

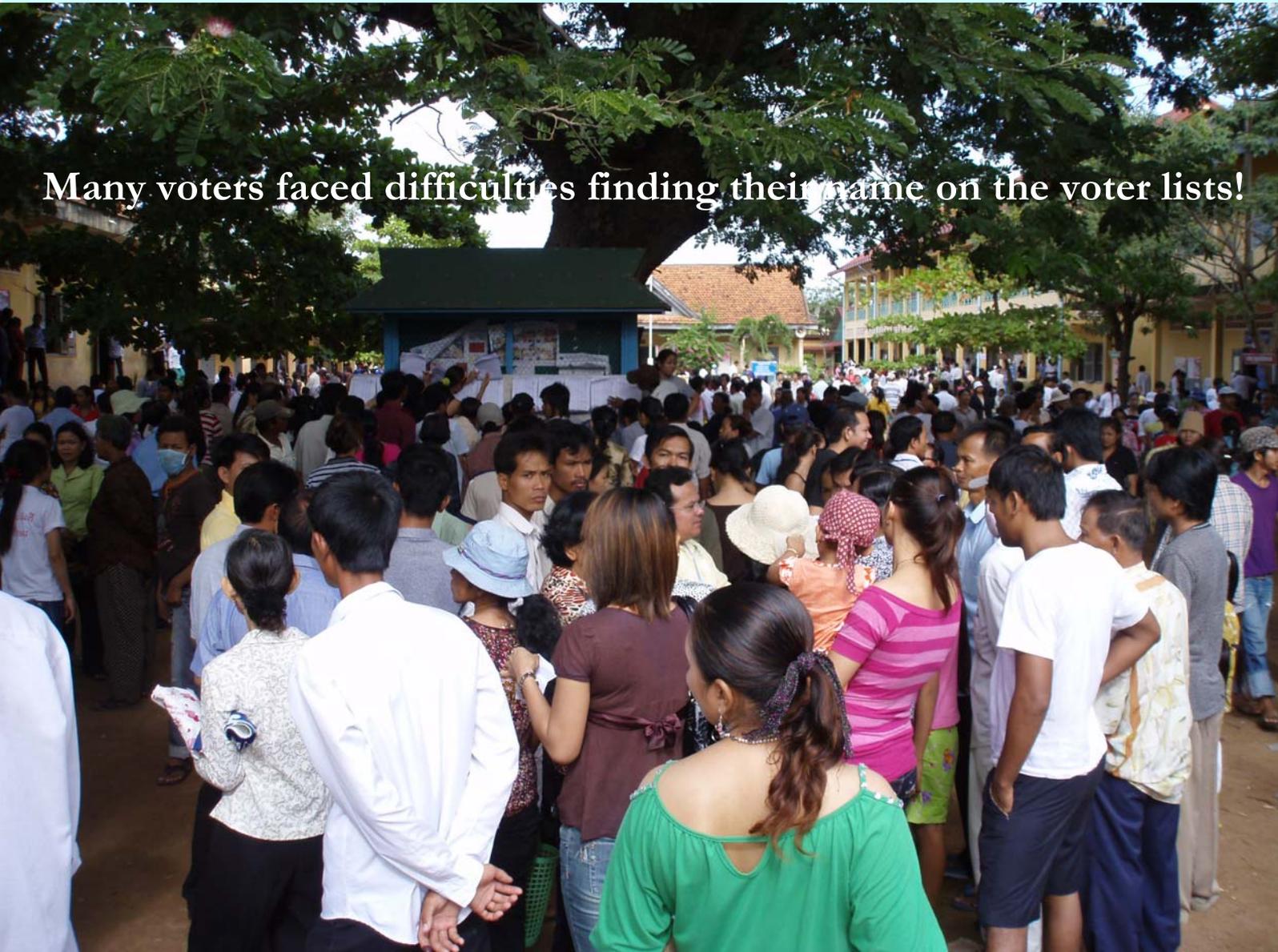


គុំម្យុំល COMFREL

The Committee for Free and Fair Elections in Cambodia

2008 National Assembly Elections

Many voters faced difficulties finding their name on the voter lists!



Final Assessment and Report

Final Assessment and Report on the 2008 National Assembly Elections

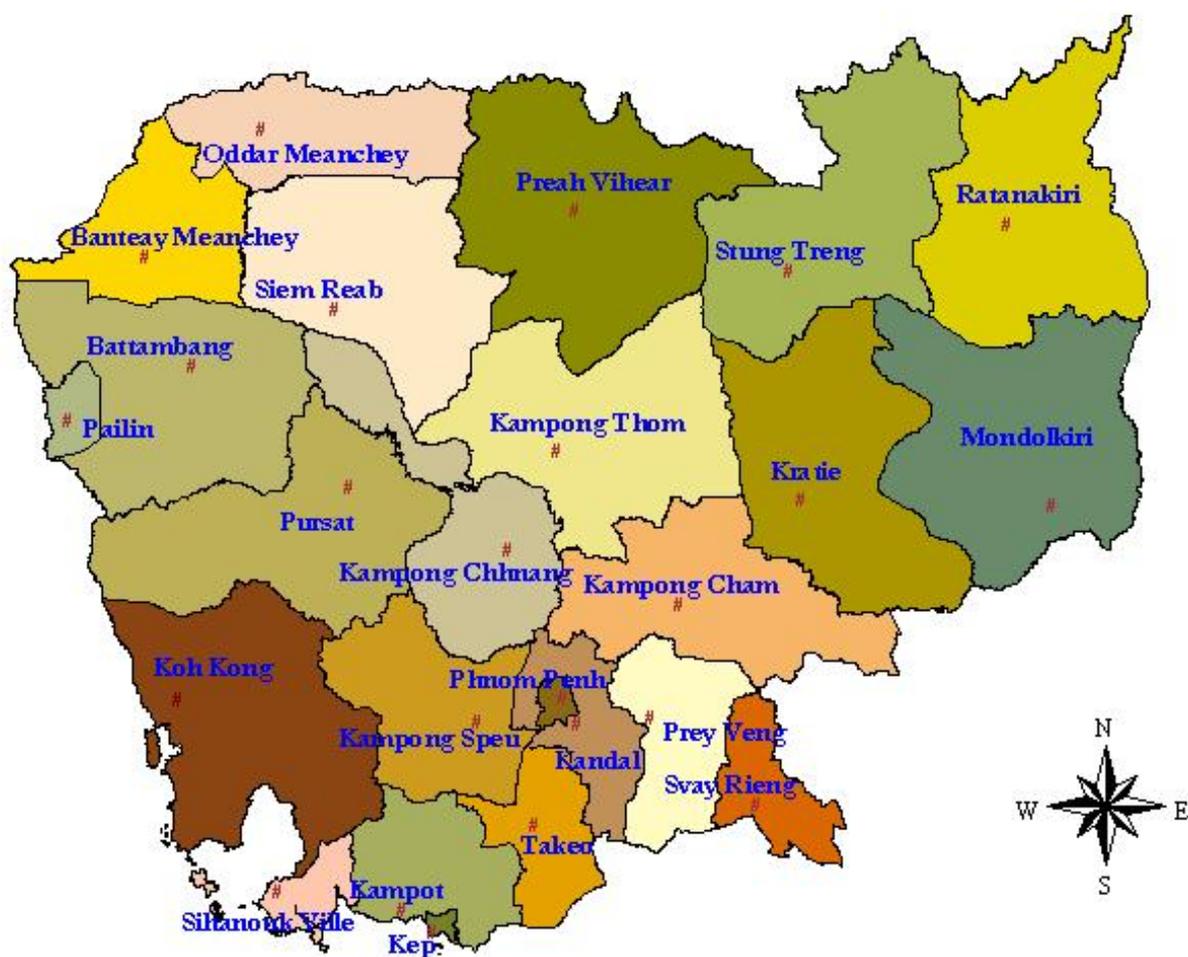


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Acronyms

ADHOC	Cambodian Human Rights and Development Association
AHRC	Asian Human Rights Commission
ANFREL	Asian Network for Free Elections
API	Advocacy and Policy Institution
ASEAN	Association of Southeast Asian Nations
CAS	Center for Advanced Study
CDP	Cambodian Defenders Project
CEC	Commune Election Commission
CHRAC	Cambodian Human Rights Action Committee
CLEC	Community Legal Education Center
CMAC	Cambodian Mine Action Centre
COMFREL	Committee for Free and Fair Elections in Cambodia
COPCEL	Conflict Prevention in Cambodian Elections
CPWP	Committee to Promote Women in Politics
CRFD	Community of Rural Friend for Development
CSD	Center for Social Development
CSO	Civil Society Organization
CTN	Cambodian Television Network
DPA	Development and Partnership in Action
EU	European Union
EU EOM	European Union Election Observation Mission
FBI	Federal Bureau of Investigation
H.E	His/Her Excellency
KDWCDF	Khmer Disable Women & Child Development Forum
KKKHRO	Khmer Kampuchea Krom Human Rights Organization
KYA	Khmer Youth Association
KYSD	Khmer Youth for Social Development
LAC	Legal Aid of Cambodia
LEMNA	Law on the Elections of Members of the NA
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
MoI	Ministry of Interior
MoInfo	Ministry of Information
MP	Member of Parliament
N/A	Not Available
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
NPA	Norwegian People's Aid
OHCHR	Office of the UN High Commissioner for Human Rights
PDP Center	People Development and Peace Center
PEC	Provincial Election Commission
PEFOCJ	People's Forum on Cambodian-Japan
PSE	Pour un Sourire d'Enfant
PVT	Parallel Voter Tabulation
RCAF	Royal Cambodian Armed Forces

RFA	Radio Free Asia
RFI	Radio France International
RGC	Royal Government of Cambodia
SBO	Sample-based Observation
TAF	The Asia Foundation
TVK	Television (National) Kampuchea
UN	United Nations
UNDP	UN Development Program
UNTAC	UN Transitional Authority in Cambodia
US	United States
USAID	US Agency for International Development
VIN	Voter Information Notice
VOA	Voice of America
YRDP	Youth Resources Development Program

Political parties

CPP	Cambodian People's Party
FUNCINPEC or FCP	National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia
HDDMP	Hang Dara Democratic Movement Party
HRP	Human Rights Party
KAPP	Khmer Anti-Poverty Party
KDP	Khmer Democratic Party
KRP	Khmer Republican Party
LDP	League for Democracy Party
NRP	Norodom Ranariddh Party
SJP	Social Justice Party
SRP	Sam Rainsy Party
UPCP	United People of Cambodia Party

Note:

- 1993, 1998, 2003 and 2008 : National Assembly Elections
- 2002 and 2007 : Commune Council Elections

*COMFREL's mission is to help to create an informed and favorable democratic climate (1) **for free and fair elections** through lobbying and advocacy to establish a permanent and suitable legal framework; education to inform citizens of their rights; and monitoring activities that both discourage irregularities and provide comprehensive data to enable an objective, non-partisan assessment to be made of the election process, and (2) for the general public to **fully understand democratic processes not just before elections but after and between them. It arranges, towards this end,** educational sessions and public forums to encourage citizens to participate in politics and decision making. It encourages constructive advocacy and lobbying for electoral reforms that increase the accountability of elected officials. Finally, by providing comprehensive observation and monitoring it enables objective, non-partisan assessments to be made on the progress of commitment made in political platforms and on the performance of elected officials.*

The findings, opinions and views expressed here are COMFREL's own and do not necessarily reflect the views of partners and donors.

