties until the next election.

Thinkable but less likely is the formation of new political parties emerging from the CPP. Often government parties, who had been dominant for decades lost elections because the party split as observed in other states. The latter scenarios would lead Cambodia's party system back to a multi-party system. The next commune and in particular national election 2017/2018 will be in any case heavily contested. Cambodia's population will be again confronted with the question if the government should be re-elected or changed to the opposition. As it looks by now only two political parties emerge as successful contesters in next elections and difficult choices will need to be made.

## **13. Post-Election Environment and Political Developments**

### **13.1 Electoral Dispute**

The political development in the post-election environment demonstrated once more that suspicions and mistrust in the electoral administration prevailed like in previous elections leading to new political divisions and a crisis of government formation. Demands for electoral reforms to overcome mistrust and suspicions which accompanied previous elections were ignored by the CPP government. The numerous irregularities observed in this election plus the relative narrow electoral victory of the CPP compared to previous elections left in the perception of the opposition party CNRP no other option than to reject the election results like in previous National Assembly elections. The CPP in contrary congratulated the NEC for the conduct of the elections and accepted the election results. The rejection of the election results by the CNRP and

claims of electoral fraud increased tensions. The CNRP boycotted the new National Assembly and led mass-demonstrations demanding investigations into alleged electoral irregularities by an independent commission with international support. After the elections, political divisions between the CNRP and CPP deepened.

At the beginning of the electoral dispute had first early announcements of electoral victories from the CPP and the CNRP confused the Cambodian public. The CPP claimed victory over the NA elections already on the evening of Election Day through the governmental news agency AKP, although official preliminary and final election results were not yet released by the NEC. The CPP announced to have won 68 seats and the CNRP 55 seats. CNRP opposition leader Sam Rainsy in contrary claimed the CNRP won 63 seats implying that the CPP get 60 seats. Following the electoral calendar, the NEC announced on 31<sup>st</sup> July, three days after the elections that only preliminary results of total votes have been released not including the number of seats allocated to each party but the results confirmed an electoral victory for the CPP. The NEC explained to release temporary election results in August, but that final election results can only be announced after all complaints had been resolved. Preliminary election results were announced on 12<sup>th</sup> August, two weeks after the election.

Nonetheless the CPP did not hesitate to consider their preliminary results of July as final results in public statements allocating seats without NEC confirmation. Also did the CPP-led Council of Minister's 'Quick Press Reaction Unit' publish congratulation notes for the CPP electoral victory on 30<sup>th</sup> and 31<sup>st</sup> July and on 3<sup>rd</sup> and 4<sup>th</sup> August from the governments of Bangladesh, Thailand, Vietnam and Myanmar before the temporary results were released by the NEC on 12<sup>th</sup> August. Furthermore were reports from international delegations from Russia, China, Korea and Hungary, the International Conference on Asian Political Parties (ICAPP) and the Centrist Asia Pacific Democrats International (CAPDI) published, praising that the national elections had been conducted in a free and fair manner, whereas foreign diplomatic missions including the EU and US who had expressed concerns over alleged election irregularities were reminded in a public statement of the Cambodian Ministry of Foreign Affairs on 31<sup>st</sup> July 'not to play a role to support the opposition'.

The CNRP in contrary disputed the election results alleging election irregularities had cost them their election victory. The CNRP further alleged to have collected evidence for 10.000 citizens who complain election irregularities. COMFREL has observed CNRP's evidence collection and check about 106 complaints to see the fact of complaint. Among, 106 complaints, there are 67 complaints voters has lost their name in the voter list, 3 complaints that voters were not allowed

to vote by Polling Station Officer due to they did not bring VIN to the Polling Station and other 4 complaints their name was already voted by somebody else.

The CNRP would release these complaints to an independent election commission, but not to the NEC and Constitutional Council of Cambodia (CCC) claiming both are controlled by the CPP. Instead the CNRP demanded an independent investigation into election irregularities with international participation of the UN, civil society organizations and both political parties, whereas the NEC should only act as facilitator in the process. The demands were refused by the CPP and its Royal Government of Cambodia as contrary to the electoral law and the constitution. The CNRP then decided on 15<sup>th</sup> August to file 17 complaints to the NEC against the temporary election results of fourteen provinces and 15 complaints against the election results to the Constitutional Council of Cambodia, who uphold all NEC decisions regarding the election results on 6<sup>th</sup> September allowing the NEC to announce final election results on 8<sup>th</sup> September. Within three weeks all complaints had been resolved. The decisions of NEC and CCC were rejected by the CNRP.

COMFREL with the situation room of civil society on the 1<sup>st</sup> August 2013 and submitted a requests letter asking for copies of the documents including the voter lists as used in polling stations on Election Day, Counting notice (form 1102) and the copying, or photographing, of the Identity Certificate for Election's book (ICE). While NEC not responded, Civil society is to audit the these documents

CNRP began in protest against the election results with mass-demonstrations and a boycott of the inauguration of the new National Assembly which had convened on 22<sup>nd</sup> September under the auspices of King Norodom Sihamoni. On 7<sup>th</sup> September, one day before the official announcement of final election results by the NEC, the CNRP organized one mass-demonstration in the capital Phnom Penh attracting between 20,000 and 30,000 CNRP supporters and sympathizers. The mass-demonstration was followed by a three-day mass-demonstration from 14<sup>th</sup> to 17<sup>th</sup> September also in the capital Phnom Penh attracting about 40,000 supporters and sympathizers. The CNRP now protested not only against the election results and irregularities, but also against the planned inauguration of the new National Assembly on 22<sup>nd</sup> September. The CNRP claimed a new National

Assembly could not be formed without the participation of CNRP referring to the Cambodian constitution, Article 76, which stipulates the National Assembly must have at least 120 members. The CPP countered that the National Assembly can be inaugurated without the CNRP in compliance with the constitution.

To mobilize its supporters for the mass-demonstrations in Phnom Penh the CNRP also held rallies in a number of provinces and districts in Phnom Penh. Rallies to mobilize supporters for the first mass-demonstration on 7<sup>th</sup> September were held in the provinces of Kandal, Kampong Cham, Siem Reap and Kampong Thom as well as in the capital of Phnom Penh. The government condemned the CNRP mobilization for mass demonstrations but gave later in with permissions restricting the planned mass-demonstrations to assigned demonstration areas named ‘Democratic Park’ in all provincial capitals and Phnom Penh. Local authorities throughout the country were instructed to set up assigned demonstration areas. The CNRP in exchange ensured that demonstrations are held peacefully and succeeded in its attempt, although two incidents at the second mass demonstrations in Phnom Penh between 15<sup>th</sup> and 17<sup>th</sup> September mobilizing estimated 20.000 to 30.000 supporters, led to brief violent clashes between police and some protesters near Freedom park. Protesters had thrown stones on police forces and turned down road blockages. A second clash between police forces and some protesters followed at night at another location in Phnom Penh leaving an uninvolved by-stander shot dead and four others seriously injured with shot wounds.

The second incident was claimed to have been caused by angered citizens not able to pass road blockages rather than CNRP supporters attacking police forces. The government accused the CNRP to be responsible for the clashes, whereas the CNRP distanced itself in public statements from the violent protesters, but also criticized that an exaggerated security build-up before for the demonstrations including the mobilization of armed forces to the capital and razor wire road blockages throughout the city had increased tensions. Furthermore was criticized that the security build-up was meant to intimidate the population to not participate in the CNRP mass-demonstrations and had also the purpose to prevent CNRP supporters to travel to the capital.

COMFREL observed that the heavy security build up which included also the employment of tanks to the city in addition to the employment of thousands of police, military police and military forces plus special anti-riot police forces and wired street barricades in numerous main roads and markets. The security build-up had heavily restricted the freedom of movement of citizens, had harmed business in a number of areas and created an atmosphere of fear and intimidation. The government defended the security build-up with concerns that the mass-demonstrations could turn violent and are needed to maintain public security and prevent possible attacks on the opposition during their demonstrations. Indeed before the second mass-demonstration on 15<sup>th</sup> September, several explosive devices have been found planted in Freedom Park (14<sup>th</sup> September), near the National Assembly and Wat Phnom (both 13<sup>th</sup> September), while

a defunct hand grenade was recovered in close proximity to a pagoda where Sam Rainsy held a speech on the 12<sup>th</sup> September.

In a climate of rising tensions King Norodom Sihamoni intervened by inviting both party leaders to the Royal Palace on 14<sup>th</sup> September, one day before the second mass demonstrations. The meeting was not to elaborate how the electoral dispute could be resolved and end a possible political deadlock after the CNRP had threatened to boycott the inauguration of the new National Assembly. King Norodom Sihamoni had decided to inaugurate the new National Assembly. Different to his father did he not follow the demands of the CNRP to postpone the inauguration until election irregularities are investigated and confidence in the electoral process is restored. In 2003 King Norodom Sihanouk had refused to attend the opening session of the new National Assembly after the opposition parties, at this time the Sam Rainsy Party and FUNCINPEC refused to take their seats in protest against alleged electoral fraud leading to a political deadlock of one year before the crisis was solved when FUNCINPEC formed a coalition government with the CPP in 2004. Though the intervention of King Norodom Sihamoni brought no breakthrough to resolve the dispute, the meeting opened the door for negotiations between the main contrahents of this election, Sam Rainsy and Hun Sen.

In negotiations on 16<sup>th</sup> and 17<sup>th</sup> September Prime Minister Hun Sen and main opposition leader Sam Rainsy met for the first time since years face to face to elaborate on possible solutions to resolve the electoral dispute and negotiated on power-sharing agreements for the new National Assembly. In a joint statement both parties declared after the meeting to respect the King's appeal 'calling for calm and peace after a day of violence between police and protesters', 'to set up a mechanism for electoral reforms in the future' and 'to continue to talk at all levels to resolve national issues'. The negotiations between CPP and CNRP brought however no substantial results other than promises by the CPP for electoral reforms, but the CPP stood firm in not accepting the establishment of an independent commission to investigate election irregularities. The CNRP in the meantime filed lawsuits against three top NEC officials to the Phnom Penh Municipal Court, accusing them of faking voter names on the electoral rolls, using 'fake election results', and abusing the election law. Thereafter the CNRP threatened to boycott the opening of the new National Assembly on 23<sup>rd</sup> September when negotiations should not lead to substantial results. After no breakthrough was reached following the negotiations on 16<sup>th</sup> September the CNRP boycotted the inauguration. The National Assembly was inaugurated with only 68 CPP parliamentarians under auspices of King Norodom Sihamoni raising the question if the National Assembly was rightfully convened.

In the following month no further progress was achieved in negotiations between CNRP and CPP. New mass-demonstrations of CNRP followed between 21<sup>st</sup> and 23<sup>rd</sup> October coinciding with the 22<sup>nd</sup> anniversary of the Paris Peace Agreements, which laid out the process for ending decades of conflict in Cambodia and building a democratic society anchored in human rights and the rule of law. The mass-demonstrations attracted about 40,000 supporters and sympathizers and ended this time without incidents. The government refrained this time also from a heavy security build up, indicating that lessons were learned from the first mass-demonstrations which had led to two violent incidents. The political atmosphere different to the second mass-demonstrations remained calm and peaceful leading to no restrictions of freedom of movement and eased the atmosphere of intimidation and fear different to the mass-demonstrations in September. By the end of writing this report the political deadlock over alleged election irregularities is entering its fifth month. No agreement was reached between CPP and CNRP to reinvestigate alleged election irregularities. CNRP announced to hold more mass demonstrations in December in Siem Reap and Phnom Penh.



Picture11: CNRP's demonstration on September and October while some main roads were blocked

### 13.2 Controversy over the Formation of NA and Government

The rejection of the election results by the CNRP and demands for an independent investigation into electoral irregularities led not only to an electoral stalemate but provoked a constitutional controversy after the CNRP announced to not participate in the inauguration ceremony of the newly elected National Assembly. The CNRP insisted that a new National Assembly could not be

formed without their participation referring to Article 76 of the Cambodian Constitution stipulating that a newly formed National Assembly must have at least 120 members of elected people representative. The CPP countered that the inauguration can also take place without the participation of the CNRP, because the CPP had gained 68 seats, which exceeds the required quorum of 62 seats to elect the president, vice-presidents and National Assembly commission members and is a clear majority of parliamentary seats to form a new government with a vote of confidence of its 68 parliamentarians. King Norodom Sihamoni followed this constitutional interpretation and inaugurated the new national assembly on 23<sup>rd</sup> September. On 24<sup>th</sup> September it held its first session in the fifth legislature electing in a package vote presidents, vice-presidents and National Assembly commission members and gave a positive vote of confidence for the re-elected majority government under re-elected Prime Minister Hun Sen.

It remains however controversial if constitutional provisions allow the formation of a new National Assembly and government when not at least 120 elected people representatives for parliament have been first validated during the inauguration ceremony of the National Assembly. In 2003 during a similar boycott of the National Assembly by the opposition, the Constitutional Council ruled that a new National Assembly can only be formed with at least 120 members of elected people representatives. Accordingly the boycott of the inauguration ceremony and taking oath by the CNRP failed the required 120 members of elected people representative and member of the national assembly to form a new National Assembly. Only the 68 elected candidates of the CPP had been validated as elected people representative and members of the national assembly parliamentarians, but not the 55 elected candidates of the CNRP raising the question if the current National Assembly is legitimate. On the other hand the constitution however does not stipulate that for the inauguration ceremony this quorum is needed. The CPP countered to have obtained enough seats to elect the president, vice-presidents and NA commission members and to form a government, whereas elected CNRP candidates risks obtaining no seats should they not validate their election in the National Assembly.

After the election, the NEC declared the elected candidates for member of the national assembly. Article 118 and 120 of LEMNA stipulate that elected candidates who refuse to be validated in the National Assembly in the first session of the new legislature will obtain no seat. The vacant seats would then be automatically redistributed to all other political parties who won seats in the National Assembly. In 2013 however only two political parties obtained seats, would the CNRP lose all their seats, solely the CPP would be represented in parliament contradicting the constitution stipulating in article 1 of the constitution the multi-party principle. In 2008 during a similar parliamentary boycott of the opposition other political parties than the CPP had won seats

in parliament. In 2013 the pressure on the CPP has increased to compromise with the CNRP. In 2008 seats could have been re-distributed. This had forced the SRP and HRP to finally give in in order to avoid losing their parliamentary seats. This time the CPP would risk contradicting constitutional provisions should the CNRP obtain no seats.

Controversial remains also why the inauguration of the National Assembly was not delayed to avoid a permanent legitimacy crisis. The first paragraph of article 82 of the Cambodian constitution states that the new National Assembly should open its first session not later than 60 days after the election. This was interpreted by the CPP to mean that 60 days after Election Day the new National Assembly should held its first session. COMFREL believes that article 82 could have been differently interpreted considering the electoral dispute after the election. The 8<sup>th</sup> September when the election finished because the final election results were released by the NEC could have been interpreted as the day the election ended. This would have allowed delaying the inauguration of the National Assembly until November providing all political parties more time to find proper solutions for the electoral dispute.

Finally controversies among legal experts, civil society stakeholders and political parties continues about the question if the simultaneous election held for the presidency, vice-presidency, NA commissions and the new government comply to constitutional provisions requiring a separate vote for the National Assembly and the government. On 24<sup>th</sup> September a package vote was held with the votes of the 68 validated CPP parliamentarians for both institutions despite that article 82 and 119 stipulate a separate vote for both institutions. Questionable remains also if this procedure can be followed considering that 120 parliamentarians have not been validated yet. Currently the CPP has occupied all position within the National Assembly, although CPP insists to offer vice-presidency and chairman of NA commissions to the CNRP once latter decides to end its parliamentary boycott.

## 14. Popular Participation and the Right to Vote

### 14.1 Voter Turnout and Disenfranchised Voters

Table 11: Eligible Voters, Registered Voters and Voter Turnout, 1993-2013

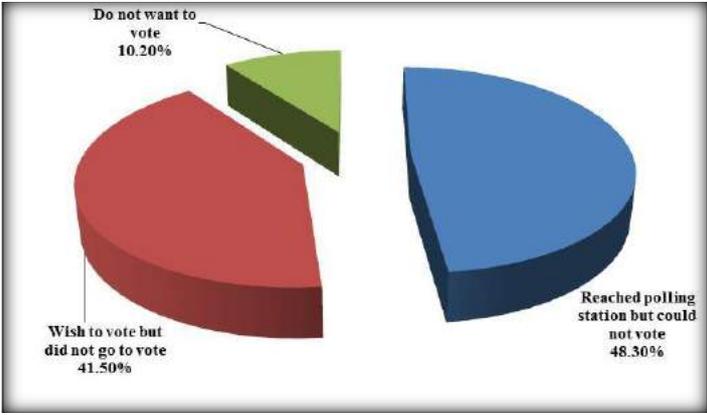
	1993	1998	2002	2003	2007	2008	2012	2013
<b>Eligible voters</b>	4,654,000	5,488,029	6,251,832	6,749,876	7,291,084	7,828,161	8,894,219	9,509,732
<b>Registered voters</b>	4,764,430	5,395,595	5,190,307	6,341,834	7,799,371	8,125,529	9,203,493	9,675,453
<b>Registered voters%</b>	102%	98%	83%	94%	107%	104%	104%	102%
<b>Voter turnout</b>	4,267,192	5,057,830	4,543,974	5,277,494	5,293,327	6,100,884	5,993,992	6,735,244
<b>Voter turnout%</b>	89.56%	93.74%	87.55%	83.22%	67.87%	75.08%	65.13%	69.61%

Table 11 above shows that the voter turnout has steadily declined since the 1998 elections. In 2013 the voter turnout reached its lowest point with only 69,61%, even though the voter turnout remains reasonable high compared with established democracies and in number of total votes, more voters have voted in 2013 than in any previous elections. The decline in voter turnout in Cambodia can have many reasons. COMFREL observations found that one cause for the decline in voter turnout is that the voter lists are erroneous leading to the disenfranchisement of voters. In many cases voters were refused in this election because they were not on the voter list or wrongly registered. Additionally not all Cambodian citizens have National ID cards, requiring voters to obtain alternate documents of identification (ICEs). Also this process was often accompanied by errors. COMFREL observers found that many voters were refused to vote on Election Day because they lacked proper identification, obtained no or ICEs with wrong data or being registered wrongly on the voter list.

Other explanatory factors for the declining voter turnout are that polling stations are sometimes too far from residences of voters implying high transportation costs, are unreachable because of bad weather conditions (elections in Cambodia are always held during the rainy season in July) or because elections are held during days, when citizens are pre-occupied with their work. Other factors are that some Cambodians are simply ignorant of elections, whereas some citizens reported to not vote because they do not find any of the contesting political parties attractive, while others found that their vote would make no difference. Other factors observed by COMFREL are a lack of voter education, lack of information and a lack of political awareness, in particular among youth voters.

A COMFREL rapid survey of 4,103 voters during the Election Day confirmed these findings. The survey revealed that 48.30% of eligible voters interviewed could not vote, because they had not found their names on the voter list, lacked voter information in which polling station to vote or found discrepancies between their identification documents and the information recorded on the voter list at the polling station and subsequently lost their voting right. 41.5% of the people who didn't vote said that they wanted to vote, but they didn't go because they didn't register, because they were sick, were busy with work, did not get proper information or had not the money to vote. Among those some wrongly believed they need the voter information notices (VIN) to be able to vote. 10.2 % of voters who had not voted said they did not vote because they are not interested in the elections. Among the voters who did not vote the survey found no discrepancies in terms of gender and age. Women as well as youth voters stated similar reasons than others, why they did not went to vote. Figure 7 below display the percentage share of reasons why voters did not vote in 2013:

**Figure 7: Reasons Voters did not vote in 2013**



### 14.2 Ethnic Minorities

Cambodia counts currently more than twenty ethnic minority groups. Official statistics about the current ethnic composition of the Cambodian population are not accessible or non-existent. But it is estimated that about 90% of the population are ethnic Khmer, 5% percent ethnic Vietnamese, 4.7% ethnic Chinese and 1.5% Cham. The remaining population includes ethnic Laotians and indigenous groups collectively known as 'Khmer Loeu' including a variety of ethno-linguistic groups.

COMFREL observers who cooperate with the Indigenous Community Support Organization (ICSO) found that particular Khmer Loeu more often lack access to information about the elections and lack understanding of the electoral process than other voters, even though many said they are willing to go to the polls. During Election Day COMFREL observers found that

about 60 percent of residents of two indigenous communes in Rattanakiri had only voted. However, awareness of the elections seem to increase because the younger generation of Khmer Loeu are now better educated and enjoy better access to information. COMFREL had not found discriminatory practices against indigenous groups. In Mondulkiri was observed that members of indigenous minorities have been elected to the commune election commissions, which have facilitated the participation of those groups in the electoral process. Similar observations were made in the province of Ratanakiri in Romonea commune and Or Chum commune where indigenous candidates had applied for CEC positions, whereas in Romonea commune only one Khmer Loeu was selected for the CEC position of Training, Public Education and Information, in Or Chum commune all five CEC positions were occupied by Khmer Loeu. During the election campaign CPP and CNRP conducted campaigns in both indigenous communes. COMFREL also not observed any noticeable form of discrimination or exclusion of ethnic Chinese, Cham and Laotian citizens from the electoral process in 2013.

Different was however the situation for ethnic Vietnamese citizen, who often were faced with discrimination by supporters of the opposition party CNRP leading to a number of incidents. In a number of polling stations ethnic Vietnamese were prevented from voting by angry CNRP supporters defaming them as 'Yuon' as also reported by the British newspaper 'The Guardian', the Cambodian Daily and the human rights organization LICADHO. In one polling station in Troeuy Sla commune, Saang district, Kandal province for example was observed that a large group of several hundred local residents were blocking individuals from voting apparently due to their alleged Vietnamese ethnicity. Ethnically motivated voter disenfranchisement carried out by local residents was also noted by LICADHO at several other polling stations, including a school in Russei Keo district, Russei Keo commune, Phnom Penh and in Khuo Koshteav commune, Leuk Teik district, Kandal province.<sup>56</sup>

COMFREL is concerned about these incidents leading to disenfranchisement of eligible voters caused by anti-vietnamese sentiments supported by the CNRP during its election campaign. The CNRP released only three days after the election a statement saying that the CNRP opposes violence, racism, xenophobia and discrimination. Nonetheless ethnic Vietnamese citizens were disenfranchised fearing possible attacks by CNRP supporters. Other political parties, in particular CPP gained from the anti-vietnamese campaign of the CNRP. Most ethnic Vietnamese citizens have voted for the ruling CPP fearing in case of a government change, that they would be expelled from the country.<sup>57</sup> Also ethnic Cham and some ethno-linguistic groups of the Khmer

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<sup>56</sup> LICADHO, p. 11, Cambodia Daily: Ethnic-Vietnamese Cambodians Prevented From Voting in Kandal, 29<sup>th</sup> July 2013, The Guardian: Cambodia's Vietnamese Community Finds Voting Is Not Necessarily A Right, 29<sup>th</sup> July

<sup>57</sup> Cambodia Daily: CPP The Clear Choice For Ethnic Vietnamese Voters, 17<sup>th</sup> July 2013

Loeu supported the ruling government party CPP fearing a government change could lead to discriminations.<sup>58</sup>

### **14.3 Women**

COMFREL found that women continue also in this election to be underrepresented in the electoral process. Fewer women than men were recruited into higher position of the election administration and fewer women than men were elected in political offices, despite that women participation in elections as voters remain strong and more women candidates were registered in this election. Only on national level the position of Vice-President of the National Election Committee (NEC) is filled by a woman. In the election administration on communal and provincial level the number of women occupying leading positions remains constantly low. Although the total number of women employed nationwide in the election administration is unknown, COMFREL observations found in the provinces of Takeo, Preah Vihear, Kampong Chhang, Kampong Cham and Kampong Thom, that only seven women out of total 63 applicants had applied for a position in the Provincial Election Commissions (PECs). On commune level COMFREL found in ten communes that 35 women had applied for positions in Commune Election Commissions (CECs) and 25 have been pre-selected for final selections by PECs. Also in polling stations observed on Election Day, seldom women were found in the position of chairperson of polling station commissions (PSCs). Women were more often employed as first/second PCSs assistant or PCS secretary. The samples indicate that women were more often employed in PCSs and CECs and on this level often in lower electoral positions.

Different remain the picture for women's participation in elections as voters where COMFREL found that women turned out in large numbers to vote. In 60 polling stations was found that more women have shown up to vote than men indicating that women participate as voters in the electoral process on equal terms. COMFRELs voter list audit 2012 found that 97% of women said they had registered to vote for the NA elections 2013. According to official NEC figures women were the majority of voters for the NA elections 2013 with 52, 53% of the total number of registered voters. Positively observed was also that the number of women candidates has increased in comparison to previous elections, though the number of elected candidates decreased as outlined in this report.

### **14.4 Youth**

Youth participation in elections and politics is steadily increasing in Cambodia. The latest national census shows that the youth population is growing fast and already contains the majority of the Cambodian electorate when youth voters are defined as citizens between the age group of 18 and

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<sup>58</sup> Cambodia Daily: Ruling CPP Safely Retains Votes Among Cambodian Muslims, 12<sup>th</sup> July 2013 and 'Despite Land Loss, Minorities Back Status Quo', 15<sup>th</sup> July 2013

35 years. The trend that youth voters play an increasingly decisive role in elections continues as already observed in the commune elections 2012.<sup>59</sup> COMFREL's voter list audit 2012 found that 93.4 % youth said that they registered for the NA election 2013. Among young voters who would vote for the first time, 86% answered in COMFREL's voter list audit they registered to vote. COMFREL's election observers found on Election Day in the provinces of Takeo, Kampong Cham, Kampong Thom, Kampong Chhnang and Preah Vihear that that 70% of youth voters who had been registered in these provinces went to vote. The National Institute of Statistics estimated that approximately 370,000 young Cambodian have reached the voting age of 18 each year (during 2008 and 2013). Youth voters had been most likely decisive in this election as outlined in chapter 8.2.

During the election campaign participation of youth voters in campaign activities was often observed, showing a new trend in the electoral process towards a younger and better educated post-war generation. Political parties have reacted on this demographic change with new campaign strategies to attract youth voters, but failed to nominate more youth candidates. Youth remained underrepresented in the election administration. COMFREL's research on the representation of youth in the election administration found that in 20 provinces that only 9% of youth (age between 18 and 30 were recruited) for Provincial Council Committees and only 11% for positions in 20 investigated Commune Council Committees.



Picture 12: Youth conducted the campaign during the electoral campaign

## 14.5 Evictees

For the national election 2013, COMFREL deployed two long-term observers and 20 short-term observers to observe the participation of evictees. Two sites were selected in Phnom Penh to be observed. Those included the Borei Keila Community, located in Veal Vong Community, 7 Makara and the Boeung Kak community located in Boeung Kak 1/2 commune, Toul Kork

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<sup>59</sup> COMFREL: Final Report and Assessment on Commune Elections 2012, 07<sup>th</sup> November 2012, [www.comfrel.org](http://www.comfrel.org)

district. Evictees from these groups reported that local authorities were less cooperative and welcoming when they went to register and verify their names on the voter list. They felt discouraged to vote. During the election campaign the CPP and CNRP held campaigns in their areas and promised to resolve their dispute with Phnom Penh authorities. The governor of Phnom Penh, Socheat Vong pledged to find a solution for the communities after the election. On Election Day, 28 July 2013, COMFREL deployed 20 observers for 20 polling stations which had been set up for evictees. COMFREL found that 74% of Borei Keila residents went to vote, whereas the voter turnout of the Boeung Kak community was much lower. There only 50% went to vote revealing discouragement. COMFREL also found that 5% could not vote because their name had been used to vote by someone else.



Picture : Some evictees were evicted by Government

## 14.6 Disabled Citizen

COMFREL found that disabled people were in generally encouraged to participate and also voted in this election, but challenges persist to ensure that disabled people are enabled to participate in elections. These findings were made by COMFREL in Roka Thom commune, Chba Morn district and Skus commune, Somruong Torng district, Kampong Speu province, where in particular the electoral situation of disabled people was observed by two COMFREL long-term and twenty short-term observers. COMFREL observed that in some cases transportation problems and a lack of information on the election process have hindered some disabled voters from participating in the elections. In particular often was mentioned in interviews with COMFREL that disabled voters had difficulties to register or verify their data during the voter registration because of a lack of information and transportation problems. Also disabled voters complained that they were not specifically targeted by political parties during the campaign. Three interviewed disabled voters reported that they never heard any political party mentioned in political platforms disabled voters.

On Election Day was found that in 20 polling stations which were observed by COMFREL in Roka Thom commune, Kampong Speu province that of 170 disable voters registered in this commune, only 2 or 3 disabled voters went to the polls on average in every polling station with the exceptions of three polling stations where between 6 and 15 disabled voters were observed voting. They were assisted by relatives or they went into the polling station with the wheelchair. In these polling stations disabled voters were also allowed to vote before others without standing in queue.



**Picture13: Disable people went to vote**

Improvements to encourage and ensure the voting right of disabled voters were also observed in Phnom Penh. The NEC in cooperation with the Cambodian Disabled People's Organization (CDPO), NICFEC and AGENDA had made strong efforts in this election to encourage and ensure the participation of disabled voters in the elections. Workshops were held to raise awareness among election officials and encourage disabled voters to vote. Among those one workshop was held in the Intercontinental Hotel in Phnom Penh on 21<sup>st</sup> to 22<sup>nd</sup> March with the theme 'Ensuring Political Rights of Disabled People' and information events in rural areas. Medial educational programs were also developed by CDPO and broadcasted in TV and radio stations. Electoral official from 16 provinces and capital and from NEC also participated in the workshop. Additionally CDPO lobbied with the NEC to facilitate disabled voters on Election Day and discussed procedures to ensure that disabled voters face no major obstacles on Election Day. The NEC advised in reaction provincial election secretariat to examine how to help people with disabilities for the upcoming Election Day. The NEC also created a special ballot paper which allows blind people to vote properly.

Procedures discussed included the idea to setup a list of disabled voters to ensure that election officials, who conduct the voter registration and revision and prepare polling stations, organize their work in accordance with the needs of disable voters registering in their communes or voting

in their polling stations. Though for this election no list of disabled voters was set up yet, the NEC announced to will set up a list for future elections and instruct election committees on communal and provincial level in cooperation with CDPO to develop such procedures. Currently the NEC only holds a list of blind voters to facilitate their voter registration and voting on Election Day.