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 2008 National Assembly elections includes findings, analysis, overall assessment and recommendations, as a compilation of COMFREL's reports and 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 NGOs¹ staff who served as volunteers during the 2008 election period and made COMFREL's comprehensive election mission possible. Their work included long- and short-term observation, voter registration monitoring, parallel voter tabulation/quick count and complaints observation. COMFREL fielded more than 10,000 local observers, covering more than 60% of all polling and vote counting stations in the 2008 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), Japanese Embassy/KUSANONE Fund, Trocaire/Ireland, the German Embassy, the British Embassy, the Danish Embassy/Danida (Danish Agency for International Development), the UN Development Program (UNDP)-Cambodia and the US Agency for International Development (USAID) through the National Democratic Institute (NDI), and acknowledge the effective cooperation of the Asian Network for Free Elections (ANFREL), the People's Forum on Cambodia, Japan (PEFOC,J), EU Election Observation Mission and other international observers.

Special acknowledgement goes to our election core team on this report, made up of the following members: Mr. Mar Sophal, Mr. Kim Chhorn, Mr. Koy Chandarith, Ms. Sonket Sereyleak, Ms. Mao Phally, Ms. Sieng Dahlia, Mr. Korn Savang, Mr. Sok Pitour, Mr. Kaing Sovannaren, Mr. Soy Sochamroeun, Ms. Moeun Sokmuny, Ms. Ros Sinak, Mr. Un Samnang, Mr. Dav Ansan, Mr. Blang Boeurth, Ms. Heng Sokunthea, Mr. Lay Dyna, Mr. Sin Tithseiha, Mr. Taing Sokha, Ms. Heang Thunny and Mr. Jeroen de Zeeuw, all under the supervision of Mr. Koul Panha, Executive Director and Mr. John Lowrie who provided comments. Special thanks and grateful acknowledgement to Ms. Roo Griffiths, who supplied essential assistance, including writing and editing this report.

Thun Saray

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

¹ DPA, CLEC, NGO Forum, PDP Center, KYA, ADHOC, CDP, SILAKA, KKKHRO, Equal Access, PSE, Disable for Self Help Group, LAC, CRFD, KDWCDF, KYSD, YRDP, Mlup Baitong, LaPasserelle, Star Kampuchea, API, TAF, NPA, Forum Syd, and others.

1. Introduction

Cambodia has made significant gains after three National Assembly (NA) (1993, 1998 and 2003) and two commune council (2002 and 2007) elections, which offers hope for the future of democracy, despite many difficulties and the continued problems of political killings, intimidation, threats, vote buying and unequal media access. The 2008 elections were an important step in creating democratic space and strengthening democratic governance, although it is widely recognized that further efforts are needed to expand opportunities for citizens' participation in and engagement with electoral processes. Much depended on the quality of this election process, as to whether it was largely judged by voters (about 8.1 million) as meeting internationally acceptable standards, whereby citizens could make fully informed choices in electing parties and candidates of their choice.

Crucial as ever to both types of election is the further strengthening of the democratic election process. The 2008 NA elections were critical to the development of democracy in Cambodia, as well as democratic governance, especially socioeconomic development. Therefore, key problems prevalent in Cambodian elections must be addressed:

- Partisanship of election administration officials at all levels;
- Successive failures to enforce proper electoral standards, which has emboldened hard-line party activists to use coercive tactics over voters;
- Undue restrictions on efforts to inform all voters of their rights to full, free and active participation in election processes;
- Serious disparities in media access before and during the election campaign;
- Lack of gender equity in representation;
- Lack of will to acknowledge and resolve election violations expeditiously and justly; and
- Potential voters not voting (went to the polling station but faced obstruction).

The experience of the Committee for Free and Fair Elections in Cambodia (COMFREL) has shown that, despite these formidable problems, systematic and comprehensive monitoring does contribute to the improvement of the election environment and its administration. Quality monitoring is needed to cover not only polling and counting day, but also the whole election process, starting months in advance of actual voting. This sustained monitoring is an important tool for deterring violations, reducing irregularities and enhancing confidence among voters, thus ameliorating the prevailing pattern of pre-election intimidation. These elections are in many respects more meaningful for the emerging democratic process, as they have great potential to provide new opportunities for participation, especially for the poor, women and youth, who make up the majority of voters.

COMFREL's monitoring has strategically comprehensive coverage by fully trained electoral observers, targeting 15 large provinces and municipalities, supported by an effective network and communications structure, operating from local to national level. This provides accurate and timely reports, so that COMFREL is able to offer authoritative assessment of the overall situation, the election climate and election administration. COMFREL has reinforced capacity building of its local observers by deploying trained long- and short-term Election Day domestic observers to minimize electoral fraud and manipulation and to expose such issues should they occur, at all stages: from the pre- to the post-election phase (including looking at the legal framework and the performance of electoral authorities). The following activities took place for

this election: training and deployment of 270 long-term observers; training and deployment of 10,000 long- and short-term observers; training and deployment of 1,319 parallel vote tabulation/quick count staff/volunteers; and monitoring of media and monitoring of women's and youth participation in elections.

An important role for COMFREL's monitoring is to provide an objective assessment of the process, based on data and information collected by local observers. The findings of the assessment are available to all readers, including partners, the National Election Committee (NEC), the government, donors, political parties, non-governmental organization (NGO) actors and other relevant stakeholders. This report may also be of use to the government, legislators, donors and political parties in terms of information provided on improvement of the legal framework. Research institutes and organizations may like to use the findings of this assessment as a case study or as reference for their own research. Findings may also be useful in future strategic planning on elections for various actors.

2. Summary of Principal Findings

2.1 COMFREL's principal findings

The following is a summary of COMFREL's conclusions on the fourth mandate NA elections of 2008, with regard to the key areas under observation, and in comparison with the 2003 NA elections, where possible.

Security environment

The number of cases of violence, intimidation and threats has **reduced** compared with previous National Assembly elections but remains sufficiently **high to create a general environment of fear**, which can be serious in localities with worst incidents. There were 58 cases of murder and threats/intimidation (23 cases of murder relating to political parties). There was **1 serious case** with political connections: the murder of journalist Mr. Khim Sambo and his son during the election campaign period.

Neutrality of state administration and use of state resources

In comparison with the 2003 elections, there was an **increase** in the number of civil servants, state authorities and armed forces personnel showing **active participation** in support of the campaign and networks strengthening the Cambodian People's Party (CPP). There were hundreds of cases of civil servants and members of the armed forces, ranking from office directors to general directors of government institutions, being involved in campaign activities and strengthening local CPP offices. It is necessary here to point out all 24 Provincial Governors are members of or loyal to the ruling coalition; 98% of the 1,621 Commune Councils Chiefs are CPP (i.e., all but 30), and these councils in turn re-appointed or appointed the 13,755 village chiefs.²



Many vehicles were used without license plates in campaigning for the CPP. Some had their license plates covered by party stickers; these were suspected to be state cars; some had state plates. (1st and 2nd photos by ANFREL observers; 3rd photo sent by Chanthy Sun)

Voter registration/ voter lists/ distribution of voter information notice and Form 1018

An **increased** number of voters faced obstructions and complicated procedures during registration, voter list clean-up and the polling period. There was an increase in the number of irregularities regarding the issuing of Form 1018. (See an example of a suspect Form 1018 in Annex 5 on page 95)

² Please see COMFREL's Report on the 2007 Cambodian Commune Elections – <http://www.comfrel.org/images/others/1189824168COMFREL%20CCE%20Final%20Report%20New.pdf>.



Voters who could not find their name on the list show their registration receipts to a COMFREL observer in Boeung Tompun, Phnom Penh



Many voters cannot find their name on the list at polling stations in Boeung Tompun, Phnom Penh

Candidate registration

Candidate registration did not occur in 2003, so no point of comparison is possible with previous elections. However, in 2008, there were questions regarding the legality of the NEC versus commune councilors in terms of candidate registration. Rejection of commune/sangkat chief's decisions or confirmation notices occurred, despite the fact that candidates had received confirmation notices from their commune/sangkat councils. The NEC claimed the right to give extra confirmation or to directly reject the commune/sangkat chief's decision or confirmation notice: on the candidate lists, 99 candidates were rejected (equal to 4%) from among 2,478 candidates. The NEC decided to eliminate the United People of Cambodia Party (UPCP) from the official list for the elections.

Access to media

There was a relative improvement in media access. However, in the pre-election campaign period, the non-ruling opposition parties (the Sam Rainsy Party – SRP, the Human Rights Party – HRP and the Norodom Ranariddh Party – NRP) had access to few radio stations. During the election campaign period, they had access to state media and non-profit radio stations (Voice of America – VOA, Radio Free Asia – RFA, Radio France International – RFI, Women Media Centre FM 102 MHz). However, at least 39 TV and radio stations were **biased towards only the CPP**. The CPP dominated the media during the election campaign period. Certain stations did not use professional journalism standards and media codes of conduct, mainly focusing on attacking opposition parties and talking about the defection of other political parties' members and activists to the CPP, without giving the other parties the chance to clarify the situation from their point of view. Mr. Dam Sith, Moneaksekar Khmer Newspaper's Editor-in-Chief, was arrested by order of the Phnom Penh Municipal Court, which issued an arrest warrant on June 8, 2008 regarding allegations of defamation and disinformation. Angkor Ratha radio (FM 105.25 MHz) in Kratie province, was shut down on May 29, 2008 because it had sold its airtime to political parties and civil society organizations (CSOs) without obtaining permission from the Ministry of Information (MoInfo). Withholding such important information which could have a bearing on people's deliberations is unacceptable, particularly where the government has media praising itself for "achievements", hiding a key failure.

Election campaign period

There were outwardly **more active political party campaign activities**, owing largely to CPP notably well-resourced and active everywhere and 5 major competing parties this time, not just 3 as in 2003. There was **better access to media** for major political parties (state media and some private radio). The number of complaints rejected and cases of vote buying **decreased**.

However, compared with the period before the election campaigning, there was still obstruction of access to public places and there was a growing sense of insecurity and a number of cases of irregularity, ranging from threats to assassinate political party activists and the murder of a SRP-affiliated journalist, to the deployment of Cambodian and Thai military troops to areas around the Preah Vihear Temple.

Polling and counting process

There was a **decrease** in the number of irregularities regarding technical administration and complaints inside the polling and counting stations (around 2,000 cases), as compared with the 2003 NA elections. In addition, a ballot paper was available for **blind voters**. However, there were more serious irregularities affecting people's voting rights, mainly obstacles faced by voters at polling stations. There was a lack of transparency of commune/sangkat and provincial election commission (CEC and PEC) verification and consolidation of election results.



A cover of ballot paper for blind voter

Election complaints

There was a **reduction** in the number of rejections of complaints regarding the election process, in particular during the election campaign period. 45% of complaints (a total of 200) were still rejected (in the 2003 elections, 80% of complaints were rejected). However, the receipt and resolution of election complaints still face constraints. NEC officials still use the excuse of “not enough evidence” to reject election complaints. The NEC still does not have in place a professional and legitimate investigation mechanism for further inquiry with concerned parties and the collection of evidence prior to the start of a hearing.

Electoral authority performance

Technical election administration/performance generally compiled with the electoral calendar, as well as with some duties and tasks outlined in Article 16 of the Law on Election of Members of the National Assembly (LEMNA). However, there was still a **lack** of accountability and political commitment to ensure fair elections regarding rights of eligible voters, complaints, access to media, the issuing of Form 1018, distribution of voter information notices (VINs), commune authority and campaign financing.

Electoral legal frameworks and regulations

The NEC was **open** to political parties and NGOs providing recommendations on its draft election Regulations and Procedures. However, legislators and the NEC **did not improve** crucial legal frameworks in relation to the electoral system, mechanisms, procedures and regulations related to the following points: the electoral system; the election complaint mechanism; campaign finance; gender quotas for electoral representatives; equal/equitable access to media; and voter registration/lists.

Citizens' participation

There was **increased knowledge and understanding of voter rights and responsibilities** and democracy although this **did not eliminate or reduce fear** for many citizens; for some potential candidates; in some localities; and at certain stages in the electoral cycle. The number of voters participating has increased, owing largely to the increase in population, but the turnout or the percentage of voters has markedly declined from 83% in 2003 to 75% this time. This is a worrying sign, needing more investigation to establish the extent to which it owes to voter apathy, a sense that the outcome was inevitable or that various deterrents and impediments played a large part. An increased number of voters faced obstruction and complicated procedures

during registration and voter list clean-up and during the polling period. At polling stations, voters do understand how to mark the ballot, and invalid ballots were at less than 1.5%.

Women

Women remain seriously under-represented in the new NA, with the number standing at 20 members, or just 16%, far short of parity or equity.

Cambodia's electoral system

The party-based system (with just 24 mainly multi-member province-wide constituencies) is not conducive to pluralism and to the basic democratic concept whereby distinct communities can hold to account individual representatives elected to serve them. The system is inherently biased towards the largest parties – a proportional representation system would bring about a fairer outcome. CPP ‘won’ under the current system **58%** of the popular vote, yet has **73%** of the seats.

2.2 What others say

COMFREL works very closely with other election monitoring organizations in Cambodia and the region, and keeps in touch with the international community. **COMFREL also seeks to ensure that it obtains and takes full account of both pro- and anti-government voices.** It is inevitable, given its mission and drive for professionalism, that the findings will tend to favor opposition, but if ever there is a transfer of power from the CPP, COMFREL fully expects that the same tendency will continue against the incumbent party of power, whichever party it is.

Most observers comment similarly to COMFREL but, for balance, the statement of the CPP and those of opposition parties (the SRP and the HRP) on the elections are included here.

Cambodian People's Party (CPP)

“The general elections of the fourth legislature of the National Assembly on July 27, 2008 took place successfully in a free and fair manner.

This is another new great success in the Kingdom of Cambodia gained in the process of promoting democracy and the strengthening of foundation for the national construction, development and defense. The Cambodian people have practiced, with high responsibilities, their rights and obligation as citizen of the nation by their active participation at each of the voting stations throughout the country ready to vote for their favorite representatives.

The Cambodian People's Party declares solemnly accepting the result of the elections organized by the National Election Committee which were announced officially on 9th August 2008. The result represents the real willingness of the people. In the meantime, all parties participated in the elections should also accept the result of the elections with a positions as a democratic person with high respect to the supreme national interests.

The Cambodian People's Party respects and highly evaluates the effective efforts made by the National Election Committee and its respective committees at different levels who have been working to overcome all difficulties in the leading and management of the election process to ensure a smooth and within the timeframe of the set calendar of events whilst adhering to the positions of independent, neutral, impartial and transparent on the basis of strict obedience to laws, orders and rules of procedures for election and codes of conduct for election officials. Meanwhile, the Party wishes to highly evaluate the Royal Government, the local authorities at all

levels, the security keeping force for having made utmost efforts in assisting the elections process from its initial days to meet with a complete stability, peace and security of the whole process.”

(Statement, August 9, 2008.)

Sam Rainsy Party/ Human Rights Party (SRP/HRP)

The SRP and the HRP issued a joint statement on July 28, 2008 that rejected the results of the NA elections. They said that the elections had been manipulated and rigged by the ruling CPP. The main illegal and fraudulent practices were related to deletion of countless legitimate voters' names and artificial increases in the CPP votes associated with Form 1018, issued by CPP-controlled authorities to illegitimate voters to cast their ballots for the CPP. They called on the public to condemn the tricks and maneuvers of the NEC, which was only a tool for the CPP to organize a sham election and present a façade of democracy.

(Statement, July, 28, 2008.)

European Union Election Observation Mission (EU EOM)

“Cambodian elections 2008 fell short of key international standards but show some progress. The 2008 National Assembly election took place in an atmosphere which was an improvement on previous elections, with less violence and fewer complaints. However, the election has fallen short of a number of key international standards for democratic elections. The campaign was dominated by the ruling Cambodian People’s Party (CPP). The CPP made consistent use of state resources and there was a pattern of defections of large numbers of opposition political leaders and key activists to its ranks. The distribution of money and gifts by candidates and party officials was widely reported. The National Election Committee (NEC) proved its ability to organize technically good elections with the planning and execution of the recruitment and training of election administration staff and other important electoral activities being timely and well conducted. Despite improvements in transparency, there was a lack of confidence in the impartiality of the NEC among election stakeholders.

“The Cambodian people are to be congratulated for the peaceful and orderly way in which they turned out to vote on 27 July. This was a clear demonstration of the genuine commitment of the Cambodian people to democracy,” said Martin Callahan, Chief Observer of the EU EOM. “It is disappointing that this commitment was not reflected in the overall electoral process, which fell short of a number of key international standards.”

On Election Day, EU observers found that polling and counting were generally well administered. The widespread presence of political party agents and domestic observers was a positive factor, contributing to transparency and confidence in the voting process.

The CPP dominated media coverage of the elections to a degree which was not consistent with international standards on free and equal access to the media. Nevertheless, all opposition parties received access to state television TVK and state radio RNK according to election regulations, as well as time on a small number of private radio stations.

The EU EOM has been present in Cambodia since 13 June 2008 following an invitation from the Royal Government of the Kingdom of Cambodia. The EU EOM is led by Martin Callanan, Member of the European Parliament. The EU EOM deployed 130 observers from 25 EU Member States and Norway. The observers were deployed throughout Cambodia to observe and assess the electoral process in accordance with international standards for elections. The EU EOM was joined by a seven member delegation from the European Parliament, led by Glyn

Ford, Member of the European Parliament, which endorses this preliminary statement. On Election Day, observers visited 719 polling stations in the 20 Provinces and 4 Municipalities of Cambodia to observe voting, counting and the consolidation of results. The EU EOM will remain in country to observe post-election developments. This statement is preliminary; a final report including recommendations for future elections will be published in October 2008. The EU EOM is independent in its findings and conclusions.” (Preliminary Statement, July 29, 2008.)

Asian Network for Free Elections (ANFREL)

“The Fourth Cambodian National Assembly election since 1993 was conducted in a relatively peaceful and calm atmosphere. However, though the election process showed improvements in many areas compared to previous polls and might be considered free, it cannot be regarded as fair.

The main political parties competing in the election were the ruling Cambodian People’s Party (CPP), FUNCINPEC Party, government opposition SRP, the newly established Norodom Ranariddh Party (NRP) and the HRP.

The general pre-election environment was peaceful in most areas. Those reports of fighting that were received related mostly to clashes between supporters of the CPP and opposition parties. Political parties were able to campaign relatively freely, though the lack of campaign finance regulations created an unfair environment that clearly favored the ruling political party. Interviews with voters, local stakeholders and media reports revealed that vote buying was still used prevalently. Other irregularities observed during campaigning included politically aligned media, particularly the state media to promote the ruling CPP, and the involvement of children in campaigning by both the CPP and SRP.

Election administrators showed good knowledge of electoral procedures and carried out their duties transparently and in a timely manner. However, the National Election Committee (NEC) was not perceived as impartial by majority of electoral stakeholders.

Most voters, including new voters, were enthusiastic to vote. There is a strong civic spirit amongst Cambodians, who feel it is their duty as Cambodian citizens to vote. They demonstrated a sound understanding of the purpose, process and procedures of the election, though were not informed about some newly adopted practices. Most interviewed voters felt that the election was less violent than that in 2003, although most also did not believe that the election would be entirely fair.

Polling on Election Day was a success in all observed provinces except the capital, Phnom Penh. Fewer violent cases were recorded compared to previous elections.”

(ANFREL’s mission to observe elections to Cambodia’s National Assembly took place July 18–30, 2008. A total of 11 international election observers from eight countries were deployed in eight Cambodian provinces to monitor the pre-election environment and Election Day. The mission was led by ANFREL’s Executive Director, Ms. Somsri Hananuntasuk.)

Human Rights Watch

“Politically motivated criminal charges against at least three opposition party officials are part of a ruling party campaign to weaken political rivals prior to national elections in July 2008, Human Rights Watch said today.

‘For those who follow Cambodian politics, this is déjà vu,’ said Adams. ‘Diplomats and donors should speak out now and not wait to learn the hard way how rights are violated by the government in each election cycle.’”

(Release, ‘Cambodia: Opposition Officials Arrested to Sway Elections’, New York, March 23, 2008.)

Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC)

“Cambodia’s National Assembly Election on July 27, 2008 was administered well and largely free of intimidation and violence. However, a significant number of voters could not find their names on the voters list and were unable to vote. Many voters could not find their names on the voters list. A quarter of polling stations (24.9%) reported more than five cases of voters who had proper identity documents but could not find their names on the voter list. Since many voters, who could not find their names on the list, did not bother to enter the polling station, this figure likely under-represents the true scale of the problem.

Almost all polling stations (97.4%) were established in neutral locations. Polling stations were well prepared with 99.7 percent supplied with all essential materials such as ballots, ballot box, seals, indelible ink and voters list. Nearly all polling stations opened and closed on time (99.2%). Voting booths in 96.6 percent of polling stations were set up with adequate arrangements for secrecy. Election officials performed their duties impartially in 94.2 percent of the polling stations. Election officials also posted the vote count report at 92.3 percent of polling stations for the public to read.

These findings of the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC) are based on a sample-based observation (SBO) in 378 polling stations in all provinces. The polling stations were selected randomly using a statistical method which is accepted internationally and proven to be accurate.

(Press Statement “Smooth Election Marred by Voter Disenfranchisement”, July 29, 2008).

Center for Social Development (CSD)

“The Center for Social Development (‘CSD’) would like to acknowledge the peaceful and generally orderly July 27 National Assembly elections, and to congratulate the National Elections Committee (‘NEC’) for its role in contributing to this atmosphere. On Election Day, CSD had 104 observers stationed across fifteen provinces and municipalities along with six mobile observers.

Despite the peaceful atmosphere on Election Day, we witnessed grave irregularities regarding the election process and particular issues of concern in many polling stations. In certain polling stations, CSD’s observers as well as other political observers were not allowed to monitor the elections even though they possessed NEC-issued observer cards.

Generally, a polling station has 400 to 700 voters registered. On average, CSD observed that between 100 and 200 people at each poll did not use their rights to select their representatives. Compared to the previous National Assembly Elections, participation in the July 27 voting was very low.”

(Press Release, “Grave Irregularities on Voting Day”, July 30, 2008.)

United Nations Office of the High Commissioner on Human Rights (OHCHR)

“The Office of the United Nations High Commissioner for Human Rights (OHCHR) welcomes reports that voting in the Election of Members of the 4th Mandate of the Cambodian National Assembly, on 27 July 2008, took place in an atmosphere that was for the most part peaceful and free of violence. OHCHR’s monitoring has not concerned itself with the technical execution of the elections. Its focus, rather, is on the most serious allegations of violence and intimidation before, during and after the elections, and aimed at determining whether these acts occurred and were politically motivated. The Office today releases its preliminary observations.

While acknowledging a general reduction of violence as compared to previous elections, since the beginning of the year OHCHR has observed an apparent campaign of pressure, threats, intimidation and inducements directed against political activists at every level in an attempt to persuade them to change parties. This drive has targeted influential individuals, primarily belonging to opposition parties, as well as the areas where these parties were the most influential.”

(Public Statement, July 29, 2008.)

US Embassy

“Cambodia’s National Assembly election on July 27, 2008, was freer than any election previously held in the country and the vast majority of Cambodia’s registered voters were able to express their will in a more open atmosphere than before. Although some irregularities persist, they were relatively low in number and they do not appear to have affected the outcome or to have distorted the will of the Cambodian people. Initial results indicate that representatives from five different parties have been elected to serve in the National Assembly.

A significant number of Cambodians participated in an Election Day process which was conducted in a peaceful manner with professional conduct by most polling staff and political party agents.