## **15. Accreditation of Election Observers and Party Agents**

### **15.1 Number of Accredited Independent Election Observers**

The accreditation of party agents and national and international election observers by the National Election Committee ensured in general a close independent observation of the electoral process on Election Day. COMFREL observed however with concern that some instances of obstruction not allowing party agents and election observers to properly observe the polling and counting process have been reported, even though the number of polling station observers reporting such cases was low to the total number of polling stations observed (7,691) and the total number of 19,009 polling stations. Total 185 cases were reported by COMFREL observers including following irregularities:

- *In 27 cases party agents and election observers had been prevented from observing the polling*
- *In 78 cases party agents and election observers were not allowed to stand behind or near the secretary of the polling station to check documents that show voter's identity on the voter lists.*
- *In 52 cases the counting process was too fast not allowing party agents and election observers to catch up.*
- *In 20 cases ballots had been declared valid and invalid without showing them to observers and party agents.*
- *In 18 cases election observers and party agents were not informed about the safe place or the location at the polling station centre where the ballots would be kept.*
- *In seven cases party agents and election observers were prevented from observing the counting.*
- *In seven cases election observers and party agents were not shown the polling and counting records.*
- *In four cases election observers and party agents were not allowed to observe every part of the process of preparing and packaging electoral documents and materials before it was transported to CECs*
- 

NEC accredited 40,142 national election observers and 145 mobile observers allowed to move between polling centers from 35 associations and organizations, including COMFREL. Table 11 below list the different national organizations that deployed election observers in this election:

**Table 11: Organizations and Political Parties Deploying Election Observers in 2013**

N	CSO or Political Parties	Mobile Election Observers	Domestic Election Observers
01	Committee For Free And Fair Elections In Cambodia (COMFREL)	10	11908
02	Women League of Human Right for Development (CWLHRD)	03	55
03	Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC)	06	1746
04	Khmer Kampuchea Krom Coordination Committee (KKKCC)	00	27
05	Democratic Service Organization (DSO)	10	373
06	Khemarak Islam Organization (KIO)	00	03
07	Save the Future of Children Khmer (SFCK)	03	254
08	Light Development Organization for the Most Vulnerable People (LDOMP)	02	13
09	Traditional and Modern Mental Health Organization (TMMHO)	05	33
10	Cambodia Light Children Association (CLCA)	03	32
11	Women Association for Human Right Industry Agriculture Development (WAHIAD)	03	19
12	Mother's Love and Non-Violence (MLNV)	02	12
13	Family Agriculture Development Community (FADC)	02	39
14	Integrate Health Poor People Organization (IHPPPO)	04	29
15	ArunReah Association (ARA)	03	14
16	Cambodia Democratic Students Intellectuals Federation (CDSIE)	05	4508
17	The Human Right for Development and Take Care Orphans Poverty Women Association (COPA)	07	283
18	Association of Development Farmer and Human Right (KYADFHR)	03	320
19	Widows' Association for Development in Cambodia (WADC)	02	27
20	Institute of Human Resources Development (IHRD)	06	49
21	Cambodian Disabled People's Organization (CDPO)	10	429
22	Transparency International Cambodia (TIC)	10	977
23	Institute for Civic Education (ICE)	10	1033
24	United National Development (UND)	03	339
25	Democracy and Human Rights Organization in Action (DHRAC)	10	2087
26	Khmer Farmer Development Association (KFDA)	00	42
27	Cambodia Center for Mediation (CCM)	00	03
28	Indigent People Supporting Islamic and Cambodia Organization (IPSICO)	00	62
29	Voluntary Intellectual and Youth association (VIYA)	10	87
30	Cambodian Co-ordination Committee (CCOC)	03	53
31	Union of Youth Federations of Cambodia (UYFC)	00	476
32	Khmer Development Organization (KDO)	00	73
33	Youth Council of Cambodia (YCC)	10	26
34	Human Right Party (HRP)	00	4780
35	Sam Rainsy Party	00	9931
<b>Total</b>		<b>145</b>	<b>40142</b>

## 15.2 Number of Political Party Agents

For the National Assembly elections 2013 the NEC had accredited in total 99,241 agents from political parties. The CPP deployed 19,009 agents and 19,013 reserve agents and the CNRP 18,012 agents and 17,514 reserve agents in most polling stations in all 24 electoral constituencies.

They were followed by FUNCINPEC with 14,839 agents and 10,044 reserve agents. From the five smaller political parties only few party agents were deployed. Most were deployed by LDP (659) followed by CNP (89), KAPP (4) and RDP (1). KEDP did not deploy party agents as listed in table 12 below:

**Table 12: Number of Party Agents per Political Party accredited for the Election 2013**

N	Political Party	Number of Agents
01	Cambodian Nationality Party	89
02	FUNCINPEC Party	24,889
03	Republican Democracy Party	01
04	Cambodia People Party	38,021
05	Khmer Economic Development Party	00
06	Khmer Anti-Poverty Party	04
07	Cambodia National Rescue Party	35,578
08	League for Democracy Party	659
<b>Total</b>		<b>99,241</b>

The NEC also accredited in total 292 international observers from 35 international organizations, embassies and countries. Among others this included the International Conference of Asian Political Parties (ICAPP) and the Centrist Asia Pacific Democrats International (CAPDI) these two claimed to represent 340 political parties from Asian countries including Burma, Indonesia and Malaysia. Interestingly these organizations were invited by the NEC and were financially supported by the CPP.<sup>60</sup> Latter had put the impartiality of these observers into question. It was not normal and never practiced before while show a joint cooperation between international observer groups and NEC ICAPP CAPDI and NEC had jointly conducted a press conference to appraised the national election 2013. Pictures below show some of its observers wearing NEC logos:



**Picture 14: International Observers of ICAPP and CAPDI wearing NEC logos while were financing from CPP.**

International observers and representatives were also sent from the states of France, US, UK, South Korea, Vietnam, Brunei and Malaysia among others. The European Union (EU) for the

<sup>60</sup> The Cambodia Daily issued on July 30 2013

first time did not sent an observer mission but only an election expert mission with three representatives stating that recommendations to improve the elections have been made in previous elections. The EU had observed the national elections 1998, 2003 and 2008 and the commune election 2002. Table 13 below lists all international observers who were accredited for the national election 2013:

**Table 13: International Election Observer Mission Accredited for the Election 2013**

N	From	International Election Observation
01	International Foundation For Election Systems (IFES)	04
02	National Democratic Institute For International Affairs (NDI)	15
03	Embassy of the Republic of Indonesia	02
04	World Renew	02
05	People Forum on Cambodia, Japan (PEFOC,J)	10
06	Center for Khmer Studies (CKS)	01
07	Embassy of Brunei Darussalam	12
08	Delegation of Brunei Darussalam	07
09	New Zealand Embassy	02
10	European Union Election Expert Mission (EU-EEM)	03
11	Vietnam Embassy in Cambodia	04
12	Singapore Embassy	01
13	Embassy of the Republic of the Union Myanmar	06
14	Timor-Leste	05
15	French Embassy	06
16	Hope of Cambodia	05
17	Embassy of the Russian Federation	02
18	Japan International Cooperation Agency (JICA)	04
19	Embassy of Japan	09
20	Mission France-Khmer	01
21	Australia Embassy	18
22	Embassy of Republic of Korea	03

23	European Union	12
24	Organisation Internationale de la Francophonie	11
25	Embassy of India	03
26	Embassy of Malaysia	09
27	Embassy of Sweden	06
28	British Embassy	10
29	Embassy of United States of America	56
30	Centrist Asia Pacific Democrats International (CAPDI)	17
31	International Conference for Asian Political Party (ICAPP)	20
32	National Assembly of Democratic Party of Republic (KOREA)	11
33	New Azerbaijan Party	13
34	Embassy of Lao	01
35	Embassy of the Republic of Serbia	01

## 16. COMFREL and Situation Room/Election Reform Recommendations

### A) Institutional Framework for Election Reforms

- CNRP and CPP shall agree on the commissioning of a truth commission to investigate election irregularities, especially focusing on the following: the audit of the voter lists used in the election, minutes of vote counting (Form 1102), Form 1108 and ballot papers, all of which are packed in Safety Package “A”, as well as on the lists of Identity Certificates for the Election (ICE).
- Electoral reforms shall be based on a principle of check and balance between the two elected political parties. Further, a Reform Council to lead and oversee the implementation of the reforms shall be established with membership from the two winning political parties.
- A Special Electoral Committee should be formed by the National Assembly representing all political parties elected to the National Assembly. The chair of the special electoral committee should rotate between the political parties every three months. The special electoral committee should establish mechanism for consultation and cooperation with the Council of Ministers and relevant ministries, the National Election Committee and civil society organizations.

## **B) Reform of the Election System**

**The current election system should be reformed in order to increase its proportionality, extend citizens voting rights and extend citizen's representation in elected assemblies and public offices. Following recommendations for reforms might achieve this objective:**

- The allocation of seats for national elections per province should be adjusted to the demographic changes implying an increase in the total number of population on national level and changes in the total number of population in the provinces.
- The current proportional election system should be reformed into an 'proportional system' including the political party and group of independent candidates.
- The currently indirectly elected assemblies, the Cambodian Senate, Municipality Councils, Provincial District Councils with the same proportional election system like for the National Assembly elections will be held on the same day.
- And the public office of village chief should be directly elected by citizens. For these elections should apply with the exception of the elections of village chiefs. Latter should be elected by simple majority following the plurality election system.
- Independent candidates and naturalized Cambodian citizen should be allowed to contest elections to provide citizens more choices during elections and comply with the International Covenant of Political and Civil Rights to which Cambodia is a signatory.
- A quota-system should be introduced requiring all political parties contesting in above listed direct elections to register at least 50% of their candidates from women.
- All direct elections should be held on Sundays and before or after the rainy season (December, April) to ease logistical procedures for the organization of elections and facilitate citizen's participation in the electoral process.
- Term limits for the position of Prime Minister of two terms (10 years) should be applied. The constitution should be accordingly amended.
- Course syllabi for Secondary Education should be developed and implemented making civic education in elections and democracy part of the national education curricula.
- Political parties should be free to merge with other political parties in the National Assembly. Related regulations need to be amended accordingly.

## **C) Reform of the Election Administration**

**The election administration on national, provincial and commune level (NEC, PECs and CECs) need to be reviewed and reformed. In particular the composition and recruitment procedures for electoral officials need to be reformed to ensure full confidence in the impartiality and independence of the election administration among all stakeholders. Following recommendations for reforms might be considered to meet this objective:**

- The National Assembly should elect members of the National Election Committee (NEC) with a two-third majority based on the recommendations of the Special Electoral Committee of the National Assembly. The President of NEC should be elected upon nomination by the King. The NEC should be composed of nine members, recruited by all political parties elected into the National Assembly and should include at least two woman. Recruitment procedures for NEC should be transparent. NEC members must strictly follow the principles of impartiality, independence, integrity and professionalism, are obliged to resign from any political party position and prohibited to participate in political party activities (need to be specified). In addition NEC members must be prohibited by law not to become member of any political party until after two years of their resignation from a NEC position. The constitution should be amended regulating the establishment and composition of NEC.
- The composition and recruitment of election officials to the Provincial and Commune Election Commissions (PECs and CECs) and Polling Station Commissions should be overseen by electoral provincial and commune commissions representing all political parties elected into the National Assembly and NEC. The commissions should select members of PECs, CECs and PSCs. For members of PECs, CECs and PSCs the same regulations in regard to principles of strict impartiality, independence, integrity and professional should be applied than for NEC members. LEMNA should be amended accordingly.

## **D) Reform of the Voter Registration System**

**The voter registration system should be fundamentally changed. It is not visible how the current system can be reformed after widely failing in all previous elections. Changing the voter registration system and making the new voter list which clearly determines identities and certification for elections.**

1. Voter registration -- the process of registering, the documentation needed, the distribution and correction of the voters list.
  - The current voter registration process must be eliminated, and the creation of either automatic registration through a valid civil registry or, at a minimum, the removal of responsibility from the political and partisan commune councils to a permanent election bureaucracy.
  - The government of Cambodia must commit to a plan and timeline by which to complete the civil registry and distribute national identification cards to all citizens. A comprehensive civil database must be open for public review and audit.

Or Change registration system and creation a new voter list that can determine the exact identity of voters and election certificate.

- Voter registration and update voter list should be changed completely too easy registration and simple, and ensure the quality of the voters list especially to clear voter identity and issue election certificate.
- Should be make amendment to the law in the National Identity Card for life (People are encouraged to change their photos after using the identity for 20 years).
- NEC managed to register to vote and update voter list every normal during elections and issue election certificate.
- NEC cooperate with the ministries or experts institutions and donor efforts in the production of the program to create a voter registration system, which include the identity of the biological data (thumb), a permanent identification number and personal photographs .
- In case of emergency especially National Assembly Election after the dissolution of the National Assembly mandate of NEC has set up a special of voter list to separate from the new eligible voter by using data of national ID card and certificate of born . Voters list is disclosed and allowed for verification.

## **E) Reform of Election Campaign Regulations**

**The legal framework regulating election campaign should be reviewed and reformed, in particular to end the misuse of state resources during election campaigns and to provide an equal level-playing field in media for the electoral competition. Following recommendations might be considered to ensure an improved level-playing field for election competition:**

- An Independent Board of Directors for Media should be created to oversee and supervise media coverage and broadcasting during the official election campaign period in state and private media. The board should be composed of media representatives, political party representatives elected into the National Assembly, the National Election Committee and representatives of civil society organizations.
- The independent board should ensure that state and private media comply with the principle of equal access to media during the official election campaign, defined as equal conditions to buy airtime in terms of costs and coverage for all political parties and comply with ethical and moral principles of professional journalism.
- Broadcasts about the opposition in election free periods should be tolerated by the government when they comply with ethical and moral principles of professional journalism. Repercussions in whatever form against private and state media solely for covering opposition broadcasts should be prohibited by law in order to foster media freedom.
- Every elected political party or affiliated organizations and individuals should be able to receive a television and radio channel license when general license requirements are met.

- A new law regulating campaign finance should be adopted, state financing for political party campaign, limiting campaign finance and requiring any political party to publicly reveal their campaign expenditures for every election.
- Implementation of Laws should be strengthened to ensure that civil servants, court officials, members of police and armed forces comply strictly with the principles of impartiality, independence and integrity in their public functions.

## **F) Reform of Complaint Procedures and Dispute Resolution**

**Complaint procedures and regulations for electoral complaints for the whole election process should be reviewed and reformed to ensure that in case of disputes peaceful and law complying resolutions are found. The current electoral legal framework for complaint procedures should ensure that complaints can be filed without legal or political constraints by any Cambodian citizen, organization or political party during the electoral process. Following recommendations might be considered for this objective:**

- Improvements of the current legal framework for electoral complaints in particular the time schedules set to handle electoral complaints
- To replace NEC, A special Electoral Dispute Committees should be established on national and provincial level to resolve electoral disputes. The national committee should be composed of members of the Constitutional Council and members of the National Election Committee. The same principles like for NEC members should apply to Constitutional Council members including strict impartiality, independence, integrity and professionalism. Members of the Constitutional Council like NEC members must be prohibited to be member of any political party, to participate in political party activities and must be prohibited to become member of any political party until after two years of their resignation from their position.
- Capacities of the committee and constitutional council election administration need to be strengthened in terms of time, human and material resources to receive, investigate and resolve complaints and electoral disputes.

## **G) Timeline for Election Reform**

**A timeline for electoral reforms should be provided to ensure that all reforms are implemented before the next commune and national election 2017 and 2018. Following timeline might be considered for election reforms including constitutional amendments:**

- Amended of the constitution in regard to regulations of the composition of the election administration, election system and term limits of Prime Ministers by 2015
- Recruitment and composition of the Constitutional Council by 2015
- Change of the Voter Registration System to a Civil Registration System by 2016

- Amendments and modification to electoral laws regulating elections in Cambodia by 2016
- Establishment of an independent board of directors for media by 2016
- Amendments and modification of laws regulation election campaign including media access, campaign expenditures and misuse of state resources by 2016
- Civic education on elections and democracy for the national education curricula by 2016
- Recruitment and composition of new NEC, PECs and CECs by 2016
- Establishment of a Special Electoral Dispute Committees by the first half of 2016

## **17. COMFREL's Election-Related Activities**

### **17.1 COMFREL's Training, Deployment and Observation Activities**

For the national election 2013, COMFREL fully trained and deployed 250 long-term observers operating at district and provincial level nationwide. They covered the full range of electoral observation and monitoring activities including the verification of voter lists; the voter registration and updating of voter lists; a voter registration audit; observing the candidate registration, the election campaign, the political climate, the 'cooling-off' period, the polling and counting and tracking electoral complaints, as well as observing the general election climate and helping collate and coordinate reports (regular reports, surveys and special incident reports). LTOs also established relationships with key partners – domestic observers, international election missions, party agents and election officials and supervised the activities of Short-term Election Observers (STOs) and Parallel Voting Tabulation/Quick Count Observers (PVTOs).