International observers, including 47 teams from the US Embassy, traveled freely around the country to observe the election, which capped a process that has generally been an improvement over past Cambodian elections. Beginning in October 2007, US Embassy observers monitored voter registration, voter list clean-up and registration of political parties and candidates. They also monitored the preparation and distribution of voting materials, activities during the 30-day campaign period (in some 19 out of Cambodia’s 24 provinces and municipalities) and Election Day processes (in 18 provinces). The Embassy observation noted factors that negatively impacted the election’s changes of fully meeting international standards, such as access to media, access of voters to polling stations, deletion of legitimate voters from voter rolls, etc.

US Ambassador Mussomeli said: ‘While we await the issuance of the official election results by the National Election Committee and will monitor carefully all of the remaining complaints and appeals related to the conduct of the July 27 election, it seems clear that five political parties have won the support of the Cambodian people to enter the National Assembly. I am encouraged by those parties that are contemplating the constructive role they can play for their constituents – all Cambodian people -- in the new National Assembly and I hope that there will be a positive, constructive and meaningful role for all of the participating parties to join in the work of the various National Assembly committees.’”

(Statement on Cambodian National Election, August 9, 2008.)

Japanese Government Election Observation Mission

The Government of Japan deployed a 23-member Election Observation Mission headed by H.E. Mr. Hitoshi KIMURA, Senior Vice-Minister for Foreign Affairs, to observe the 2008 National Assembly election of Cambodia through the electoral campaign, voting and vote-counting process in Phnom Penh, Kandal, Battambang, Pailin, Kompong Cham, Kompong Speu, Kompong Thom, Takeo, Prey Veng and Svay Rieng during the period of July 21–27, 2008.

The Japanese Mission welcomes the election was conducted smoothly under the most peaceful environment that has ever been observed. The mission members witnessed no violent activities, intimidation or irregularities that may undermine the overall credibility of the election in the period and areas which they covered ... The Mission considers that the 2008 National Assembly election has showed an impression internally and externally for its democratic advancement in the Kingdom of Cambodia.

The Mission inquired to the people concerned on concrete cases of objections related to the voter registration, the election campaign and voting process collected by national and international observers. Although the mission understands that these kinds of cases are brought to the NEC for solutions, it is expected that the Cambodian authorities, for the justice and credibility of Cambodia, continue to deal with them in an appropriate manner.

(Statement on 2008 National Assembly Election of the Kingdom of Cambodia, July 28, 2008.)

2.3 Overall assessment

COMFREL Cambodia, other CSOs³ and most international observers note for the general election environment that, especially on polling day, the counting process and post-election climate were **peaceful**. Although there was an improved and more politically secure climate this year in comparison previous elections, **Cambodia in 2008 continued to experience a political environment not fully conducive to truly free and fair elections**. There were some cases of violence in the days before the elections, particularly related to intimidation to limit political participation and freedom of expression. Voters were still subject to pressures preventing them from making a choice, either according to their conscience or on the basis of proper information. There is persistent fear at every level of society of retribution from leaders, who can use their power to affect personal and family lives. Insufficient efforts have been made to eliminate this factor from the Cambodian election scenario.

The number of cases of murder, intimidation, threats and irregularities in these elections was lower than in previous national elections, but this can still create an environment of fear. Investigation and prosecution have not followed swiftly, so reinforcing the background of impunity.

About 58 cases of murder and intimidation of political party candidates, activists, journalists and voters occurred in almost all provinces/municipalities. Of these cases, 54 occurred between April 2008 and cooling day, with the number escalating over time, although most cases took place during the election period. The perpetrators have not yet been brought to justice (i.e., there was an increase in impunity). There is willingness on the part of the Royal Government of Cambodia (RGC) to cooperate with the US Federal Bureau of Investigation (FBI) in order to thoroughly investigate the murder of journalist Mr. Khim Sambo and his son.

³ A coalition of CSOs, namely the Cambodian Human Rights Action Committee (CHRAC), NICFEC and the People's Forum on Cambodian, Japan (PEFOC), which consists of around 50 NGOs and other association members.

COMFREL's and CSOs' assessment of the election process is that irregularities continued to occur, particularly during the pre-election process. We very much regret that many voters went to their polling station and, owing to various obstacles, were not able to make use of their right to vote. Our assessment shows that the total number of people not being able to vote was higher than in previous elections. The loss of the right to vote resulted from a lack of accountability of NEC officials and commune authorities in registering voters, updating voters, voter list cleaning, issuing of VINs and offering assistance to voters with regard to finding their name on the voter list (by any responsible polling station official). The loss of voting rights is a sensitive matter: basic human rights include the right to vote, the right to be voted for and the right to participate actively in politics. At the same time, Form 1018 was often issued in a manner that was not in accordance with electoral procedures. This was another significant issue that caused irregularities and accusations.

With regard to these irregularities, Mr. Thun Saray, Chair of the COMFREL Board and President of the Cambodian Human Rights and Development Association (ADHOC) said that ***“a new voter list should be created and Regulations and Procedures should be revised towards procuring a permanent voter card/document with information on each voter’s polling station so that voters can easily cast their ballot.”***

COMFREL is of the opinion that the election environment and process, although generally peaceful, were not neutral and fair, because of an increased use of state resources and the active participation of civil servants, state authorities, armed forces personnel and media (if compared with previous elections) in support of the campaign of the ruling CPP. It is necessary here to point out all 24 Provincial Governors are members of or loyal to the ruling coalition; 98% of the 1,621 Commune Councils Chiefs are CPP (i.e., all but 30), and these councils in turn re-appointed or appointed the 13,755 village chiefs.⁴ Moreover, mechanisms to settle electoral disputes, irregularities and complaints were ineffective. Such issues lead to a lack of confidence in the NEC and other concerned competent authorities among election stakeholders.

Any overall assessment of elections in Cambodia, in arriving at their degree of freedom and fairness, must also take into account the electoral system, especially factors most pertinent to the situation in this country. COMFREL shares the belief that the party-based system (with just 24 multi-member province-wide constituencies) is not conducive to pluralism and to the basic democratic concept whereby distinct communities can hold to account clearly identified individuals for the promises made before elections and their performance once in office. The system is inherently biased towards the largest parties – whereas in the 2008 ballot the number of votes cast for each elected CPP member was 38,804, the electorate had to cast 50,643 votes for each SRP member, and between 132,605 and 168,971 votes for each member of the other three successful parties. A proportional representation system would bring a much fairer outcome, more closely resembling the electorate's choices.

It is sad that **women remain seriously under-represented** in the new NA, with the number standing at 20 members, or just 16%, far short of parity or equity. Although all parties encouraged more women to stand as candidates, in reality few were placed high enough on party lists to stand a realistic chance of success.

⁴ Please see COMFREL's Report on the 2007 Cambodian Commune Elections – <http://www.comfrel.org/images/others/1189824168COMFREL%20CCE%20Final%20Report%20New.pdf>.

2-4. Prospects for the 2012 Commune and 2013 National elections

The prospects are uncertain for Cambodia's progress towards democracy based on these findings for the 2008 NA elections and other key developments in recent years. These elections do point towards the end of major party FUNCINPEC and the weakening of major opposition, which clearly has been the CPP leader's aim. Only a few die-hards may remain soon. As the years go by with little or no reward for their efforts, it is inherently harder for opposition to maintain motivation with their supporters compared with those of the ruling party that automatically enjoy material benefits from such associations. The fact is Cambodia is closer to being back to a one party state than it is to the usual two major party systems or ideologies that characterize most democracies. Democratic and efficient governance depends on properly functioning state institutions and essential checks and balances to limit the executive – an effective opposition. These are unlikely to emerge in Cambodia.

- **NEC:** If the same formula is applied for the next body as in the current mandate, with members appointed based largely on the share by parties of seats in the NA, then the CPP will have 75% control of this vital institution. COMFREL subscribes to the original concept in the election laws that NEC members should be neutral, with no party allegiances. Although the NEC is open to dialogue, it is resistant to accepting suggestions and is slow to react in many situations. If its members are CPP stalwarts, it can never act and be seen to act in the neutral way it should to earn the standing of a genuine independent institution of state and one of the key pillars of the Cambodian Constitution.
- **The Senate:** The constituency to elect Senate members consists of NA and commune council members – with CPP members controlling 73% of the NA and 70% of commune councils, the outcome is totally predictable. If the Senate is to serve a useful purpose, then its membership must be able to question and revise, not simply rubberstamp party colleague decisions.
- **New provincial and district authorities:** As part of decentralization reform to introduce provincial and district authorities, a new Organic Law proposes to use a similar constituency to “elect” members. Commune councils are very small administrative units, too small for efficient delivery and management of major public services such as education, health and transport. Therefore, the most important local services will be controlled at district and provincial level by these new only quasi-democratic bodies.

COMFREL will continue to advocate for direct elections by the public and to allow individuals to stand, not just party-approved lists.

3. Elections and the Related Political Environment

Cambodia in 2008 continued to experience a political environment not fully conducive to truly free and fair elections. Voters were still subject to pressures preventing them from making a choice, either according to their conscience or on the basis of proper information. There is persistent fear at every level of society of retribution from leaders, who can use their power to affect personal and family lives. Insufficient efforts have been made to eliminate this factor from the Cambodian election scenario.

However, COMFREL notes the improved and more politically secure climate this year in comparison with previous national assembly elections. The number of cases of murder, intimidation, threats and irregularities in these elections was lower than in previous national elections, but this can still create an environment of fear. Investigation and prosecution have not followed swiftly, so reinforcing the background of impunity. Observations found that there were still strong verbal threats and pressure, especially from the ruling party (the CPP).

From July 2007 to the starting day of the electoral campaign, there were 15 cases of murder of political party members, activists and supporters. 7 of these cases involved murders of SRP members, 3 involved NRP members, 4 involved CPP members and the last one involved a HRP member. This compares with 9 cases in 2007, 28 cases in 2003 and 18 cases in 2002. There were more than **187 cases of intimidation/threats**, such as cases of firing guns, death threats and harassment (compared with 127 cases in 2006, 291 cases in 2003 and 138 cases in 2002). However, the impact of the 2008 cases cannot yet be measured.

Based on COMFREL network observation reports from the start of the election calendar (voter registration) until the announcement of election results, the provinces/cities affected by election-related incidents were as follows: most cases in Banteay Meanchey, Kampong Cham, Phnom Penh and Prey Veng, followed by Battambang, Kampong Chhnang, Kampong Speu, Kandal, Kampot and Takeo (some cases). Kampong Thom, Kratie, Siem Reap, Pursat and Svay Rieng, saw a few cases. Very few cases were seen in Koh Kong, Sihanouk Ville, Preah Vihear, Monduliri, Oddar Meanchey, Ratanakiri, Pailin and Stung Treng.