- **Audit of voter registration and the voter list**

141 LTOs were deployed to audit and monitor the voter registration process in a sample of 223 polling stations/villages by conducting nationwide interviews with 2,600 eligible voters. LTOs were then deployed to observe the pre-election environment and report cases of incidents of violence, intimidation or coercion, the abuse of political rights and freedoms and the misuse of state resources for election campaign purposes.

- **Monitoring the Broadcast Media**

COMFREL conducted media monitoring with a small team of ten observers for a four-month period during the voter registration process. The observers monitored three television stations (one state owned and two privately owned) and five radio stations (including two state run stations). A small team of 6 observers monitored three televisions as stated above and one radio station, FM 105 for the period of a seven-months during the pre-election and election campaign period and the 'Cooling Day' and Election Day. The monitoring coverage was designed to assess the relative coverage given to political parties and to determine whether it complies with

principles to provide accurate, fair and balanced media coverage during the electoral campaign for all contesting political parties. Electronic media including TV and radio stations were monitored six days a week for six hours a day (except on Sundays) during the prime time from 5.00pm to 11.00pm.

- **Monitoring Election Campaign Financing**

COMFREL conducted a pilot study with 21 trained observers to monitor election campaign financing. Nine communes each of which located in the capital and three provinces (Phnom Penh, Kampong Speu and Pailin) were monitored during the official election campaign period. After the pilot study, observers conducted monitoring in using procedures and techniques in tracking and following up campaign expenditure and the possible misuse of administrative resources in Phnom Penh for the period of the official election campaign. COMFREL used the same method followed to estimate the campaign expenditures like for the commune-sangkat election 2012. COMFREL focused only on the observation of campaign expenditures of the three main contesting political parties (CPP, CNRP and FUNCINPEC) for the national election 2013.

- **Election Day - Monitoring/Observation of Polling and Counting**

In a wider prospect of more participation in the fifth National Assembly election on 28 July 2013, COMFREL recruited and deployed 1,470 parallel vote tabulation observers (PVTs), 7,890 (3,100 females) short-term observers (C-STOs) and 3,578 (1,309 females) short-term observers of other non-governmental organizations (N-STOs). Additionally 46 expat observers were recruited who participated as volunteers observing in particular to observe the polling and counting process.

- **Rapid Voter Survey on Election Day**

All PVT observers were also assigned to conduct interviews with eight eligible voters in the PVT's sampling polling stations, five voters stained by indelible ink and three without indelible ink. The main purpose was to gain insight into voter opinion as to why they voted or why they did not vote.

- **Observation of Youth, Evictee, Women and Ethnic Minorities Voters**

During the 2013 national election, COMFREL deployed observers to collect required information regarding youth, evictees, women, disable and ethnic minorities. COMFREL included in its observation checklists in particular youth voters, disabled voters, evictee voters and women voters.

## **17.2 COMFREL's Voter Education Activities**

COMFREL conducted nationwide voter education campaigns in order to encourage voter participation and assist them in the voter registration and polling process. Special focus was given to women and youth voters. Youth participation was encouraged with audio spots, call in radio

shows and debates on COMFREL's weekly radio program on Saturdays from 7.30 to 8.30 am called 'Tov Reu Min Tov' (Go or Not to Go). More than 7,000 youth were targeted to send the message to register to vote and check their registration on the voter lists. Voter Information was published on COMFREL's website including voter information and press statements on the electoral process. In addition since 2013 a newly created website was put online, called Cambodian Voter Voice ([www.cambodianvotervoic.org.kh](http://www.cambodianvotervoic.org.kh)) to disseminate election information and electoral news. The webpage also displays graphically all election irregularities observed in the national election 2013. Social media were also incorporated to receive Voter's voice through Tweets and Facebook.

Besides COMFREL conducted other innovative activities in line with its mission to promote better knowledge of the electoral process and encourage citizen participation, such as radio shows in COMFRELs radio program 'Voice of Society' which included listener call-ins for questions and answers on the elections. Additionally election materials were produced and distributed to educate voters on the electoral process. Among those COMFREL had produced a video electoral education spot to promote and encourage indigenous voter's participate in the national election 2013. In June 2013 an electoral education spot was produced in original 8:26mns video spot and highlighted in 2mns spot to display on local TVs and burned on 2000 VCDs for distribution to indigenous voters in the country. COMFREL also had uploaded the spot into the YouTube channel. The spot is the first election spot played by indigenous people in Cambodia. The spot had been produced in cooperation with the Indigenous Community Support Organization (ICSO) to facilitate shot-places and recruit indigenous stars. Suy Community in Kor Dountey village, Tropang Chor commune, Oral district, Kampong Speu province was chosen as location for the spot.

### **17.3 The 'Situation Room'**

The Situation Room was created by a coalition of NGOs including COMFREL to accompany the election process and give civil society representatives a voice during the elections. The Situation room was established in July 2013 and had following objectives during the electoral process:

- Bring genuine and independent Cambodian Civil Society Organizations (CSOs), and other stakeholders, experts and individuals together to pool resources and maximize expertise, to provide a Collaborative Platform (CP) for joint assessments of all aspects of the electoral process including a joint verification of election results and recommendations during the whole election period and the post-election period.

- CP is designed to provide the immediate sharing of election-day information from CSO election observers and other groups of stakeholders/international community interested in the Cambodian National Assembly election, while enhancing proactive intervention and rapid response to crises connected to the Election Day environment.



Picture 15: NGOs leader met to analyse the electoral political context



Picture 16: Press Conference of the situation room



- Due to the electoral dispute after the elections the situation room has extended its work into the post-election period. A worst scenario of the post-election conflict became a crisis that lead to a wide scale outbreak of violence between government and opposition supporters. The objective of the situation room on the post-election crisis is to bring Cambodian Civil Society Organizations (CSOs), other stakeholders, and individuals together to pool resources to maximize efforts to prevent an escalation of the post-election crisis as observed in this election.

#### **17.4 ‘Ask the Candidates’**

COMFREL organized an ‘Ask the Candidates’ platform with the objective to give young people an opportunity to ask questions to political party representatives and candidates via SMS, e-mail or social media tools. Four political parties agreed to receive questions including the League for Democracy Party, the Cambodian Nationality Party, the Khmer Anti-Poverty Party and the Cambodian National Rescue Party. The others parties apologized referring to their full election campaign schedule. To promote the platform effectively, different kinds of advertisement material were produced including 3,000 brochures, 3, 000 stickers, 30 advertising papers, and 136 T-shirts. Advertisement were displayed and distributed to six universities and 12 NGO partners. The ‘Ask the Candidates’ platform was also promoted in the local newspaper ‘Cambodian Daily’ and through radio stations 106.7 Wonderful FM radio for four times a day in a period of four days, 93.5 FM radio for three times a day for four days and 105 FM radio for one time per day for 17 days. In addition social media tools consisting of Facebook, Blog and Wordpress were created. On Facebook page 370 likes, on Blogs 165 entrances and on Wordpress 103 visitors were

registered in a period of two weeks. A lottery with gifts either film tickets or t-shirts for people sending questions were organized to encourage participation. On 12<sup>th</sup> July 2013 the ‘Ask the Candidates’ platform was officially launched during a press conference at COMFREL’s office. Total 87 questions were sent to the platform, 69 via SMS, 11 via e-mail and seven via Facebook and 87 answers provided.

## Appendix1: Conditions/Criteria for Rejecting Election Results in Constituencies (Province/Municipality)

The conditions/criteria for rejecting election results in any constituency (national assembly election, the constituency refers to province and Phnom Penh while for commune council election, the constituency refers to commune/sangkat) are determined by the number of irregularities that can affect the election result in any constituency. Thus the number of irregularities represents a combination of major issues causing an unacceptable result. These are as follows:

1. Technical irregularities in a polling station ( according to COMFREL's checklist for observers); or
2. Technical irregularities in a counting station ( according to COMFREL's checklist for observers); or
3. Vote buying in a village (including the election campaign and polling day, report collected or verified by COMFREL's observers); or
4. Conduct of election campaign on cooling day; or
5. Threats, intimidation or violence occurring in a village, starting from voter registration until and including counting day (Cambodian election law).
6. Special cases

Below are the details of each irregularity (one irregularity is considered as one case), which can be combined leading up to **an unacceptable level**:

1. Technical irregularities equal to 50% of polling stations (on polling day).
  - 1-1. Secrecy in the polling station is not guaranteed;
  - 1-2. Vote cheating on polling day;
  - 1-3. Obstructing voters to vote from two people to 5% of the eligible electorate in a polling station;
  - 1-4. Observer and/or party agent is not allowed to monitor;
  - 1-5. Wrong performance of procedures twice in the polling station (including no dyeing of forefinger with indelible ink, a voter votes twice, lack of polling equipment/materials, electoral officials do not respect working hours, they do not carry out their task according to the manual, etc);
  - 1-6. Number of voters is much larger than on the list or more than 700 voters;
  - 1-7. Electoral officials are not neutral or violate the code of conduct;
  - 1-8. Suspending a polling station for a period of time;
  - 1-9. Electoral officials do not receive and solve complaints.
2. Technical irregularity cases equal to 50% of counting station.
  - 2-1. The counting process is not transparent;
  - 2-2. Observer and/or party agent is not allowed to monitor;
  - 2-3. The lock of the ballot box is cut or broken;
  - 2-4. Vote count cheating;
  - 2-5. Wrong performance of procedures from two times in the counting station (including electoral officials do not respect working hours, they do not exercise their tasks following the manual, etc);
  - 2-6. Electoral officials are not neutral or violate the code of conduct;
  - 2-7. Suspending of counting process for a period of time without an appropriate reason;
  - 2-8. Electoral officials do not receive and solve complaint.
3. Vote buying (purpose to attract support) in 30% of villages committed by political party supporters or candidates/representatives in each village (counting from election campaign until polling day).
  - 3-1. Money giving;

- 3-2. Gift/materials giving (excluding political party campaign materials which the procedures allow such as shirts, caps with the party logo, etc.);
- 3-3. Political party transportation of voter to the polling station;
- 3-4. Organizing a party for villagers on cooling day.
4. Conducting election campaign on cooling day in 30% of villages, including/political party celebrations.
5. Threat/intimidation cases equal to 30% of villages (including voter registration to counting day), committed by authorities, armed forces or unidentified persons, a political party, supporters or candidates (excluding serious threats/intimidation to death, politically motivated killing cases).
  - 5-1. Direct or indirect words or a piece of writing issued with the idea of committing torture or physical abuse or threatening with death;
  - 5-2. Direct or indirect verbal remarks or a piece of writing containing an attempt to destroy property;
  - 5-3. Display or use of weapons for the purpose of intimidation;
  - 5-4. Shooting with a gun over a person's head or at his/her house roof or office or vehicle or at areas around that person;
  - 5-5. Placing an animal corpse or various signs or equipment in front of a person's house which can cause the person to fear for his/her life or his/her relative's life;
  - 5-6. Escorting or confining any person by force or against his/her will;
  - 5-7. Financial threats such as to dismiss a person from his/her job, to take away his/her land or house or other financial benefits;
  - 5-8. Putting pressure, use of threats or coercion to secure a promise or a thumbprint to promise to vote for his/her political party or a political party that he/she desires;
  - 5-9. Collection or confiscation or recording of serial code numbers of voter cards or identity documents used for voting;
  - 5-10. Tearing down a political party's signboard;
  - 5-11. Destruction of sign or office of political party;
  - 5-12. Threatening people not to use freedom of opinion, expression.
6. Special cases
  - 6.1-Serious threat, intimidation and politically related killing cases. The mentioned cases need to be discussed and studied separately to define the impact on voters and the election process.
  - 6.2- In case that the total irregularities, technical fault in a polling station is in 20% to 49% of the total numbers of polling stations; and vote buying, electoral campaign conducted in prohibited period, political intimidation is in 10% to 29% of the village numbers or making the vote result changed in 50% of the polling station numbers shall be regarded as a special case. The case needs to be discussed and studied separately to define the impact on voters and the election process.
  - 6.3- The vote buying and political intimidation committed in prohibited period is up to 30% of the village numbers, COMFREL consider that the vote result shall be null.

## Appendix 2: 2013 National Assembly Election Calendar

Tasks to be implemented	Date
Validation and announcement of official voter list	31 December 2011
Receipt of registration applications of political parties' candidates	29 April-10 May 2013
Submitting appeal to the Constitutional Council on the temporary results at the latest 5 days	30 May 2013 (Deadline)
Correction of application by political party	15 March 2012 (Deadline)
Constitutional Council's decision on the appeal at the latest 10 days	10 June 2013
Voter Information Notification Distribution	01-25 June 2013
Posting of polling stations location list and registration stations at commune/sangkat	26 June 2013
Posting of political parties and candidate list	26 June 2013 (Deadline)
Election Campaigning	27 June-26 July 2013
Political Party Agent registration	28 June-27 July 2013
Posting of voter list and polling station location list at commune/sangkat	27 July 2013
Polling and ballot counting and posting of temporary result at polling stations	28 July 2013
Submitting appeal at CEC on temporary results of polling or irregularities	29 July 2013 (No later than 11:30 am)
CEC's decision on appeal, verification and consolidation of temporary results, writing and posting of minutes	29-30 July 2013
Lodging appeal to PEC at the latest 2 days after receiving the CEC's decision	01 August 2013 (Deadline)
PEC's decision on appeal and consolidation of results (3 days at the latest)	04 August 2013 (Deadline)
Appeals against PECs' decisions lodged to the NEC at the latest 2 days after receiving PEC's decisions	06 August 2013 (Deadline)
The NEC's decisions on appeals at the latest 3 days after receiving complaints	09 August 2013 (Deadline)
NEC's publication of temporary results (in case of no re-election)	10 August 2013
Submitting appeal to the NEC or Constitutional Council on the temporary results at the latest 72 hours	13 August 2013 (Deadline)
NEC's decision on the appeal at latest 48 hours after receiving the complaint	15 August 2013 (Deadline)
Lodging appeal to the Constitutional Council at latest 72 hours after the NEC's decision	18 August 2013 (Deadline)
Constitutional Council's decision on the appeal at the latest 20 days after receiving complaint	07 September 2013 (Deadline)
The Re-Election, 8 days after the decision, if any	15 September 2013 (Deadline)
Publication of official results of election, allocation of seats, and elected candidate (the schedule depends on whether there is complaint after the publishing of temporary results and in case of no re-election)	14 August-08 September 2013

**Unofficial translation**

## Appendix 3: National Assembly Election-related Data from the NEC

N	Provinces/ municipalities	Total population	18 and above age population	Registered voters (#)	Registered voters (%)	Registered Female voters	Number of seats	Polling stations	Voters	(% of Voters/ registered voters	Invalid votes	
											Number	%
1	Banteay Meanchey	717,158	468,226	471,820	100.77%	243,434	6	962	255,516	54.16%	4586	1.79%
2	Battambang	1,082,488	706,932	706,874	99.99%	363,933	8	1401	426,651	60.36%	8802	2.06%
3	Kampong Cham	1,896,990	1,254,454	1,285,845	102.50%	682,212	18	2563	895,942	69.68%	13589	1.52%
4	Kampong Chhnang	509,708	318,096	322,956	101.53%	175,203	4	686	244,836	75.81%	3306	1.35%
5	Kampong Speu	788,938	484,345	519,508	107.26%	277,473	6	1067	398,292	76.67%	5183	1.30%
6	Kampong Thom	708,379	446,229	437,404	98.02%	235,066	6	922	286,437	65.49%	4653	1.62%
7	Kampot	645,837	436,405	436,402	100.00%	229,058	6	848	300,954	68.96%	5876	1.95%
8	Kandal	1,162,208	803,931	843,522	104.92%	440,251	11	1440	656,500	77.83%	7763	1.18%
9	Koh Kong	129,159	78,810	78,387	99.46%	39,483	1	161	43,851	55.94%	1132	2.58%
10	Kratie	337,091	202,227	208,952	103.33%	106,871	3	421	143,411	68.63%	2501	1.74%
11	Mondolkiri	68,470	38,700	37,028	95.68%	18,305	1	92	24,250	65.49%	707	2.92%
12	Phnom Penh	1,307,595	936,631	998,827	106.64%	519,350	12	1690	663,806	66.46%	6552	0.99%
13	Preah Vihear	211,249	118,725	124,844	105.15%	61,608	1	253	85,617	68.58%	3469	4.05%
14	Prey Veng	1,176,720	823,203	809,020	98.28%	438,482	11	1605	576,114	71.21%	7497	1.30%
15	Pursat	438,720	277,813	278,044	100.08%	147,324	4	625	201,866	72.60%	2618	1.30%
16	Ratanakiri	148,915	79,785	84,163	105.49%	41,647	1	180	53,598	63.68%	1961	3.66%
17	Siem Reap	948,233	591,077	576,114	97.47%	297,152	6	1181	395,558	68.66%	8685	2.20%
18	Sihanouk Ville	201,721	127,651	126,937	99.44%	64,655	1	248	87,443	68.89%	2268	2.59%
19	Stung Treng	117,527	67,822	67,538	99.58%	33,945	1	152	46,592	68.99%	1293	2.78%
20	Svay Rieng	592,162	399,520	398,807	99.82%	215,270	5	783	301,435	75.58%	4666	1.55%
21	Takeo	953,116	658,956	660,151	100.18%	350,371	8	1302	517,605	78.41%	7862	1.52%
22	Kep	39,262	25,552	25,665	100.44%	13,130	1	57	19,983	77.86%	361	1.81%
23	Pailin	66,506	39,517	40,312	102.01%	20,120	1	85	27,510	68.24%	591	2.15%
24	Oddar Meanchey	207,952	125,125	136,333	108.96%	67,500	1	285	81,477	59.76%	2164	2.66%
	<b>Grand Total</b>	<b>14,456,104</b>	<b>9,509,732</b>	<b>9,675,453</b>	<b>101.74%</b>	<b>5,081,843</b>	<b>123</b>	<b>19,009</b>	<b>6,735,244</b>	<b>69.61%</b>	<b>108,085</b>	<b>1.60%</b>

Source: NEC.

Appendix 4: No. of Candidates Registered for the 5<sup>th</sup> National Assembly Elections, by province/municipality

N°	Province/ municipality	No. seats	CNP		FUN		RDP		CPP		KEDP		KAPP		CNRP		LDP	
			No.		No.		No.		No.		No.		No.		No.		No.	
			Tit.	Alt.	Tit.	Alt.	Tit.	Alt.	Tit.	Alt.	Tit.	Alt.	Tit.	Alt.	Tit.	Alt.	Tit.	Alt.
1	Banteay Meanchey	6	6	6	6	6	6	6	6	6			6	6	6	6	6	6
2	Battambang	8	8	8	8	8	8	8	8	8			8	8	8	8	8	8
3	Kampong Cham	18	18	18	18	18			18	18			18	18	18	18	18	18
4	Kampong Chhang	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
5	Kampong Speu	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
6	Kampong Thom	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
7	Kampot	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
8	Kandal	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11
9	Koh Kong	1	1	3	1	3	1	3	1	3			1	3	1	3	1	3
10	Kratie	3	3	3	3	3	3	3	3	3			3	3	3	3	3	3
11	Mondulkiri	1	1	3	1	3	1	3	1	3					1	3	1	3
12	Phnom Penh	12	12	12	12	12	12	12	12	12			12	12	12	12	12	12
13	Preah Vihear	1	1	3	1	3	1	3	1	3			1	3	1	3	1	3
14	Prey Veng	11	11	11	11	11	11	11	11	11			11	11	11	11	11	11
15	Pursat	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
16	Ratanakiri	1	1	3	1	3	1	3	1	3			1	3	1	3	1	3
17	Siem Reap	6	6	6	6	6	6	6	6	6			6	6	6	6	6	6
18	Sihanouk Ville	1	1	3	1	3	1	3	1	3			1	3	1	3	1	3
19	Stung Treng	1	1	3	1	3	1	3	1	3			1	3	1	3	1	3
20	Svay Rieng	5	5	5	5	5	5	5	5	5			5	5	5	5	5	5
21	Takeo	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
22	Kep	1	1	3	1	3	0	0	1	4			1	3	1	3	1	3
23	Pailin	1	1	3	1	3	1	3	1	3			1	3	1	3	1	3
24	Oddar Meanchey	1	1	3	1	3	1	3	1	3			1	3	1	3	1	3
<b>Total</b>		<b>123</b>	<b>123</b>	<b>141</b>	<b>123</b>	<b>141</b>	<b>104</b>	<b>120</b>	<b>123</b>	<b>142</b>	<b>45</b>	<b>45</b>	<b>122</b>	<b>138</b>	<b>123</b>	<b>141</b>	<b>123</b>	<b>141</b>
			264		264		224		265		90		260		264		264	

Note: Tit.: Titular, Alt.: Alternate.

Source: NEC.

**Appendix 5: National Assembly Election Results with Seat Allocations**

No.	Province	Votes and seats for each party															
		CNP		FUN		RDP		CPP		KEDP		KAPP		CNRP		LDP	
		Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats
1	Banteay Meanchey	1,768	0	30,105	0	1,962	0	148,593	4			1,432	0	64,732	2	2,338	0
2	Battambang	2,582	0	15,815	0	2,696	0	223,733	5			2,741	0	162,527	3	7,755	0
3	Kampong Cham	6,464	0	26,202	0			376,182	8			8,938	0	457,819	10	6,748	0
4	Kampong Chhang	1,281	0	14,533	0	1,315	0	123,341	2	1,803	0	1,441	0	96,210	2	1,606	0
5	Kampong Speu	1,958	0	12,449	0	2,146	0	180,099	3	3,111	0	2,471	0	186,867	3	4,008	0
6	Kampong Thom	2,326	0	22,934	0	2,740	0	128,799	3	4,127	0	2,344	0	115,880	3	2,634	0
7	Kampot	1,473	0	11,335	0	2,106	0	147,265	3	3,055	0	2,074	0	125,320	3	2,450	0
8	Kandal	2,152	0	8,285	0	1,434	0	261,587	5	2,579	0	2,533	0	366,056	6	4,111	0
9	Koh Kong	377	0	1,527	0	386	0	28,632	1			341	0	11,017	0	439	0
10	Kratie	1,417	0	4,750	0	1,337	0	71,052	2			1,294	0	59,774	1	1,286	0
11	Mondulkiri	366	0	963	0	379	0	17,380	1					4,244	0	211	0
12	Phnom Penh	1,257	0	7,820	0	995	0	257,351	5			2,047	0	382,880	7	4,904	0
13	Preah Vihear	1,030	0	4,522	0	1,470	0	53,935	1			905	0	19,199	0	1,087	0
14	Prey Veng	3,582	0	13,243	0	2,324	0	251,689	5			3,465	0	287,778	6	6,536	0
15	Pursat	731	0	3,384	0	1,202	0	142,135	3	1,306	0	834	0	48,417	1	1,239	0
16	Ratanakiri	582	0	1,917	0	791	0	39,630	1			407	0	7,821	0	489	0
17	Siem Reap	3,239	0	30,338	0	4,362	0	193,093	4			3,785	0	140,737	2	11,319	0
18	Sihanouk Ville	458	0	2,310	0	505	0	50,110	1			555	0	30,558	0	679	0
19	Stung Treng	502	0	2,545	0	571	0	34,032	1			312	0	6,962	0	375	0
20	Svay Rieng	1,722	0	6,377	0	1,659	0	183,258	3			1,674	0	99,600	2	2,479	0
21	Takeo	1,713	0	14,724	0	1,992	0	245,387	4	3,171	0	2,455	0	236,686	4	3,615	0
22	Kep	101	0	739	0			14,299	1			209	0	4,165	0	109	0
23	Pailin	143	0	707	0	167	0	16,536	1			149	0	8,959	0	258	0
24	Oddar Meanchey	899	0	4,889	0	1,176	0	47,851	1			816	0	21,968	0	1,714	0
	<b>Total</b>	<b>38,123</b>	<b>0</b>	<b>242,413</b>	<b>0</b>	<b>33,715</b>	<b>0</b>	<b>3,235,969</b>	<b>68</b>	<b>19,152</b>	<b>0</b>	<b>43,222</b>	<b>0</b>	<b>2,946,176</b>	<b>55</b>	<b>68,389</b>	<b>0</b>
	%	<b>0.58%</b>	<b>0.00%</b>	<b>3.66%</b>	<b>0.00%</b>	<b>0.51%</b>	<b>0.00%</b>	<b>48.83%</b>	<b>55.28%</b>	<b>0.29%</b>	<b>0.00%</b>	<b>0.65%</b>	<b>0.00%</b>	<b>44.46%</b>	<b>44.72%</b>	<b>1.03%</b>	<b>0.00%</b>

Source: NEC.

**Appendix 6: Summary of Information by province/Town**

Province/ town	Total Population	Over 18 years of age	Registered voters	Irregularities during voter registration		Irregularities during the period of								Voters		Election results by NEC			Seat allocation
				No. of cases	%	Campaign		Cooling		Polling		Counting		Voter turnout	%	Political parties	No. votes	% vote	
						Cases	% (1)	Cases	% (2)	Cases	% (3)	Cases	% (4)						
Banteay Meanchey	717,158	468,226	471,820	1	3.33%	8	3.27%	10	4.93%	330	2.96%	14	5.32%	255,516	54.16%	CNP	1,768	0.69%	0
																FUN	30,105	11.78%	0
																RDP	1,962	0.77%	0
																CPP	148,593	58.15%	4
																KEDP		0.00%	
																KAPP	1,432	0.56%	0
																CNRP	64,732	25.33%	2
LDP	2,338	0.92%	0																
Battam-bang	1,082,488	706,932	706,874	2	6.67%	12	4.90%	10	4.93%	665	5.95%	8	3.04%	426,651	60.36%	CNP	2,582	0.61%	0
																FUN	15,815	3.71%	0
																RDP	2,696	0.63%	0
																CPP	223,733	52.44%	5
																KEDP		0.00%	
																KAPP	2,741	0.64%	0
																CNRP	162,527	38.09%	3
LDP	7,755	1.82%	0																
Kampong Cham	1,896,990	1,254,454	1,285,845	1	3.33%	24	9.80%	45	22.17%	3028	27.46%	75	28.52%	895,942	69.68%	CNP	6,464	0.72%	0
																FUN	26,202	2.92%	0

																	RDP		0.00%	
																	CPP	376,182	41.99%	8
																	KEDP		0.00%	
																	KAPP	8,938	1.00%	0
																	CNRP	457,819	51.10%	0
																	LDP	6,748	0.75%	0
<b>Kampong Chhnang</b>	509,708	318,096	322,956	1	3.33%	18	7.35%	0	0.00%	154	1.30%	3	1.14%	244,836	75.81%	CNP	1,281	0.52%	0	
																FUN	14,533	5.94%	0	
																RDP	1,315	0.54%	0	
																CPP	123,341	50.38%	2	
																KEDP	1,803	0.74%	0	
																KAPP	1,441	0.59%	0	
																CNRP	96,210	39.30%	2	
																LDP	1,606	0.66%	0	
<b>Kampong Speu</b>	788,938	484,345	519,508	0	0.00%	15	6.12%	1	0.49%	52	0.47%	0	0.00%	398,292	76.67%	CNP	1,958	0.49%	0	
																FUN	12,449	3.13%	0	
																RDP	2,146	0.54%	0	
																CPP	180,099	45.22%	3	
																KEDP	3,111	0.78%	0	
																KAPP	2,471	0.62%	0	
																CNRP	186,867	46.92%	3	
																LDP	4,008	1.01%	0	
<b>Kampong Thom</b>	708,379	446,229	437,404	0	0.00%	12	4.90%	2	0.99%	104	0.87%	3	1.14%	286,437	65.49%	CNP	2,326	0.81%	0	
																FUN	22,934	8.01%	0	
																RDP	2,740	0.96%	0	
																CPP	128,799	44.97%	3	

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																	KEDP	4,127	1.44%	0
																	KAPP	2,344	0.82%	0
																	CNRP	115,880	40.46%	3
																	LDP	2,634	0.92%	0
<b>Kampot</b>	645,837	436,405	436,402	0	0.00%	34	13.88%	15	7.39%	827	7.43%	18	6.84%	300,954	68.96%	CNP	1,473	0.49%	0	
																FUN	11,335	3.77%	0	
																RDP	2,106	0.70%	0	
																CPP	147,265	48.93%	3	
																KEDP	3,055	1.02%	0	
																KAPP	2,074	0.69%	0	
																CNRP	125,320	41.64%	3	
LDP	2,450	0.81%	0																	
<b>Kandal</b>	1,162,208	803,931	843,522	5	16.67%	16	6.53%	44	21.67%	791	7.015%	5	1.90%	656,500	77.83%	CNP	2,152	0.33%	0	
																FUN	8,285	1.26%	0	
																RDP	1,434	0.22%	0	
																CPP	261,587	39.85%	5	
																KEDP	2,579	0.39%	0	
																KAPP	2,533	0.39%	0	
																CNRP	366,056	55.76%	6	
LDP	4,111	0.63%	0																	
<b>Koh Kong</b>	129,159	78,810	78,387	2	6.67%	3	1.22%	2	0.99%	200	1.78%	0	0.00%	43,851	55.94%	CNP	377	0.86%	0	
																FUN	1,527	3.48%	0	
																RDP	386	0.88%	0	
																CPP	28,632	65.29%	1	
																KEDP		0.00%		
KAPP	341	0.78%	0																	

																	CNRP	11,017	25.12%	0
																	LDP	439	1.00%	0
<b>Kratie</b>	129,159	78,810	78,387	1	3.33%	3	1.22%	0	0.00%	90	0.82%	0	0.00%	143,411	68.63%	CNP	1,417	0.99%	0	
																FUN	4,750	3.31%	0	
																RDP	1,337	0.93%	0	
																CPP	71,052	49.54%	2	
																KEDP		0.00%		
																KAPP	1,294	0.90%	0	
																CNRP	59,774	41.68%	1	
LDP	1,286	0.90%	0																	
<b>Mondul Kiri</b>	68,470	38,700	37,028	1	3.33%	0	0.00%	7	3.45%	111	1.00%	6	2.28%	24,250	65.49%	CNP	366	1.51%	0	
																FUN	963	3.97%	0	
																RDP	379	1.56%	0	
																CPP	17,380	71.67%	1	
																KEDP		0.00%		
																KAPP		0.00%		
																CNRP	4,244	17.50%	0	
LDP	211	0.87%	0																	
<b>Phnom Penh</b>	1,307,595	936,631	998,827	2	6.67%	10	4.08%	21	10.34%	2110	19.07%	54	20.53%	663,806	66.46%	CNP	1,257	0.19%	0	
																FUN	7,820	1.18%	0	
																RDP	995	0.15%	0	
																CPP	257,351	38.77%	5	
																KEDP		0.00%		
																KAPP	2,047	0.31%	0	