Figure 1: Provinces/towns affected by election-related incidents

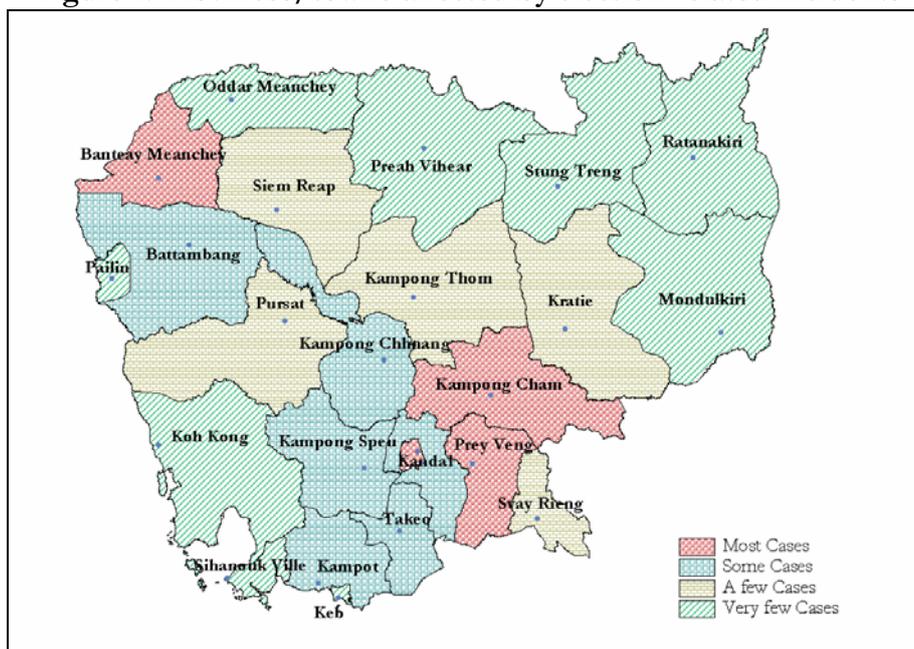


Figure 2: Irregularities during different periods of the 2008 NA elections

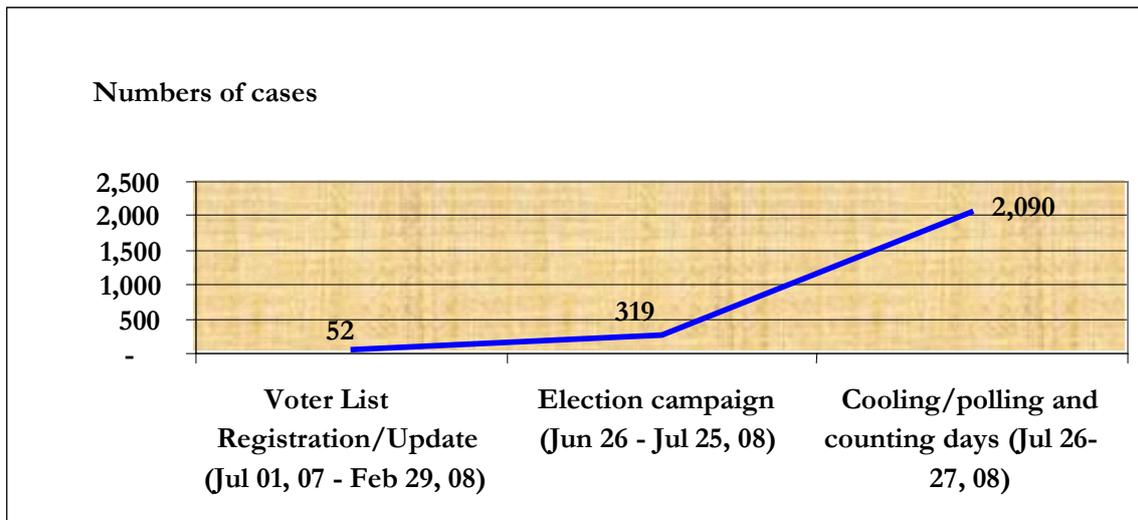


Figure 3: Cases of murder of political activists/party members from 1993 to 2008

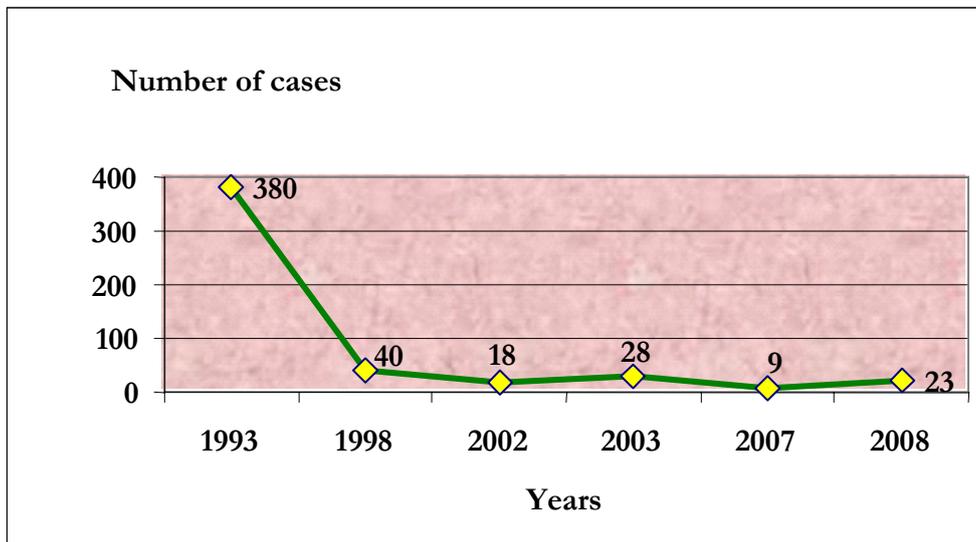
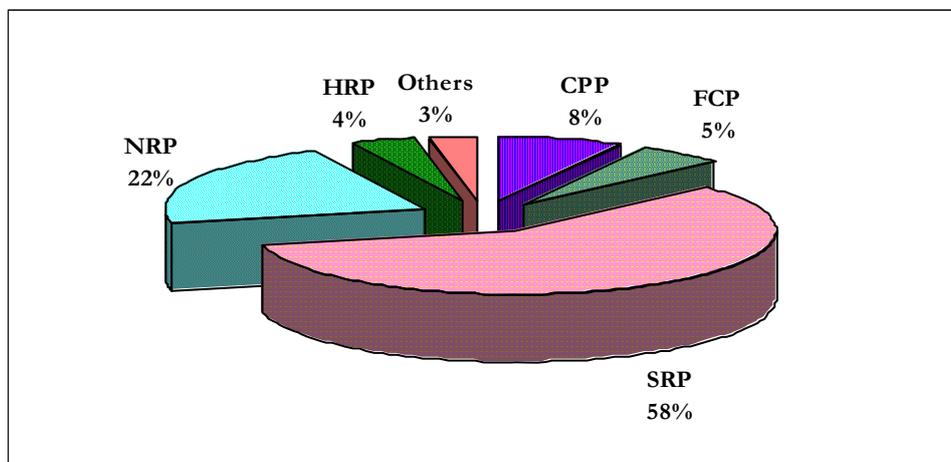


Figure 4: Political parties affected by election-related incidents



Members of non-ruling parties, especially the SRP, are most likely to be victims of election-related incidents. The NRP is second most likely.

3.1 Pre-election campaign environment

The number of cases of murder, intimidation, threats and irregularities in these elections was lower than in previous national elections. However, such cases still had the potential to affect the feelings and thoughts of voters. During the 2007 preparation stage for the 2008 NA elections,⁵ the number of **intimidation cases towards political party activists doubled and personal insecurity went up**, if compared with 2006,⁶ although the RGC's reporting showed a decrease in the number of such cases. During 2008, such cases increased in number again and there was a growing sense of insecurity (compared with the whole of 2007). Political violence against political party activists threatened the freedom of the people as well as of politicians to participate actively in political activities, as guaranteed by the Constitution of the Kingdom of Cambodia.

Murder cases

According to investigation of the period of **July 2007 to June 2008, there were 23 cases of murder of political activists. During political party and candidate registration, at least 15 cases of murder** of political party activists occurred.⁷ A murder case⁸ occurred on May 17, 2008 of Mr. Sok Run, 47, a NRP activist in Banteay Dek commune, Kean Svay district, Kandal province. In addition, the HRP claimed that, on May 9, 2008, its activist, Chhoung Soum, who had defected from the CPP in Ta Ou village, Ta Ou commune, Kirivong district, Takeo province, was killed after having a row with a former policeman. From July 2007 to the starting day of the electoral campaign, there were 15 cases of murder of political party members, activists and supporters. 7 of these cases involved murders of SRP members, 3 involved NRP members, 4 involved CPP members and the last 1 involved a HRP member.

The above killing cases took place in the following provinces: Kampong Cham (4 cases); Banteay Meanchey, Kampong Speu, Kampong Thom and Siem Reap provinces (2 cases in each province); and Kampong Chhnang, Kampot, Kandal, Phnom Penh, Preah Vihear, Ratanakiri, Svay Rieng, Takeo and Pailin (1 case in each province/municipality).

In most cases, the perpetrators have not yet been brought to justice in accordance with the law and no legal measures have been taken by the competent authorities.

Threats, intimidation and violence

Up to June 25, 2008, some political party activists, **mostly from non-ruling parties, received threats**: 32 cases for the SRP, 2 cases for FUNCINPEC, 12 cases for the NRP, 8 cases for the HRP and 3 cases for other political parties. According to COMFREL's observation, these cases took place mostly in Banteay Meanchey, Kampong Cham, Kampong Chhnang, Kampong Speu, Kampong Thom and Kandal provinces. The number of cases increased particularly in remote areas.

During the candidate registration period, some political parties complained of **intimidation, threats and physical attacks** leading to injury of activists and electoral candidates. For example, the SRP stated that one of its own electoral candidates, Mr. Pil Meng Keang, who was working as a teacher at Sok An Ton Laol Primary School in Kirivong district of Takeo province, was verbally threatened by the director of Kirivong District Education Department, who warned that, if Mr. Pil Meng Keang wanted to stand for the SRP, he could not be sure whether or not he could teach at the same school when resuming his work after special leave.

⁵ ADHOC (2008) *Human Rights Report 2007*.

⁶ 24 cases in this period in 2006; 55 cases in 2007.

⁷ From July 1, 2007 to June 25, 2008 (COMFREL observation and ADHOC Report).

⁸ According to ADHOC.

There were allegations that CPP village chief Niv Noey hit a man named Ham Pov as he would not support the CPP. This case occurred in Banteay Chhmar Kang Tbong village, Banteay Chhmar commune, Thmor Pouk district, Banteay Meanchey province on May 3, 2008. The NRP claimed that one of its activists, named Ouch Phon, in Bati district of Takeo province, was seriously injured by 10 bodyguards of a high-ranking government official on May 15, 2008.

Political influence over the judiciary: arrests and closures

During the period before the election campaigning began, there were concerns regarding the amount of political influence over the judiciary, courts and law enforcement armed forces personnel.⁹ In particular, **there were arrests and attempted arrests and the use of violence towards political party activists.** Cases were seen in Phnom Penh, Pailin, Kampong Thom, Takeo and Kampong Chhnang.

Arrests of political party activists without a court warrant and without in-depth investigation led to an environment of fear among activists of parties other than the ruling party.

An example is the case of Mr. Tout Saron, chief of Ponro commune, Baray district, Kampong Thom province, who was arrested at Toul Kroeus Market, Baray district, by police officials led by the district police chief without a court order.¹⁰

Mr. Dam Sith, SRP parliamentary candidate for Phnom Penh and Editor-in-Chief of Moneaksekar Khmer Newspaper, was arrested on Sunday June 8, 2008 and detained in Prey Sar prison. He was charged with defamation and disinformation after quoting Parliamentarian Sam Rainsy's speech on H.E. Hor Nam Hong, Deputy Prime Minister and Minister of Foreign Affairs and International Cooperation.

The incident occurred shortly after Mr. Sam Rainsy's speech at the Genocide Centre located in Boeng Jerng Ek on April 17, 2008, where reference was made to previous allegations made by others against the Deputy Prime Minister and Foreign Affairs Minister of being a Boeng Trobek jail chief during the Khmer Rouge regime. Moneaksekar Khmer Newspaper quoted Mr. Sam Rainsy's speech on April 18, 2008.

There was concern from the opposition party, journalist groups and CSOs over the arrest procedure, which contravened the legal framework (according to a CHRAC press release). H.E. Khieu Kanharith, Minister of Information, also requested that the court release Mr. Dam Sith on bail. He was released after Prime Minister Hun Sen intervened.

Mr. Sam Rainsy was also charged in a case filed by H.E. Hor Nam Hong, Deputy Prime Minister and Minister of Foreign Affairs and International Cooperation.