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																	CNRP	382,880	57.68%	7
																	LDP	4,904	0.74%	0
<b>Preah Vihear</b>	211,249	118,725	124,844	0	0.00%	8	3.27%	0	0.00%	84	0.76%	0	0.00%	85,617	68.58%	CNP	1,030	1.20%	0	
																FUN	4,522	5.28%	0	
																RDP	1,470	1.72%	0	
																CPP	53,935	63.00%	1	
																KEDP		0.00%		
																KAPP	905	1.06%	0	
																CNRP	19,199	22.42%	0	
LDP	1,087	1.27%	0																	
<b>Prey Veng</b>	1,176,720	823,203	809,020	3	10%	37	15.10%	25	12.32%	400	3.51%	10	3.80%	576,114	71.21%	CNP	3,582	0.62%	1	
																FUN	13,243	2.30%	0	
																RDP	2,324	0.40%	0	
																CPP	251,689	43.69%	5	
																KEDP		0.00%		
																KAPP	3,465	0.60%	0	
																CNRP	287,778	49.95%	6	
LDP	6,536	1.13%	0																	
<b>Pursat</b>	438,720	277,813	278,044	0	0.00%	0	0.00%	2	0.99%	372	3.32%	9	3.42%	201,866	72.60%	CNP	731	0.36%	0	

																	FUN	3,384	1.68%	0
																	RDP	1,202	0.60%	0
																	CPP	142,135	70.41%	3
																	KEDP	1,306	0.65%	0
																	KAPP	834	0.41%	0
																	CNRP	48,417	23.98%	1
																	LDP	1,239	0.61%	0
																	CNP	582	1.09%	0
																	FUN	1,917	3.58%	0
																	RDP	791	1.48%	0
																	CPP	39,630	73.94%	1
																	KEDP		0.00%	
																	KAPP	407	0.76%	0
																	CNRP	7,821	14.59%	0
																	LDP	489	0.91%	0
																	CNP	3,239	0.82%	0
																	FUN	30,338	7.67%	0
																	RDP	4,362	1.10%	0
<b>Ratanakiri</b>	148,915	79,785	84,163	2	6.67%	10	4.08%	3	1.48%	155	1.34%	7	2.66%	53,598	<b>63.68%</b>					
<b>Siem Reap</b>	948,233	591,077	576,114	2	6.67	16	6.53%	3	1.48%	396	3.60%	14	5.325	395,558	<b>68.66%</b>					

																	CPP	193,093	48.82%	4
																	KEDP		0.00%	
																	KAPP	3,785	0.96%	0
																	CNRP	140,737	35.58%	2
																	LDP	11,319	2.86%	0
<b>Sihanouk Ville</b>	201,721	127,651	126,937	0	0.00%	1	0.41%	2	0.99%	251	2.28%	12	4.56%	87,443	68.89%	CNP	458	0.52%	0	
																FUN	2,310	2.64%	0	
																RDP	505	0.58%	0	
																CPP	50,110	57.31%	1	
																KEDP		0.00%		
																KAPP	555	0.63%	0	
																CNRP	30,558	34.95%	0	
																LDP	679	0.78%	0	
<b>Stung Treng</b>	117,527	67,822	67,538	0	0.00%	0	0.00%	0	0.00%	66	0.60%	0	0.00%	46,592	68.99%	CNP	502	1.08%	0	
																FUN	2,545	5.46%	0	
																RDP	571	1.23%	0	
																CPP	34,032	73.04%	1	
																KEDP		0.00%		

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																	KAPP	312	0.67%	0
																	CNRP	6,962	14.94%	0
																	LDP	375	0.80%	0
<b>Svay Rieng</b>	592,162	399,520	398,807	1	3.33%	1	0.41%	1	0.49%	43	0.36%	2	0.76%	301,435	75.58%	CNP	1,722	0.57%	0	
																FUN	6,377	2.12%	0	
																RDP	1,659	0.55%	0	
																CPP	183,258	60.80%	3	
																KEDP		0.00%		
																KAPP	1,674	0.56%	0	
																CNRP	99,600	33.04%	2	
LDP	2,479	0.82%	0																	
<b>Takeo</b>	953,116	658,956	660,151	2	6.67%	4	1.63%	6	2.96%	418	3.63%	12	4.56%	517,605	78.41%	CNP	1,713	0.33%	0	
																FUN	14,724	2.84%	0	
																RDP	1,992	0.38%	0	
																CPP	245,387	47.41%	4	
																KEDP	3,171	0.61%	0	
																KAPP	2,455	0.47%	0	
																CNRP	236,686	45.73%	4	
LDP	3,615	0.70%	0																	
<b>Kep</b>	39,262	25,552	25,665	0	0.00%	0	0.00%	0	0.00%	81	0.68%	8	3.04%	19,983	77.86%	CNP	101	0.51%	0	
																FUN	739	3.70%	0	
																RDP		0.00%		



**Appendix 7: The Response of National Election Committee (NEC) to the Recommendation of Committee for Free and Fair Election in Cambodia (COMFREL) on Procedure and Regulation on the Election of Member of National Assembly in 2013**

COMFREL's Recommendation	NEC's Response
<b>Chapter 3: Administration of Election of Members of the National Assembly</b>	
<p><b>1. Proposal for Improvement of points: 3.19.3.4 &amp; 3.19.3.5</b></p> <p>Organize a Selection Commission for recruiting and monitoring the selection and appointment the officials and members of the Provincial Election Committee (PEC), Commune Election Committee Commission Polling /Counting Station Commission (PSC or CSC). Participants of the Selection Committee Commission shall include the National Election Committee's Representative(s) and representatives from political parties who have parliamentary seat(s).</p> <p>The national election committee (NEC) shall encourage officially the political parties that have parliamentary seat(s) by to propose their candidates to apply for the PEC, CEC, and PSC's members.</p> <p>Remove some of the technical qualified conditions by selecting, without considering experience in the field of election, and banning selection based on consanguinity and affinity within the PEC, CEC, and PSC.</p> <p><b>Reason(s):</b></p> <p>It strengthens open process of selection and checking the NEC's official's appointment. It increases confidence for stakeholders and increases the presence of youth and women as members of PEC, CEC and PSC.. In the public meetings the NEC's officers always said that they welcomed the political parties to submit their candidates to apply for members of the PEC, CEC, and PSC however it's official procedure have been not created. . Therefore, it would make an effective enforcement of point 3.17.2 and in respect of the independence of the NEC as provisioned in Article 12 of the Law on the Election of the Members of National Assembly. While the provisions suggest that members of the PEC, CEC and PSC/CSC shall represent the perspectives of all groups in Cambodian society. In accordance with point 3.16.1.2, groups in Cambodian society include the Civil Servants of Government, Political Parties and Civil Societies.</p>	<p><b>Keep the same</b></p>
<b>Chapter 7: Election Campaign</b>	

<p><b>2. Proposal for Improvement of points: 7.3.1 &amp; 7.17</b></p> <p>The election campaigns of a party to be permitted in public areas, such as the market, with the coordination of the authority or market security guards. The NEC and authorities shall specifically set the scope of public areas and the schedule for the campaign. NEC and authorities shall conduct an intervention for the party to install their party sign based on the principles of equality and non-discrimination.</p> <p><b>Reason(s):</b></p> <p>Electoral participating-parties are given equal rights to install party signs and conduct campaigns in public areas. This reduces disputes while improve fair campaign in public areas in particular market.</p>	<p><b>Agree with the recommendation</b></p>
<p><b>3. Proposal for Improvement of point:7.3.2</b></p> <p>Party signs and accessories for campaigns shall be posed and stored 100m from the state’s buildings or/and office..</p> <p><b>Reason(s):</b></p> <p>It strengthens the enforcement of point 7.3.2 where in the past some state’s buildings have been posted with party signs on the fence or pitch. This makes for the illegal use of governmental buildings according to the Law on Election and Law on Political Party.</p>	<p><b>Agree with the recommendation</b></p>
<p><b>4. Proposal for Improvement of point: 7.4.2</b></p> <p>Transportation vehicles with including “no plates or fake plates” are prohibited. . Political parties have the right to propose the police or the NEC check a vehicle if this is suspected.</p> <p><b>Reason(s):</b> It strengthens the restriction of transport vehicles to conduct the campaign. In the past there has been the illegal use of governmental transportation by taking the plates away or putting “no plate or fake plates” on vehicles. Such action is in contradiction to point 7.4.1.</p>	<p><b>Agree with the recommendation</b></p>
<p><b>5. Proposal for Improvement of point: 7.7</b></p> <p>Civil servants, members of the Royal Cambodian Army forces ( RCAF) , national police and court officials are not</p>	<p><b>Agree with the recommendation</b></p>

<p>allowed to participate in election campaign activities to support any candidate or political party except particular candidates by special allowance. Officers mentioned above are allowed to listen to the campaign of the political parties or candidates as long as they do not wear shirts or caps indicating their support of a particular party/candidate.</p> <p><b>Reason(s):</b></p> <p>This will strengthen the neutrality of members of the military, court officials, and national police, and the enforcement of Article 15 of the Law on Political Party. According to this article, court officials, members of the military and national police are allowed to participate as members of political parties, however, they are not allowed to conduct activities to support a candidate or political party. The current law also doesn't set any allowance to conduct activities after having completed their working hours or during holidays. In addition, members of the military and national police are directly obligated to ensure security in the process of elections. Court Officials will also directly engage in work related to electoral disputes. Article 37 which outlines the Law on Civil Servants of Cambodia states that civil servants shall show neutrality in working activities. They are not allowed to use their position or accessories belonging to the state to conduct political activities.</p>	
<p><b>6. Proposal for Improvement of point: 7.23</b></p> <p>During the campaign period, the NEC shall propose to all broadcasting systems which belong to the state, including radios and televisions, to increase broadcast times for the party platform's presentation and voter education for at least seven (7) hours per day from 13:00pm till 18:00pm. All broadcasting systems belonging to the state as well as privately owned shall be facilitated and administered by the NEC to broadcast the news about the election on Election Day within the principles of equality.</p> <p><b>Reason(s):</b></p> <p>It increases the participation of voters on Election Day. The percentage and pattern of voter turnout declined for last elections. . This was caused by the limited voter's information which became an obstacle to voters who did not have information, as well as the lack of knowledge about the importance of the election.</p> <p>Article 74 of the Law on Election of the Members of National Assembly stipulates that the NEC has the right to</p>	<p><b>Keep the same</b></p>

<p>propose to all broadcasting systems including the press, radio, and television to broadcast the news free of charge.</p>	
<p><b>7. Proposal for Improvement of point: 7.22</b></p> <p>The NEC shall announce the Income-Expense Report of Political Party’s Election Campaign to the public through its website within 90 days after the election results are released. All registered political parties shall send their income-expense reports and bank account statements to the NEC within 45 days after the release of election results.</p> <p><b>Reason(s):</b></p> <p>It strengthens the enforcement of the law on election of the members of national assembly. Before, there was no transparency and operation of regulations and procedures for the election of the members of the national assembly and Article 82 of the Law on Election of the Members of National Assembly which states that “All contesting political parties shall have account books to note their incomes, sources of incomes and expenses for the election campaign”. If required, the NEC is allowed to check the account books. In past NEC never has asked that the NEC and public doesn’t have access to the reports, they are unable to check if of political parties are adhering to the requirements outlined in Article 82. Also, It cannot know whether contesting political parties implement Article 83 or not as stipulated that “all donations made to parties shall be transferred to a single bank account with all expenses of the campaign to be taken from this account. .</p>	<p><b>Keep the same</b></p>
<p><b>Chapter 8: Voting, Counting and Consolidation of Election Results</b></p>	
<p><b>8. Proposal for the removal of point: 8.8.2.4</b></p> <p>Reason: this point contradicts a provision of point 8. 8.2.3: the verification shows that there is a discrepancy between the number of used ballots and the number of the voters who have cast their vote must be irregularity.</p>	<p><b>Agree with the recommendation</b></p>
<p><b>9. Proposal for Adding to point: 8.11.9.4</b></p> <p>Every ballot counting station shall be opened (windows and doors) to enable the public to see and observer the process of ballot counting. Officers who fail to perform this shall be punished.</p>	<p><b>Keep the same</b></p>

<p><b>Reason(s):</b></p> <p>It increases the transparency in ballot counting and gives confidence to the public of the election results.</p>	
<p><b>Chapter 11: Chapter 11: Authorities and Electoral Dispute Resolution, Complaint Procedures and Associated Punishment</b></p>	
<p><b>10. Proposal for adding new point</b></p> <p>Organize a Special Chamber in PEC and NEC which is appointed and delegated by the NEC. Special Chamber is organized with full-independence from the NEC to settle the complains related to electoral officers who fail to perform in accordance with the Law on Election of the Members of National Assembly and Regulations and procedures on Election of the Members of National Assembly.</p> <p>The Special Chamber members are selected by the NEC and political parties that have parliamentary seat(s).</p> <p><b>Reason(s):</b></p> <p>It strengthens the effectiveness and transparency of operations of electoral officers at all levels. Past complaints related to electoral officers settled by the NEC have led conflict of interest and disputes and, unsatisfactory outcomes. Hence, there hasn't been much confidence in the current system.</p>	<p><b>Keep the same</b></p>
<p><b>11. Proposal for improvement of points: 11.3.4 and 11.3.5</b></p> <p>All levels of officers of the NEC shall accept [record] all complaints without evidence requirements.</p> <p><b>Reason(s):</b></p> <p>It strengthens transparency and the satisfactory response and management of complaints. In the past, during the election officers have refused/ignored complaints and the percentage of ignored complaints was over 80%.</p>	<p><b>Keep the same</b></p>

<b>Chapter 12: Political Party Agent , Observers and Journalists</b>	
<p><b>12. Proposal for improvement of point: 12.1.5</b></p> <p>Political party agents shall be allowed to stand behind the secretary of PSC having clear sight while the agent has right to ask for verification between data in the vote list and ID document brought by voters. Given to ... to conduct data validation of voters in the voter list and of the documents they bring along.</p> <p><b>Reason(s):</b></p> <p>It increases transparency in data validation and the accurate identification of voters. It ensures the absence of fraud in terms of election or identity certification.</p>	<p><b>Keep the same</b></p>
<p><b>13. Proposal for improvement of point: 12.3.5</b></p> <p>The NEC shall delegate power to the PEC to check and decide on application for observer’s accreditation submitted by associations, NGOs excluding mobile observers which is currently only done by the NEC. The PEC reviews and decides 7 days after receiving a registration form.</p> <p><b>Reason(s):</b></p> <p>It’s an easy and effective way to receive the observer cards. It encourages the participation of election observers from remote villages so that the PEC might have enough ability to check..</p> <p>Moreover, more observers are encouraged to observe election process in their province while the PECs are able to verify the application of the observers</p>	<p><b>Keep the same</b></p>
<p><b>14. Proposal for improvement of point: 12.3.8</b></p> <p>The association(s) or NGO(s) can request for national mobile observer cards to conduct an observation throughout the country without limitations on amount.</p> <p><b>Reason(s):</b></p> <p>National mobile observers have transport which enables them to observe from province to province in order to</p>	<p><b>Agree with 10 persons</b></p>

<p>compare the election administration and manage their own observers.</p>	
<p><b>15. Proposal for improvement of Identity Certification For Election (ICE)</b></p> <p>The identity certification stipulation shall be terminated on 26<sup>th</sup> June 2013. Chiefs of Commune /Sangkat shall send all relevant documents to the CEC for storing and posting in public.</p> <p><b>Reason(s):</b></p> <p>It reduces disputes in terms of issuing ICE during the campaign and election day.</p>	<p><b>Keep the same</b></p>
<p><b>16. Proposal for improvement of Voter Information Notice (VIN)</b></p> <p>Voter information notices (VIN) shall be disseminated to voters, especially voters whose polling stations have been changed, according to voter list revision carried out by the NEC. The VIN shall continue by the CEC in cooperation with Election Observation Organization and Electoral Registered Political Parties.</p> <p><b>Reason(s):</b></p> <p>It guarantees the participation of election stakeholder's and that voter information notice distribution increases up to 100% as last election only 80% of VINs were distributed. . In the past when voters not received became confused with no right to vote, and therefore lost the right to vote.</p>	<p><b>Keep the same</b></p>

## Appendix 8: Joint Statement of the Situation Room

# បណ្តុំស្ថានការណ៍ ថ្ងៃទោះឆ្នោត ឆ្នាំ២០១៣ Situation Room on Cambodia Election Day 2013

### Joint Statement Evaluation of the Environment before Election Day For the Fifth Mandate 2013 National Election

26-July-2013

Civil society organizations observing the process of the Fifth Mandate of 2013 National Election have found some **positive developments** in the electoral process, a number of **irregularities** and **unfair competition**. Following from this, the group presents some **recommendations**.

#### I. Positive Developments

- The electoral process has improved significantly since King Sihamoni pardoned Mr. Sam Rainsy.
- There is greater public participation in the electoral campaigns than in previous elections, particularly by the youth.
- There has been greater willingness on the part of the Cambodian people to discuss politics openly and without fear.
- Cambodian people have demonstrated that they know their rights in a democratic society, accepting political pluralism. They demand that political parties are accountable and follow through on their campaign promises. If the parties break their promises, people will stop supporting that party.
- Media tools such as Facebook, Twitter, Youtube, etc., have been utilized by individuals to post information that relates to the election and the policies of each party.
- Serious violence has decreased markedly when compared with the previous national election.

#### II. Irregularities

- The registration of voters on lists has been higher than 100% in a number of areas and has caused the public and civil society organizations to suspect manipulation of the registration process. Both young and old voters have experienced problems with not being able to find their names on the electoral register.
- Many Identification Certificates for the Election (ICEs) have been produced to enable people to vote. Far more have been produced than for the previous election: 1,098,893 ICEs were produced for the last election, but an additional 700,000 have been produced for this election. Further, a number of ICEs have shown irregularities.
- Civil servants, the armed forces, and government officers have participated in political campaigns and have used state resources in favor of one party over another.
- The authorities in some provinces have restricted the use of public places for campaign activities and/or demonstrations, which affects how far the elections can be deemed free and fair.
- There have been disruptions to political activities, and some violence has occurred during the election campaign, especially at political rallies.
- Voters have been threatened and manipulated to vote for one party over another.

#### III. Unfair competition

- The ruling party has had favored access to rally in public spaces for 30 days during this election campaign.

COMFREL, ADHOC, NICFEC, YRDP, CCIM, CCHR, CHRAC, NGO FORUM, API, CCC, CDP, CLEC, CPWP, PDP-CENTER, DHRAC, GADC, LWD, CISA, KYA, KID, DPA, KYSD, MVI, ICSO, TIC, SILAKA, STAR KAMPUCHEA, HR VIGILANCE, VBNK, WMC, YCC, HRIF, CPN, IDEA, VSG, CCSP, KHARAM, FACT, MILOP BAITONG.

- There is an imbalance in resources available to political parties. For example, wealthier parties have spent large amounts of money on posters to place in public locations.
- The opposition is limited by authorities as to where they can post their political signage.
- Most media networks have shown a bias towards the ruling party.

#### IV. Recommendations

##### 1. To the NEC:

- a) Ensure that voters are not allowed to vote twice. A system is in place whereby the fingers of voters are marked with dye after they have cast their ballot to prevent multiple voting and this should be monitored closely.
- b) All identification documents must be fully verifiable, completed in line with official regulations and show no signs of forgery or interference.
- c) 1104 results forms should be shared with election observers at all polling stations.

##### 2. To Observers from Political Parties:

- a) Party observers must feel secure to complain if they notice irregularities when votes are being counted.
- b) Party observers must stay at the polling station until the counting of votes has finished. They must also obtain the 1104 forms from election officials for scrutiny.

##### 3. To Political Leaders:

- a) Exercise patience with the electoral process and seek peaceful settlements to disputes that arise as a result of the election.

##### 4. To the International Community:

- a) Closely monitor the electoral process and intervene if disputes arise to mediate and discuss solutions to problems related to the elections.

##### 5. To the Armed Forces:

- a) Ensure neutrality at all times during the electoral process. The armed forces should not use violence to solve political conflicts.
- b) The people should be assured through a public statement that the armed forces are neutral and do not favor one party over another.

##### 6. To the Constitutional Council:

Allow the President of the Cambodian National Rescue Party (CNRP), Mr. Sam Rainsy, to stand as a candidate in the election. If Mr. Sam Rainsy is not allowed to stand it will seriously undermine the credibility of the elections and devalue the royal pardon he received, which was requested by Prime Minister

##### *For further information:*

- |                    |                                  |                   |
|--------------------|----------------------------------|-------------------|
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| 2. Mr. Sok Samoeun | Deputy Board Director of COMFREL | Tel: 012 90 11 99 |
| 3. Mr. Koul Panha  | Executive Director of COMFREL    | Tel: 012 94 20 17 |
| 4. Mr. Hang Puthea | Executive Director of NICFEC     | Tel: 012 95 96 66 |

# បន្ទប់ស្ថានការណ៍ ថ្ងៃចោះឆ្នោត ឆ្នាំ២០១៣

## Situation Room on Cambodia Election Day 2013

### Update of Election Irregularities: Concerns Regarding Indelible Ink and Access to Voter Lists at Polling Station

27-July-2013

Civil Society Organizations (CSOs) observing the 2013 national election - scheduled to take place on 28 July - are concerned about several new irregularities that must be addressed before and on polling day.

Indelible ink is used to mark voters' thumbs to ensure they do not vote multiple times. Staff at the Committee for Free and Fair Elections in Cambodia (COMFREL) tested the ink and noticed that it could be washed off easily in a few minutes.

At a press conference hosted by the National Election Committee (NEC) on 26 July 2013, officials announced that election observers and political party representatives would not be allowed to verify official voter list at the polling station.

The NEC should ensure that political parties have access to the official voter list so that they can observe the electoral process at the polling station. Moreover, the indelible ink should be tested at every polling station to test its quality. CSO observers request that NEC officials meet with political parties and observers and take action to deal with problems noted above.

#### *For further information:*

- |                    |                               |                   |
|--------------------|-------------------------------|-------------------|
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| 2. Mr. Sok Samoeun | Chairman of CHRAC             | Tel: 012 90 11 99 |
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| 4. Mr. Hang Puthea | Executive Director of NICFEC  | Tel: 012 95 96 66 |

# បន្ទប់ស្ថានការណ៍ ថ្ងៃចោះឆ្នោត ឆ្នាំ២០១៣

## Situation Room on Cambodia Election Day 2013

### Joint Statement On Irregularity

The undersigned Civil Society Organizations (CSOs) observing the national elections held on 28<sup>th</sup> July 2013 found that there were a number of irregularities reported that must be investigated before conclusions can be drawn as to the outcome. The following remarks can be made regarding the electoral process:

- People going to vote reported widespread loss of names from the voter lists.
- Eligible voters arrived at the polls only to be told they had already voted.
- Observers and members of the public complained of ghost voters on the voting lists.
- The so-called indelible ink used to mark voters' fingers after they cast their vote washed off easily with a commonly available household product. This meant that voters could potentially vote numerous times. Many voters demonstrated the ease with which the ink could be removed in front of officials at the polling stations.
- Voter turnout was low at around 68%, in spite of anecdotal evidence suggesting many more people had in fact gone to vote.

The National Election Committee (NEC) systematically failed to address these irregularities. This meant that some citizens were denied their constitutional right to vote.

The preliminary results have been announced and both of the main parties have claimed victory in the election.

In order to determine the integrity of the election and ensure that the official results reflect the will of Cambodian citizens, the undersigned CSOs demand an official investigation into the aforementioned irregularities. CSOs would consider participating in this process if the investigation is deemed impartial. If the official investigation cannot ensure justice for disenfranchised voters, the undersigned CSOs will conduct their own investigation of these irregularities, which may have affected the election results.

*For further information please contact:*

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| 3. Mr. Koul Panha  | Executive Director of COMFREL | Tel: 012942017 |
| 4. Mr. Hang Puthea | Executive Director of NICFEC  | Tel: 012959666 |

COMFREL, ADHOC, NICFEC, YRDP, CCIM, CCHR, CHRAC, NGO FORUM, API, CCC, CDP, CLEC, CPWP, PDP-CENTER, DHRAC, GADC, LWD, CISA, KYA, KID, DPA, KYSD, MVI, ICSO, TIC, SILAKA, STAR KAMPUCHEA, HR VIGILANCE, VBNK, WMC, YCC, HRTF, CPN, IDEA, VSG, CCSP, KHARAM, FACT, MILOP BAITONG.

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## Situation Room on Cambodia Election Day 2013

### Joint Statement On the Continuing Observation Election Irregularities in 2013

July 30, 2013

The Situation Room would like to clarify that the election results announced by COMFREL on July 29, 2013 were unofficial result<sup>1</sup>. The Situation Room is continuing to detect irregularities that would have affected the election results in some constituencies in order to ensure voters' rights and integrity in elections.

The Situation Room requests the National Election Committee (NEC) to increase transparency when opening a number of documents and materials during balloting in the following ways:

Provide and Open "Safety Package A" along with providing form 1102, that records election activities and results, in order to verify results at each polling station.

Provide voter lists which voter's name who have already voted (the voter lists as were used in polling stations).

Allow the copying or taking photo of the Identification Certificate for Election's book (ICE) in some provinces.

The Situation Room would like to call for all political party leaders to resolve election issues peacefully and to make their decisions based on evidence and fact.

The situation Room would like to call for citizens and other stakeholders to exercise restraint and to be patient while outstanding issues are resolved.

*For further information please contact:*

- |                    |                               |                |
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| 4. Mr.Hang Puthea  | Executive Director of NICFEC  | Tel: 012959666 |

<sup>1</sup> This represents the vote result, using scientific random sampling, from 1,470 of COMFREL's 19,009 targeted counting stations only, with an error of margin of 0.15%.

COMFREL, ADHOC, NICFEC, YRDP, CCIM, CCHR, CHRAC, NGO FORUM, API, CCC, CDP, CLEC, CPWP, PDP-CENTER, DHRAC, GADC, LWD, CISA, KYA, KID, DPA, KYSD, MVI, ICSSO, TIC, SILAKA, STAR KAMPUCHEA, HR VIGILANCE, VBNK, WMC, YCC, HRTF, CPN, IDEA, VSG, CCSP, KHARAM, FACT, MILOP BAITONG.

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## Situation Room on Cambodia Election Day 2013

### Joint Statement On The National Election Committee must ensure a transparent investigation

Phnom Penh, 08 August 2013

We, the members of the situation room on Cambodia's National Election would like to express our extreme disappointment with the National Election Committee's (NEC) attitude and uncertain working processes in ensuring transparency when conducting its investigation into irregularities during the Election process.

The following documents vital to the investigation must published.

1. The voter lists as used in polling stations on Election Day,
2. Counting notice (form 1102).
3. The copying, or photographing, of the Identity Certificate for Election's book (ICE).

NEC has not made copies of these documents available for inspection.

Members of the situation room on Cambodia's National Election met with an NEC officer on the 1<sup>st</sup> August 2013 and submitted a letter asking for copies of these documents, at which time the NEC responded that it would cooperate and deliver copies. However, the NEC later told the press that they could not allow publication of copies of these documents and cited the need to "protect voter's privacy". Up until now the NEC has not made a clear decision on whether to allow member of the situation room on Cambodia's National Election to view copies of the requested documents.

The situation room has reviewed Election Law and the NEC's regulations and procedures. According to these laws and regulations, in cases of irregularities, any documents along with safety package A or B shall be made available for inspection. The purpose of these laws is to allow for transparency and ensure the integrity of elections.

Members of the situation room are concerned with conflicting election results and reported irregularities that are making the political situation increasingly tense. The NEC, the Cambodian People's Party (CPP) and the Cambodian National Rescue Party (CNRP) have not agreed in forming a single commission to investigate irregularities and to assess the negative effects of election results. Furthermore, the NEC has not taken any action in responding to the demands for an investigation. The NEC aims to resolve all conflicts or complaints according to its own timetable without taking into consideration the severity of the each individual irregularity and there possible effect on election results and the rights of voters.

The NEC must improve its working process and accept the full participation of independent experts in any investigation of irregularities in order to respond to voters' and numerous international organizations' concerns and recommendations in conducting a transparent, fair and objective investigation.

COMFREL, ADHOC, NICFEC, YRDP, CCIM, CCHR, CHRAC, NGO FORUM, API, CCC, CDP, CLEC, CPWP, PDP-CENTER, DHRAC, GADC, LWD, CISA, KYA, KID, DPA, KYSD, MVI, ICSO, TIC, SILAKA, STAR KAMPUCHEA, HR VIGILANCE, VBNK, WMC, YCC, HRTF, CPN, IDEA, VSG, CCSF, KHARAM, FACT, MLOP BAITONG.

The Cambodian People's Party (CPP) and the Cambodian National Rescue Party (CNRP) must continue to work cooperatively and in consultation with the NEC to identify the scope of a joint investigation committee and to resolve political problems amicably.

***For further information, please contact:***

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4. Mr. Hang Puthea	Executive Director of NICFEC	012 95 96 66
5. Mr. Yeng Virak	Executive Director of CLEC	012 80 12 35
6. Mr. Pa Ngoun Teang	Executive Director of CCIM	069 40 99 99
7. Mr. Sam Inn	Executive Director of LWD	012 55 18 86
8. Mr. Yang Kim Eng	Vice-Chairman of CISA	016 82 82 11
9. Mr. Ou Virak	President of CCHR	012 40 40 51

COMFREL, ADHOC, NICFEC, YRDP, CCIM, CCHR, CHRAC, NGO FORUM, API, CCC, CDP, CLEC, CPWP, PDP-CENTER, DHRAC, GADC, LWD, CISA, KYA, KID, DPA, KYSD, MVI, ICSO, TI/C, SILAKA, STAR KAMPUCHEA, HR VIGILANCE, VBNK, WMC, YCC, HRTF, CPN, IDEA, VSG, CCSP, KHARAM, FACT, MLOP BAITONG.

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## Situation Room on Cambodia Election Day 2013

### Statement:

#### Local authorities forced local residents to provide thumb prints as to support the result of the July 28 election

August 20, 2013

We, a group of civil society, non-governmental organizations and members of situation room, are deeply disappointed and strongly condemning the act of local authority in Phnom Penh who have been forcing voters to provide their thumb prints in order to support the preliminary contesting-result of the July 28 election.

According to some voters, they are being threatened by local authorities, forcing them to provide their thumb prints. There are reports of instances that local authorities engaging in such act in some localities such as Sangkat O Reusey, Sangkat Srachoak, Sangkat Pong Teuk, Sangkat Boeung Payab, Sangkat Tuol Svay Prey-1, Sangkat Boeungkeng Kong-2 and Sangkat Chak Angrae Krom.

This act, is a new form of intimidation in the aftermath of the July 28 national election and gravely violating the Cambodia National Constitution, particularly on the rights to freedom of expression of the voters. Moreover, this act has clearly threatened and breached the rights to confidentiality of voters, and this has also intensified tension and potential fear which is currently happening in Cambodia.

We strongly believe that any petition that is conducted in form of intimidation will not meaningfully contribute to trustable result of the election. We also believe that this act is undermining the process of free and fair election process and that only transparent and independent investigation on the allegation of irregularities will bring fair and just for Cambodian.

The Situation Room of association and non-governmental organization calls on the current government to take measure to immediately stop this act and ensure that the rights to freedom of expression of voters are fully protected.

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Mr. Preab Kol	Executive Director of Cambodian Transparency	012877833
Mr. Him Yon	Coordinator of CISA	012947022
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Mr. Naly Piloge	Executive Director of LICADHO	012803650
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Mr. Suon Bunsak	Executive Secretary	092344357

COMFREL, ADHOC, NICFEC, YRDP, CCIM, CCHR, CHRAC, NGO FORUM, API, CCC, CDP, CLEC, CPWP, PDP-CENTER, DHRAC, GADC, LWD, CISA, KYA, KID, DPA, KYSD, MVI, ICSO, TIC, SILAKA, STAR KAMPUCHEA, HR VIGILANCE, VBNK, WMC, YCC, HRTF, CPN, IDEA, VSG, CCSP, KHARAM, FACT, MLOP BAITONG.