COMFREL also expresses its great sorrow regarding the **closure of Angkor Ratha Radio Station** (FM 105.25 MHz) in Kratie province by MoInfo. Angkor Ratha radio had received a broadcasting license from MoInfo just 15 days previously. It was ordered by the ministry to shut down activities on May 29, 2008 because it had sold its airtime to political parties and CSOs without obtaining permission. There was an immediate reaction from political parties, journalist groups and CSOs regarding the closure. This radio station is a branch of Angkor Ratha Radio

⁹ This was also noted in LICADHO (Cambodian League for the Promotion and Defense of Human Rights) and ADHOC's report on Cambodian Human Rights 2007: *Unrealistic Justice*.

¹⁰ According to a CHRAC Statement.

FM 95.5 MHz in Siem Reap province, which has rented airtime to political parties as well as some CSOs.

The arrests and the closure of the radio station represent threats to the freedom of broadcasting and expression during the election process. These cases also affected voters' rights to obtain information to help them choose and make decisions according to their own will in a bid to elect their representatives. The arrests provoked an atmosphere of fear, leading to the intimidation of other candidates and political party activists.

Obstruction of political party activities and violations of electoral law

Obstruction of political party activities occurred towards certain political parties, including the SRP, the HRP, the NRP and FUNCINPEC, which were prevented from carrying out meetings. In some cases, local authorities cracked down on meetings and took down political party signboards. There was violence involved when a SRP signboard was taken down on March 22, 2008, and SRP Member of Parliament (MP) for Phnom Penh H.E. Mr. Ho Vann was injured. All the cases happened to non-ruling parties, mostly the newly established NRP and HRP.¹¹ There was no effective inquiry into or resolution of these cases, as the NEC and the local authorities each transferred the responsibility for dealing with such issues back to each other. Removal of political party signboards took place in Prey Veng, Takeo and Pursat provinces. For example, there were at least 9 cases of NRP signboards being pulled down, at least 7 cases of this happening to the SRP, 5 to the HRP and another 2 to other parties.

Meanwhile, the **practice of freedom of expression** by non-ruling parties and civil society through forums, peaceful marches and information dissemination activities **faced obstacles**, location bans and sometimes crackdowns by the authorities. The Asian Human Rights Commission (AHRC)¹² found many cases of local authorities using their power to warn location/building owners not to let political parties or civil society members hold activities. Some owners were pressured and therefore dared not rent out their property to political parties or civil society for forums or big meetings. There were cases of **local authorities preventing organizers or owners from organizing forums or big gatherings, or not providing a public place for these**, such as in the case of the HRP, which requested the compound of Veal Preah Meru (near the Royal Palace) and the park near Phsar Chas for a forum on the high price of gasoline.

Apparently, a meeting of the NRP on May 18, 2008 was intentionally broken up by Phnom Penh Municipality's Veal Vong commune authorities, who stated that the meeting was an illegal political gathering and required permission from the municipal authorities in advance. There is no law requiring permission from the local authorities to conduct a political gathering in the Kingdom of Cambodia.

Additionally, **some youth political activities were obstructed by authorities**. Banteay Meanchey authorities, for example, banned the SRP Youth Movement from carrying out activities regarding local hygiene on January 7, 2008. In addition, around 200 youths wished to meet and discuss the political platform on job creation with elected officials in a forum facilitated by COMFREL in Kandal province on January 23, 2008. This forum was delayed as a result of the local authorities influencing a school principal. In Phnom Penh, around 10 youths from the HRP were detained for questioning by the O'Russe and Deum Kor security guard when they wanted

¹¹ Case statistics were collected by COMFREL, which later gathered more information on each case. Most cases were seen in: Phnom Penh, Kandal, Kampong Chhnang and Banteay Meanchey.

¹² AHRC (2008) *Human Rights Situation 2007*.

to interview sellers in the market. (See COMFREL's Report on Strengthening Youth Political Participation, 2008.)

Even though non-ruling parties met many difficulties in accessing public buildings/places in the attempt to organize their meetings, the ruling party was able to use public buildings/places and budgets to serve its own political interests. Other observation found that **civil servants and members of the armed forces, ranking from office directors to general directors of government institutions, were involved in activities strengthening the local ruling party, the CPP in particular, and giving gifts.** These activities were sometimes carried out during working hours and were later covered on the TV and radio and by newspapers. Within an observation period of only one month,¹³ at least 60 cases were seen of civil servants and the armed forces holding such activities during working hours, and at least 1 case of intimidation towards activists of other political parties.¹⁴ These activities violate the Law on Political Parties Article 15, which states that "*members of the judiciary, members of the Royal Cambodian Armed Forces [RCAF] and the National Police Forces may join as members of political parties but they must not conduct any activity supporting or opposing any political party.*"

Political intrigues abounded, constituting threats and intimidation, especially when defections were underway, bringing old and new loyalties to the test. The most pronounced of these involved former FUNCINPEC President and Prime Minister Prince Ranariddh, who separated from his party, later to join another party renamed after him. The separation from FUNCINPEC was bitter and led to litigation regarding the sale of the party's headquarters. The Prince was also one of the first to be named in a potential court case with his wife, following the passing of a new law to punish marital infidelity. Both cases effectively deterred the Prince from returning to Cambodia to lead his new party and take part in the elections. No judicial or other formula such as a royal pardon could be found or accommodated, thereby weakening the NRP campaign.

Using the judiciary to prevent politicians from participating in the elections, especially those who compete against the present ruling party, represents an unfavorable trend with regard to the future political process in Cambodia. There should be no interference into the judiciary or in any court affairs, either by the executive or by the legislative. However, cases such as that of the Prince, mentioned above, have political characteristics that, in turn, require an urgent political solution to show that elections are free and fair, a fundamental and crucial element of democracy in Cambodia.

Although some popular radio stations respected the principle of renting airtime to all political parties, the 7 TV channels and some other radio stations still offered coverage in favor only of the CPP. For more on media monitoring, see Section 5.

Political defections

The dispute within FUNCINPEC, midway through the last mandate, which led to Prince Ranariddh's separation from his party, heralded in significant reductions in the number and seniority of the junior coalition party's members in government and the administration. Many were encouraged to defect to the CPP to retain positions, some agreed, others did not and the ones most loyal to the Prince joined his new party. This was the start of the latest and largest series of defections that did appear to be a strategic ploy for electoral gain.

¹³ Monitoring on TVK (Television Kampuchea) from February 8 to March 8, 2008.

¹⁴ Sethey (reporter) (March 1, 2008) on Candle Light radio program, Phnom Penh: FM 105. (SRP activists accused a high-ranking police official of threatening to kill a SRP commune councilor. The police official accused the councilor of being involved in taking down a CPP signboard.)

Observation noted acceleration in the pace of **defections to the CPP during the run-up to the election of a number of high-ranking politicians** from some of the main other parties, such as the SRP and FUNCINPEC. The CPP leadership said that, if members of the board of directors of an opposition party (i.e., the SRP) defected from their party, they would be offered positions as advisors to the RGC, with a rank equal to that of minister or secretary of state, and receive a state salary.¹⁵ This violated the principle of fair elections, as it made use of the state budget for a particular party's interests.

The CPP leadership accused other parties of intimidation towards those who tried to persuade other parties' activists to defect to the CPP in Kampong Thom and Takeo, asking for in-depth investigation into such cases.¹⁶ The CPP's accusations led to the Kampong Thom Provincial Court summoning a SRP commune chief and two activists regarding illegal transportation and confinement; one man in Takeo province was dispatched to the Ministry of Interior (MoI) to help with inquiries.¹⁷ This action was a threatening one towards SRP activists.

3.2 Election campaign environment

COMFREL observed that the general security atmosphere during the first week of the election campaign period for the fourth mandate NA elections was better in comparison with the same period during the 2003 elections. However, COMFREL became **concerned about the constant worsening of the security atmosphere** as the electoral campaign period went on, particularly following the assassination of Mr. **Khim Sambo**, a SRP-affiliated reporter, and his son on July 11, 2008.

Murder cases

From June 26, 2008 to the end of the election campaign,¹⁸ **there were 6 cases of murder with a total of 7 victims**, which included political party activists, supporters and a journalist, notably the murder of journalist Mr. Khim Katsarin, known as Mr. Khim Sambo, 47, a reporter for Moneaksekar Khmer newspaper, affiliated with the SRP, and his son, Katsarin Pheata, 21, on the night of July 11, 2008 in the centre of Phnom Penh. Two unidentified gunmen fired shots, killing the two victims when they were leaving the Olympic Stadium after exercising. CHRAC believes that the murder of Mr. Khim Sambo was related to his profession, as most of his newspaper articles focused on political disputes, irregularities in the electoral process, destruction of the forest, illegal fishing and land grabbing, in which high-ranking government officials were involved.

COMFREL condemns this cowardly act, which had a grave effect on voters, especially journalists and political party activists, causing them to fear for their lives. Mr. Thun Saray, Chair of COMFREL's Board of Directors and President of ADHOC, appealed to competent authorities ***“to thoroughly investigate the case in order to arrest and punish the culprit(s), in accordance with the provisions of the relevant laws, and to improve the electoral atmosphere prior to the parliamentary elections”***.

¹⁵ Speech of Prime Minister Samdech Hun Sen, broadcast on TVK on February 21, 2008: ***“I appoint all the members of the steering committee [of the SRP] as advisors to the Royal Government of Cambodia”***. Defectors included: H.E. Mr. Sok Pheng, H.E. Mr. Ahmad Yahya, H.E. Mr. Lun Phun, H.E. Mr. Chao Phally, Mr. Thach Keth, publisher of Sralanh Khmer newspaper, among others.

¹⁶ Prime Minister Samdech Hun Sen's speech in Prey Veng province on March 17, 2008, broadcast on TVK.

¹⁷ According to preliminary reports from COMFREL's network in each province on March 18 and 19, 2008.

¹⁸ According to a report of COMFREL-ADHOC networks.

A Cambodia-based US Embassy official announced that the Legal Attaché Office of the FBI stood ready to provide assistance if requested by the RGC in the case of Mr. Khim Sambo. In response to this statement, the RGC welcomed the provision of any further information related to the case.¹⁹

4 out of the 6 cases involved murders of CPP members. 1 of the 4 cases occurred in Kampong Speu province and was also claimed to be the murder of a HRP member. The 2 other cases concerned murders of SRP members. In most cases, the perpetrator(s) has/have yet to be brought to justice. The authorities claim that none of these cases were politically motivated.²⁰ Other cases included:

- The assassination of a deputy village chief belonging to the CPP in Chrey Sokhom village, Domril commune, O Raing Au district, Kampong Cham province, on June 27, 2008.
- The murder of Mr. Sout Song, an activist of the CPP, in Ong Ta Ek village, Phnom Touch commune, U Dong district, Kampong Speu province on July 1, 2008. The HRP also claimed the victim as a member.
- The murder of Mr. Loan Chok, an activist of the CPP, in Prey Kri village, Prey Kri commune, Cholkiri district, Kampong Chhnang province on July 6, 2008.

Local authorities and human rights organizations believe that the latter two cases were not politically motivated, but rather related to resentment and land disputes.

Intimidation and threats

There were **20 cases of obstruction of political activities, intimidation and threats** against politicians and prominent political activists in the **first week** of the electoral campaign. COMFREL information about other election campaign irregularities included: a person being forced to tear up a party leaflet; forced party sign removal; obstruction to a banner being put up in a public area; attempted murder; and a threat to kill a whole family. In 14 of these cases, the intimidation was against members of the SRP or the NRP. In addition, there were 29 cases of destruction of party property and signboards. These happened in Kampong Cham and Kampong Speu (6 cases in each province); Pailin (3 cases); Banteay Meanchey and Battambang provinces (2 cases in each province); Kampong Thom, Kampot, Koh Kong, Phnom Penh, Stung Treng, Oddar Meanchey, Prey Veng, Siem Reap, Sihanouk Ville and Takeo provinces. Finally, there were 23 cases of election campaign procedure violation, which occurred in Kampong Cham, Kampong Chhnang, Banteay Meanchey, Kandal, Battambang, Kampong Speu, Koh Kong, Kratie, Prey Veng, Ratanakiri, Sihanouk Ville, Oddar Meanchey, Pailin and Kampot provinces.