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## Situation Room on Cambodia Election Day 2013

### Joint Statement

#### The Assessment on Temporary Election Result

Phnom Penh, August 21, 2013

The situation room of civil society organizations (CSO) has assessed that the temporary election results reflected on the consequences of the large number of election irregularities, especially as regards the number of voters who lost their right to vote and the unfairness of elections. COMFREL, NICFEC and members of Situation Room have found over 11,000 cases of irregularities. Moreover, COMFREL's rapid survey carried out the day following the election of those eligible voters who could not cast their ballot (selected for the survey by the absence of indelible ink on forefingers) revealed that 48 percent of them had in fact gone to the polls but were unable to vote because they could not find polling stations, because they did not have the documents required to voting or because their details wrongly recorded on the voter list. TI and CISA found that 60% of polling stations people had the proper documents but they could not find their name on the voter list.

We also wish to make clear that the election irregularities reported in Kandal, Banteay Meanchey and Siem Reap provinces severely affected the election results in these provinces because the number of votes needed to claim last remaining seat only differs from between a hundred to a thousand votes. Using Kandal as an example, only 168 votes, or 0.3 percent, could sway seat allocations. This is in addition concerns over the irregularities that occurred in Kandal Province, such as the closing of polling station 1204 before the scheduled time in Sa Ang Phnom commune, Sa Ang district. There were also irregularities involving the apparent absence of election result form 1108 at eight polling stations in Takmao commune Takmao district.

We would also like to express our profound disappointment at the government's interference and its mobilization of armed forces during the resolution of election disputes. We are also deeply dissatisfied with the apparent lack of integrity in the resolution of complaints and irregularities, and the lack of a transparency and absence of an independent observing body's presence during investigations into these irregularities.

The Situation Room of CSOs:

- Request the Constitutional Council and National Election Committee (NEC) to reexamine and recount votes for Takmao commune and conduct a revote for polling station 1204. We also Request that the Constitutional Council along with all major political parties resolve election disputes peacefully with a transparent, and independently observed, investigation.
- Request the government withdraw all armed forces from public places so as to avoid the intimidation of Cambodian Citizens with the knowledge in mind that it is the civilian bodies of the NEC and the National Security Commission to maintain security and safety during elections.

COMFREL, ADHOC, NICFEC, YRDP, CCIM, CCHR, CHRAC, NGO FORUM ON CAMBODIA, API, CCC, CDP, CLEC, CPWP, PDP-CENTER, DHRAC, GADC, LWD, CISA, KYA, KID, DPA, KYSD, MVI, ICSO, TI/C, SILAKA, STAR KAMPUCHEA, HR VIGILANCE, VBNK, WMC, YCC, HRTF, CPN, IDEA, VSG, CCSP, KHARAM, FACT, MLOP BAITONG.

- That the courts, with the government, immediately drop charges filed against the youths who were accused of incitement after picking flowers to give to members of the armed forces stationed in public places in what was clearly a gesture of peace.
- Request the government stop intimidating the public through acts such as the false accusations outlined above or by having local authorities coerce people into signing a petition supporting the temporary election results as released by NEC on the 12<sup>th</sup> August and declaring that they will not join in any demonstration by declaring their support for the government in taking any action to maintain the stability of the state.

*For inquiries, please contact:*

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3. Mr. Hang Puthea	Executive Director of NICFEC	012 94 96 66
4. Mr. Yeng Virak	Executive Director of CLEC	012 80 12 35
5. Mr. Pa Ngoun Teang	Executive Director of CCIM	060 40 99 99
6. Mr. Ou Virak	President of CCHR	012 40 40 51
7. Mr. Yang Kim Eng	Vice President of CISA	016 82 82 11
8. Mr. Preap Kol	Executive Director of TI	012 87 78 33
9. Mrs. Thida Khus	Executive Director of SILAKA	012 83 84 64
10. Mr. Sok Pitour	Executive Director of YCC	017 27 33 03
11. Mr. Mak Chamroeun	President of KYA	017 78 89 55
12. Mr. Cheang Sokha	Executive Director of YRDP	012 36 04 64
13. Mr. Ny Chakrya	Monitoring Coordinator of ADHOC	011 27 49 59

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## Situation Room on Cambodia Election Day 2013

### Joint Statement On Civil Society's Recommendations over Electoral Conflict Resolutions

Phnom Penh, September 02, 2013

The Situation Room welcomes the introduction of a process for resolving complaints by the Constitutional Council of Cambodia ("CCC") in ordering the National Election Committee ("NEC") to open safety packages "A".

The Situation Room observed a number of irregularities with safety packages "A" in Kratie, Battambang, and Siem Reap provinces. Primarily, that most of the packages were incorrectly sealed and secondly, that there were differences in the figures recorded on forms 1104, 1108, and 1102. Some Political parties' complaints were rejected by the NEC and the CCC and there has been a lack of transparency in the decisions by these bodies of which safety packages should be examined. Only results in smaller polling stations have been examined when there were complaints of irregularities relating to hundreds of stations, including many larger stations. Furthermore, the CCC's decision not only to dismiss complaints concerning the preliminary election results in Kratie province but also to punish the eight station officials who were careless in not sealing the safety packages properly, has resulted in a lack of confidence in the mechanisms and processes of irregularity resolution.

After the elections the two main political parties agreed to form a joint investigating committee to investigate irregularities of the electoral process, this was followed by mutual statements from the leaders of these political parties promising continued negotiation. However, the goals of negotiation were not achieved, causing conflict over the election to become more complicated and tense than before, which could provoke serious chaos in the future. The Situation Room of CSOs request that the two political parties send a senior delegation, for instance a high level meeting to discuss setting up a joint committee to investigate irregularities which could affect the election results, and plan for reforms in the future.

The Situation Room of CSOs, whose principles are transparency, fairness and non-violence, would propose the joint investigating committee consists of the following representatives:

- Cambodian People's Party ("CPP")
- Cambodia National Rescue Party ("CNRP")
- United Nations and International Organizations as an observer and to contribute technical support
- Civil organizations as technical investigators to provide findings and recommendations
- NEC as coordinator of the meeting and to provide information and relevant necessary documents for the investigation.

*Note: CNRP and CPP would rotate chairmanship of the committee, decide the areas of the investigation, and pass all findings onto the NEC.*

COMFREL, ADHOC, NICFEC, YRDP, CCIM, CCHR, CHRAC, NGO FORUM ON CAMBODIA, API, CCC, CDP, CLEC, CPWP, PDP-CENTER, DHRAC, GADC, LWD, CISA, KYA, KID, DPA, KYSD, MVI, ICSO, TI/C, SILAKA, STAR KAMPUCHEA, HR VIGILANCE, VBANK, WMC, YCC, HRTF, CPN, IDEA, VSG, CCSP, KHARAM, FACT, MLOP BAITONG.

The consequences of election irregularities should be investigated as a matter of urgency, especially over the irregularities which could lead to a re-election or re-count in some polling stations in Kandal and Siem Reap province. The two political parties could have more discussion in some provinces such as Kompong Cham, Battambang, Phnom Penh, Siem Reap, Kandal, Kratie, and Prey Veng. They could focus on the election result verification by comparing a sample of random election results and irregularities from 1102 and 1108 forms in safety packages “A” with the election result 1104 forms.

The Situation Room believes that this solution is the best way to avoid political deadlock and prevent social chaos in the future.

The Situation Room requests that the leaders of the two political parties be patient and minimize provocative rhetoric that heightens tensions and that the government withdraw deployed armed forces to reduce feelings of intimidation amongst the public.

*For inquiries, please contact:*

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4. Mr. Sok Sam Oeun	CHRAC Chairman	012 90 11 99
5. Mr. Hang Puthea	Executive Director of NICFEC	012 94 96 66
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9. Mr. Pa Ngoun Teang	Executive Director of CCIM	060 40 99 99
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11. Mr. Yang Kim Eng	Vice President of CISA	016 82 82 11
12. Mr. Preap Kol	Executive Director of TI	012 87 78 33
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17. Mr. Soun Bunsak	Secretariat of CHRAC	012 34 43 57
18. Mr. Kean Ponlork	Vice President of DHRAC	012 55 14 66
19. Mr. Sam Inn	Executive Director of LWD	012 94 70 22
20. Mr. Him Yun	Coordinator of CISA	012 94 70 22
21. Mr. Koul Pahna	Executive Director of COMFREL	012 94 20 17

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## Situation Room on Cambodia Election Day 2013

### Joint Statement On An Evaluation of the Whole Process of the National Election 2013 “Need for Integrity and Justice in the Election”

Phnom Penh, September 06, 2013

The Situation Room coalition of CSOs has evaluated the process and the administration of the whole National Assembly Elections for the 5<sup>th</sup> Mandate (“the Elections”), pre, during and post-Election period, as “Not Yet Free and Not Yet Fair” regardless, as compared to previous elections, of a decrease of serious violence, the absence of killings of political activists or politicians and the active participation of youths in the electoral campaigns.

Fairness and integrity in the Election has decreased. Previous elections organized by the National Election Committee (“NEC”) were deemed to be below the international standards of free and fair elections but in this Election key problems had not been properly addressed and affected the process and administration of the Election; these problems included:

- a. Absence of equal access to and use of media, specifically television and radio, with excessive airtime in favor of the ruling party than other political parties.
- b. The election environment lack of impartiality and the interference of government, local authorities, military armed forces, police and judicial officers who conducted electoral campaigns to support the ruling party and also activities which disturbed and sometimes prevented the campaigns of other parties.
- c. Duplicate names of more than three hundred thousand on the voter list and the issuance of more than one million Identification Certificates for Election (“ICE”). This was coupled with irregularities concerning the indelible inks used which could easily be washed off and therefore failed to ensure people could only cast one vote.
- d. Missing names on the voter’s list where names had been changed, misspelled, used by someone else or deleted. Many eligible voters lost their right to vote despite their willingness to vote and attendance at polling stations. These disenfranchised voters constituted 48% of all those who could not vote on the day.<sup>1</sup>
- e. More than ten thousand cases of irregularities on the Election Day including transporting voters from one province to vote in another one.<sup>2</sup>
- f. The leader of the opposition party, Mr. Sam Rainsy, was deprived of the right to stand as a parliamentary candidate.
- g. There are partiality and lack of independence of the election organizing institutions and election dispute resolutions (NEC and the Constitutional Council of Cambodia (“CCC”)) with lack of transparency and a lack of justice in fulfilling their duties and roles. These institutions had ignored implementing recommendations on electoral reform prior to the Election and rejected almost all, of at least 700, complaints made by political parties in the opposition after the Election.

<sup>1</sup>COMFREL’s survey after the Election Day

<sup>2</sup>Survey of LICADHO, ADHOC, NICFEC and VOD/CCIM

COMFREL, ADHOC, NICFEC, YRDP, CCIM, CCHR, CHRAC, NGO FORUM ON CAMBODIA, API, CCC, CDP, CLEC, CPWP, PDP-CENTER, DHRAC, GADC, LWI, CISA, KYA, KID, DPA, KYSD, MVI, ICSO, TIC, SILAKA, STAR KAMPUCHEA, HR VIGILANCE, VBANK, WMC, YCC, HRTF, CPN, IDEA, VSG, CCSP, KHARAM, FACT, MLOP BAITONG.

- h. Misuse of State resources and the unfair use of public places by the ruling party, to the exclusion of other parties.
- i. Incidences of vote buying by the ruling party were found: During the electoral campaign there was also a significant gap in spending between the ruling party and the contesting ones.

Throughout the entire Election period there has been an environment of intimidation with threats made to voters and political party activists. Government authorities and media supporting the ruling party repeatedly warned of the possibility of having war or the military seizing power if there would be a change of government, and, in reality, there was a very real mobilization of armed forces and visible prevalence of weapons during the Election dispute resolution period. The environment of intimidation, the threats made the lack of fairness and integrity of the process and administration of the Election affected the results of the Election by giving the ruling party an unfair advantage; the Election results do not fully reflect the will of the voters.

Laws, procedures and mechanisms related to elections should be developed, improved or revised as it is essential that reform is undertaken before the next elections; such reforms should include the following:

1. Reforming the NEC and CCC at all levels including revising membership, structure, roles and duties with the agreement of the political parties who won seats in this parliament.
2. Improving media with principles of equal and neutral access for all, specifically focusing on television and radio.
3. Reforming the mechanism of election conflict resolution including the effective mechanism of irregularity investigation.
4. Enacting a law on political party financing to limit political party expenditure during electoral campaigns.
5. Changing the voter registration system and making a new voter list which clearly determines voter's identities and certification for election.
6. Reinforcing effectively the law on the impartiality of civil servants and the royal armed forces.
7. Enacting a law and/or making a policy on quotas of female elected officials to ensure greater female representation, and therefore better reflection of Cambodian society, at decision-making levels.

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3. Mrs. Ros Sopheap	Executive Director of GADC	012 62 78 57
4. Mr. Sok Sam Oeun	CHRAC Chairman	012 90 11 99
5. Mr. Hang Puthea	Executive Director of NICFEC	012 94 96 66
6. Mrs. Naly Pilorge	Executive Director of LICADHO	012 80 36 50
7. Mr. Yeng Vireak	Executive Director of CLEC	012 80 12 35
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9. Mr. Pa Ngoun Teang	Executive Director of CCIM	060 40 99 99
10. Mr. Ou Virak	President of CCHR	012 40 40 51
11. Mr. Yang Kim Eng	Vice President of CISA	016 82 82 11
12. Mr. Preap Kol	Executive Director of TI	012 87 78 33
13. Mr. Mak Chamroeun	President of KYA	017 78 89 55
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16. Mr. Soeung Saroeun	Executive Director of CCC	016 90 05 03
17. Mr. Soun Bunsak	Secretariat of CHRAC	012 34 43 57
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19. Mr. Sam Inn	Executive Director of LWD	012 94 70 22
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COMFREL, ADHOC, NICFEC, YRDP, CCIM, CCHR, CHRAC, NGO FORUM ON CAMBODIA, API, CCC, CDF, CLEC, CPWP, PDP-CENTER, DHRAC, GADC, LWD, CISA, KYA, KID, DPA, KYSD, MVI, ICSO, TI/C, SILAKA, STAR KAMPUCHEA, HR VIGILANCE, VBNK, WMC, YCC, HRTF, CPN, IDEA, VSG, CCSP, KHARAM, FACT, MLOP BAITONG.

# បន្ទប់ស្ថានការណ៍ ថ្ងៃចោះឆ្នោត ឆ្នាំ២០១៣

## Situation Room on Cambodia Election Day 2013

### Urgent Appeals For summit of political leaders to solve election dispute

Phnom Penh, September 07, 2013

Having seen that the election administration (NEC) and dispute resolution Institutions (Constitutional Council) failed to address the election complaints properly and satisfactorily, the Situation Room believes that only political solution can lead to solve these election irregularities and disputes.

Therefore we strongly urge for an urgent summit of leaders of the two political parties (CPP and CNRP) to solve the above mentioned problems.

The fact that the Cambodia National Rescue Party has requested for the summit of leaders of the two political parties several times thus the Cambodian People Party should provide positive response soonest. The situation room is very concerned that the failure to solve the problem in a peaceful manner may lead to social turmoil and then political, economic and social crisis that seriously affect livelihood of the people, social development, reputation and dignity of the nation.

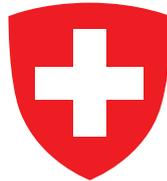
The summit of the leaders of the two political parties and peaceful and successful solution responding to the desire of the people will set a good historical role model for the next generation of Cambodia.

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