Particular cases in the first week of the campaign were as follows:

- Two cases of intimidation against Mrs. Mu Sochua, parliamentary candidate for the SRP in Kampot province. The first case occurred on June 28 when a CPP deputy village chief and police officers from Stung Keo village tried to harm Mrs. Mu Sochua intentionally in Wat Angkor village, Prey Khmom commune, Kampot district, Kampot province. The second case of violence was committed by a group of military officials on June 30 at Kampong Trach market, located in Kampong Trach commune, Kampong Trach district, Kampot province.

¹⁹ According to a speech by General Touch Naruth, a Phnom Penh Municipal Police Chief, quoted by RFA in its media broadcast of July 24, 2008.

²⁰ There is no precise definition of the term 'politically motivated' or 'politically related' for violence and infractions, and sometimes a mix of factors are at play with personal animosities that extend beyond politics. However, where incidents occur and appear to coincide with party election political activities, then it is sensible for COMFREL and other CSOs to regard them as politically related. Usually, evidence is not clear. Authorities are inclined to dismiss cases as non-politically related in order to lessen their own responsibility or the liability of perpetrators with whom they may have allegiances.

- A threat to shoot Mr. Suth Dina, parliamentary candidate for the NRP at Takrey market, located in Takrey commune, Kamrieng district, Battambang province on June 28, 2008.

In the **second week** of the campaign period, there were **several cases of intimidation and threats** against political party activists:

- An alleged attempt to assassinate Mr. Oum Sara, a commentator for the Candle Light Radio Program organized by the SRP, in Phnom Penh Municipality on July 6, 2008.
- 16 cases of threats of murder or physical harm in Siem Reap, Battambang, Kampong Cham, Kampong Thom, Kampong Speu, Kampot, Svay Rieng, Prey Veng and Oddar Meanchey provinces, among others. The majority of the victims were members of the SRP, the NRP or the HRP. Most of the alleged offenders were local authority officials or CPP supporters.

From **June 26, 2008 to the end of the election campaign period,**²¹ observation found **56 cases related to physical harassment and intimidation** of political party members, activists and supporters in almost all provinces/municipalities.

In comparison with previous months, the electoral period saw a notable increase in the number of thefts, muggings and robberies, causing people to feel more afraid. Most of these cases took place in Phnom Penh Municipality, Kampong Cham, Battambang, Siem Reap, Prey Veng, Svay Rieng, Kandal and Takeo provinces. In the whole month of May 2008, there were 64 cases of robbery, theft and mugging. By the end of the first two weeks of July, there had already been 41 cases of such offenses.

Build-up of troops at Preah Vihear

The **deployment of Cambodian and Thai military troops** to areas around the Preah Vihear Temple started on July 15, 2008, one week after the Preah Vihear Temple was registered as a World Heritage site. The deployment was triggered by black-uniformed Thai soldiers, who encroached on areas surrounding the pagoda, which is located near Preah Vihear Temple. The situation worsened when the number of Cambodian and Thai soldiers continued to increase. A meeting between the two nations to resolve the military standoff was held in Thailand on July 21, 2008. The Thai side suggested a reconsideration of the border decision and the Cambodian side rejected this suggestion; the meeting did not result in an agreement. Cambodia then called for international intervention from the Association of Southeast Asian Nations (ASEAN) community and the United Nations (UN). The issue is ongoing.

Voters were increasingly focused on and worried about the situation of military troop deployments in the areas surrounding Preah Vihear Temple. ***“The Preah Vihear military standoff has attracted much of the attention of voters. Hence, bringing voters’ attention back to the elections is absolutely crucial”*** said Mr. Thun Saray, Chairman of COMFREL’s Board of Directors and also President of ADHOC.

This incident undoubtedly assisted the ruling party as citizens of all political persuasions rallied to defend what is a very important symbol of their national honor. Although it was not orchestrated by the ruling party, it did remind voters of one of the main planks of the CPPs as the party best-placed to maintain national security. This must have featured in their thoughts on polling day as the stand-off was still very much in the news.

²¹ According to a report of COMFREL–ADHOC networks.

3.3 Cooling day environment

July 26, 2008 was the one-day cooling-off period provided in the election period when officially no campaigning or election-related political activity should take place. It is a time for voters to reflect before they vote. This time, the **climate was peaceful**, although many procedural and regulation violations were seen.

COMFREL highly appreciates the efforts of the NEC and election-related authorities to make the election process peaceful. The ban on selling alcohol on cooling day (July 26) was implemented effectively.

However, observation found that **political parties tried to buy some voters by giving gifts and money, and transporting workers and voters** from Phnom Penh to provinces/cities such as Svay Rieng, Kampong Cham, etc. Political parties distributed gifts to voters particularly in Champey commune, Angkor Chey district, Kampot province and in Kampong Ro, Kampong Trabek of Prey Veng province. In addition, armed forces were sent to close down Radio Mohar Nokor FM 93.5 MHz in the night time (around 23:00 on July 26). They were ordered to do so by MoInfo without a notification letter or Prakas (order) from the ministry. MoInfo issued a Prakas to withdraw the owner's broadcast license from FM 93.5 MHz until July 27, 2008 on the grounds that the station had violated the ministry's instruction and the Guidelines of the NEC, which asked the ministry to intervene.

Mr. Koul Panha, Executive Director of COMFREL, said that this was **unfair implementation of the law** and that this type of punishment of a media outlet that had **violated NEC regulations was not equal before the law**.

COMFREL noted that most radio and TV stations abided by the electoral Regulations and Procedures and the NEC Guidelines by not broadcasting programs in favor of any political party on cooling day. Nevertheless, as we have seen, Maha Norkor FM 93.5 MHz radio station was closed by MoInfo at around 23:00 on July 26, 2008, ostensibly because its Candle Light radio program had broadcast a biography of Mr. Sam Rainsy that criticized Prime Minister Hun Sen. This radio station resumed broadcasting on August 6, 2008 after the radio owner obtained permission from MoInfo.

At least 25 cases of electoral campaign violation, such as gift giving or vote buying on cooling day, were reported in Kampong Cham, Kampong Chhnang, Kampong Thom, Kampong Speu, Kampot, Koh Kong, Prey Veng, Pursat, Phnom Penh, Siem Reap, Ratanakiri and Takeo. 2 complaints regarding such violations were filed by political parties, but these were not addressed.

23 cases of political insecurity around polling stations occurred in Banteay Meanchey, Kampong Cham, Kampong Chhnang, Kampot, Prey Veng, Pursat, Siem Reap, Svay Rieng, Takeo and Kep, among others; 5 of 6 complaints filed by political party agents were not addressed.

16 cases of late delivery of election materials, which affected the opening of polling stations, occurred in Banteay Meanchey, Battambang, Kampong Cham, Kampong Chhnang, Kratie, Siem Reap and Takeo.

4. Electoral Administration and Procedure

4.1 Voter list cleaning and voter registration

The cleaning of the 2006 commune council election voter lists and the preparation of the 2007 voter list revision took place between July 12 and August 3, 2007. COMFREL deployed 94 observers in 165 communes/sangkats, in particular in urban areas, in 24 provinces/municipalities. Registration started on September 16, 2007 and went on to October 20, 2007.

COMFREL issued consecutive reports on its observation of the voter list cleaning process. The first report was issued on July 20, 2007, the second on August 1, 2007 and the third, regarding observation lasting from August 1 to 22, 2007, on August 23, 2007. A summary report was also issued, covering July 12 to 31 in 165 communes/sangkats. COMFREL deployed observers in 94 communes/sangkats to monitor the process of complaints on the voter list cleaning and verify the quality of the list used to extract voter names (Form 1025) (in September 2007, COMFREL deployed its observers in 124 villages of 77 communes/sangkats). COMFREL's observers were required to check all names of voters in one whole village as extracted into the cleared voter list (Form 1025) and to go to the actual address (door-to-door) of voters whose names were removed in order to verify the information. A voter registration audit was held by NICFEC, COMFREL, the Center for Advanced Study (CAS) and the NDI.

COMFREL observed that, in general, **voter list cleaning was carried out in accordance with the NEC's schedule and its Guideline No. 332/07**, dated May 30, 2007, on "Extracting voters' names needed to be removed from voter lists for the 2007 voter verification and registration for use in the 2008 general elections". The NEC Guideline provided details of the duties of relevant officials. Commune clerks and chiefs were to be the key implementers of the Guideline on voter registration and revision of voter lists. Implementers had to extract names for checking, either onto the cleaned voter list or for deletion. The main duty was to review leftover VINs from the 2006 commune council elections as an initial input into enforcing the NEC Guideline. In this regard, the NEC Guideline interprets "leftover VINs" as offering basic information on voters who have died, have resettled, have no address in the village or are immigrants. Both voter registration and voter name deletion were carried out by commune chiefs, village chiefs or commune councilors, most of whom are local CPP leaders.

Procedural concerns

COMFREL found the following **issues of concern surrounding the procedure** during the voter list cleaning process:

- Observers noted that VINs were often leftover not only because voters could not be found but also because some eligible voters did not receive their notice owing to **political discrimination** on the part of the village chief and **ineffective task implementation** (lack of budgetary incentive). This can lead to voters losing the right to vote and can affect the voter registration process. COMFREL regrets that the NEC rejected civil society's request, endorsed by some political parties, that it use voter lists held in the safety package in each polling station in the 2007 commune council elections as basic information for effective implementation of the cleaning process.
- The **Guideline did not provide clear information on the approach to be taken**. Some commune councils did not follow and/or understand the NEC's Guideline and schedule. For example, some commune councils summoned village chiefs to the commune office to work collectively and to remove voters' names by discussion of the

leftover voter information notices among themselves, rather than going to the physical address of the voters in question. This meant that there was no confirmation that the leftover VINs truly were leftover for the reasons stated in the Guideline. In addition, village chiefs might not have known the official names of certain voters, leading them to delete names erroneously.

- The NEC's **education and information broadcast on the voter list cleaning process was not broadly disseminated and did not reach the public at large**; only leaflets were posted, and there were few radio broadcasts. Some NGOs, including ADHOC and COMFREL, had to help educate people and disseminate information on the voter list cleaning process.

Irregularities during voter list cleaning

During the process, observation found **irregularities in at least 28 of the 165 communes/sangkats** where COMFREL deployed observers. COMFREL found the following specific cases of irregularity during the voter list cleaning and registration process in observed communes/sangkats.

Officials not carrying out their duties according to procedure

Some commune clerks and village chiefs did not follow the NEC schedule for publicly posting the list of extracted names (Form 1025). Said communes/sangkats were late or did not post Form 1025. Some offices did not respect proper working hours.

Some village chiefs in some communes/sangkats in the early weeks of the process did not prioritize the extraction of the voters' names that needed to be either removed or newly registered, carrying out activities to serve their political party instead. Two examples of this were in O' Dom Bong 1 and O' Dom Bong 2 communes, Sangke district, Battambang province, where village chiefs instead delivered propaganda to commune residents regarding the need to become members of the CPP, explaining how this would facilitate work, earning a living, development of schools and hospitals, etc.

Some village chiefs, by order of the CPP chief of Prey Chas commune, Ek Phnom district, Battambang province, required voters in villages to thumbprint and swear their allegiance to the commune chief's party in 2008. Some commune/sangkat council members and clerks carried out activities to persuade other political parties' activists to defect to their party. It seems that, in Tuol Snuol commune, Kroch Chhmar district, Kampong Cham province, the CPP commune councilors and commune clerk, while on duty, attempted to persuade SRP, FUNCINPEC and NRP activists to defect to the CPP, explaining that ***"it is better to defect to the CPP; working for others gives no income for the family and wastes time and money; moreover, those political parties no longer have power. If the CPP wins [the elections] there will be incentives and a party for activists."***

Extraction of voter names into Form 1025 for removal from the voter list was in some cases not done in accordance with NEC Guideline No. 658/07, dated October 5, 2007, which required legal documentation or clear evidence for removal. Data correction fraud occurred, as did registering of voters' names without them being present.

Some of those in charge did not pay attention to the work or did not try to extract the names of voters to be removed. Such cases occurred in Bansay Rak commune, Samrong district, Oddar Meanchey province, regarding 77 soldiers of Division 42 and staff members of the Cambodian Mine Action Centre (CMAC) and the Halo Trust (both de-mining groups), who were already

known by all local authorities to have moved away permanently in 2006 (after completing their duties). The commune chief said that these names were very few.

In Salakroa sangkat/khan, Pailin Municipality, village chiefs extracted the names of members of the armed forces to be removed from the voter lists, claiming that the district chief and clerk had told them to do so.

In one case, a commune clerk was absent without reason; tasks assigned by the NEC to the clerk were given to the commune chief's son by the commune chief. This case happened in Prey Kla commune, Prey Veng district/province.

Cases related to extraction of names of disabled persons and elderly persons

The names of disabled persons were extracted in Pong Sat commune, Chhouk district, Kampot province, for unclear reasons. When asked by observers what was happening, officials replied that they had just extracted the names but had yet to decide whether to remove them or not. In Kbal Hong commune, Kandeang district, Pursat province, the village chief and commune councilors extracted the name of Chhon Yu, a 60-year-old woman with a broken leg, explaining that it was very difficult for her to go to vote.

Elderly persons' names were extracted to be removed from the voter list in Tropaing Thom commune, Kampot district/province. There was a case of a clerk in Tropaing Thom commune, Kampot district/province, extracting at least 12 names of elderly persons into Form 1025, claiming that they had requested that their names be removed as they were too old to go to vote. The content and format of all the requests were the same. 20 names of elderly persons were extracted into Form 1025.

7 voters were extracted in Muy Usapea village, Kampong Kandal commune, Kampong Bay district, Kampot province, 12 voters in Tropaing Thom and Svay Thom villages, Tropaing Thom commune, Kampot district/province and one voter at Polling Station 0107 located in Koh Keo village, Tropaing Chornng commune, Bakan district, Pursat province.

In accordance with NEC Guideline No. 332/07 NEC, dated June 30, 2007, on "Extracting voters' names needed to be removed from voter lists for the 2007 voter verification and registration for use in the 2008 general elections", COMFREL sees that, even if a voter requests the removal of his/her name from voter lists, commune councilors and clerks should not do this. If many voters request that their names be removed, for other reasons (such as vote buying), this issue will become clouded. The presence of the names of elderly people does not adversely affect the voter lists. On the other hand, extracting such names means lifting the voters' right to vote. The right to vote can only be removed if a voter commits an act contrary to the election law. In cases where voters wish to have their names removed, the NEC should instead attempt to find a way to explain the process of elections.

Discrimination against certain political parties

In Thlok Veau commune, Samaki Meanchey district, Kampong Chhnang province, the village chief told group leaders to extract for clearance only party members' names and pay no attention to other voters' names.

Incorrect extraction of names

Irregularities also involved errors regarding the extraction of voter names into Form 1025 for removal for reasons such as relocation, lack of physical address in the village, death or lifting of the right to vote. In fact, voters in cases of irregularity were present and had an address in the

commune/sangkat, or had only temporarily migrated to another place to find a job. Later observation (in September, 2007) found that **46 villages, equal to 37% of the 124 villages**, saw cases of irregularity or error with regard to extracting voter names for removal. Cleared voter names in these 124 villages amounted to 9,694; of these, 4% were eligible voters,²² whose names had been extracted through wrong implementation of procedure.

4 voter names were extracted as **deaths**; of these, 3 voters were living in O'Russe 2 commune, Kratie district, Kratie province and one voter is living in O Ta Koim 2 village, Tuol Ta Ek commune, Battambang district/province. These voters were still alive.

Cases of **lifting voters' right to vote** took place at Polling Station 0400 in O Am Pil village, O Am Pil commune, Serey Sophorn district, Banteay Meanchey province. These voters were Ms. Vorn Sai, born in 1970, Mr. Nget Seang, born in 1935 and Ms. Nget Sivorn, born in 1965. These voters had committed no wrongdoing.

Extraction of voter names into Form 1025 as "**double names**" happened in O Ampil village, O Ampil commune, Serey Sophorn district, Banteay Meanchey province (6 voter names) and Spean Dek village, Thlok Veauvann commune, Samaki Meanchey district, Kampong Chhnang province (1 voter name). However, these voters said that they had never registered their name with any other polling station.

Temporary migrants' names were extracted. Such cases happened in Chamkar Chek and Kroch villages of Sras Raing commune, Chung Kork and Boeung Klang villages of Ta Lom commune (all in Mongkol Borei district, Banteay Meanchey province) and Svay Dongkom and Slor Krom communes of Siem Reap district/province. Such people had migrated to other places in Cambodia or to Thailand to find jobs. See the box below for more details.

At least 6 voter names on lists at Polling Station 0616 in sangkat Boeung Tumpun, khan Meanchey, Phnom Penh city were extracted into Form 1025 as **having no permanent or temporary address in the commune**. However, these voters had a real address in the village, according to interviews. Similar cases happened in Samrong and Bansay Rak communes, Samrong district, Oddar Meanchey province, where commune chiefs/clerks extracted at least 8 voters into Form 1025 as relocations, because of dissatisfaction that these voters had not come to obtain their VIN.

In Po Leu village, Troeuy Sla commune, Sa Ang district, Kandal province, 8 of 95 voter names on lists at Polling Stations 1032 and 1033 were incorrectly extracted into Form 1025. Similar cases also happened in Phtath Khpos and Tong Rong villages, Tong Rong commune, Prey Chhor district, Kampong Cham province, where at least 9 of 53 names on lists at Polling Stations 1301, 1303 and 1304 were incorrectly extracted into Form 1025. Cases also happened at Polling Station 0151 in Sala Kum, Da and Bro Khnay villages, Treal commune, Baray district, Kampong Thom province, where 10 of 57 voter names were incorrectly extracted into Form 1025.

It is notable that cases of village chiefs, commune clerks and commune chiefs extracting voter names into Form 1025 as "**relocations and/or having no real address**" accounted for the highest percentage in almost every province/city. This is alarming. A division of incorrect extractions is as follows: 77% were relocations, 18% were those having no real address in the commune, 2% were deaths, 2% were "double names" and 1% was those who had the right to vote lifted.

²² This finding is parallel to the NEC Secretary-General's claims in a COPCEL (Conflict Prevention in Cambodian Elections) meeting on August 28, 2007, that only around 90% of more than 650,000 names were properly extracted into Form 1025.

Individual case studies of incorrect extraction

In Tameang village, Koh Roka commune, Kampong Siem district, Kampong Cham province, at least 7 voter names were incorrectly extracted into Form 1025: these were: 1) Chhay Tav, male, Polling Station 0452, currently serving as a member of the pagoda's layman commission (extracted as having no real address); 2) Chea Sok Nan, female, Polling Station 0452 (extracted as right-to-vote removal); 3) Kim Kuch, Polling Station 0451, male, aged 74, semi-blind (extracted as right-to-vote removal); 4) Nhim Kol, male, Polling Station 0449 (extracted as a relocation); 5) Choun Bunna, female, Polling Station 0452 (extracted as a relocation); 6) Oy Poun, male, Polling Station 0454, elderly (extracted as having no real address); and 7) Eoum Pheap, male, Polling Station 0454 (extracted as having no real address). It is notable that these voters are supporters of non-ruling parties (FUNCINPEC, the SRP and the NRP).

Ke Chheng Yeang, said to be a CPP supporter with an address in Prek Prosob commune/district, Kratie province, has migrated to find a job in Ratanakiri. Ke Chheng Yeang, who neither voted in the 2007 commune council elections nor received a VIN was extracted as a relocation case; Ke Chheng Yeang's sister claimed that he would come back to vote. Meas Orn, Polling Station 0160, female, born in 1969, of Prek Prosob commune/district, Kratie province, has migrated to work in Malaysia; she was extracted as a relocation case. Kry Leang, of Roka Kandal 1 village, Kratie district/province, has migrated to work in Stung Treng province. Kry Leang did not vote in the commune council elections and was extracted as a relocation case. Chea Siden, male, of Kantring village, O'Russei commune, Kratie district/province, and who only just moved from O'Russei 2 to Kantring village in the same commune and district, was extracted as a relocation case.

Kong Sareth, in Polling Station 1082, male, born in 1955, of Phlov Domrey village, Prey Nhat commune, Korng Pisey district, Kampong Speu province, has migrated to work temporarily in Phnom Penh to support his children after the death of his wife. His name was extracted as a relocation case, according to interviews with Kong Sareth's sister and neighbors.

Sorn Vong, living in Akpivath village, Pal Hal commune, Thbeng Meanchey district, Preah Vihear province, has no real address. Sorn Vong works as a maid in the neighboring village. Vong's name was extracted into Form 1025.

Pa Ra Toy, male, whose wife's name is Soeum Khun, lives in Kroch village, Sras Raing commune, Monkolborei district, Banteay Meanchey province. Both names, on Polling Station 0135's voter lists, were extracted as relocation cases; their mother claimed that they had gone away temporarily to work (as garment workers) in Phnom Penh and will come back to vote.

Voter names being added to lists after official validation

There were numerous cases of voter names being added to the official voter lists. This contravenes the procedures, as the voter lists were officially validated on February 29, 2008. However, on April 4, 2008 the NEC decided to include 321 voter names; on May 29, 2008, it added another 1,138 names to the list. According to the NEC, this was done because commune clerks or authorities had earlier failed to submit those names to the NEC for entry into the official voter lists.

Overall figures

The official voter lists for 2008 showed that there were 8,124,092 eligible voters. There were 911,881 newly registered voters in 2007, exceeding the NEC's estimate of 682,459 by 230,000. **However, observation found a high number of new voters who had not been registered on disputed land or in eviction sites.**

The 2nd voter registration audit of NICFEC, COMFREL, CAS and NDI revealed that more than 57,000 voters (0.7% of the list) were incorrectly removed.²³ COMFREL found that the NEC took around 580,000 voter names off voter lists.

²³ NICFEC/COMFREL/CAS/NDI Press Statement, June 13, 2008.

The NEC response to the audit was that the list contained a high degree of comprehensiveness, currency and accuracy, despite the challenges faced in registering all voters and cleaning the lists. The NEC stated that it had observed some irregularities in the way the audit was conducted, but recognized that there may have been a small number of voters whose names were improperly and unintentionally removed from the voter list. The NEC stated that it was continuing to find ways to improve the procedure, and strongly hoped that voters whose name were deleted would come to register again during the 2008 annual updating of the voter registry.²⁴

The results of the audit also showed that 76.5% of voters used national ID cards to register. Among young voters under 19 years old, only 56.5% used this. “***National ID cards have photos that can verify the true identify of a voter. Therefore, the complete distribution of national ID cards would not only facilitate registration, it would also greatly reduce irregularities.***” said Mr. Mar Sophal, COMFREL Monitoring Program Coordinator.

Overall, **COMFREL is still concerned about the quality of the voter lists, which caused some voters to lose their right to vote, as their names were erroneously deleted and their polling stations changed.** Some people were not able to find their name on the voter list or the relevant polling station code.

4.2 Registration of political party candidates

In the NA elections this year, 12 parties applied to take part, with 11 finally allowed to participate. Some factors could explain why not many political parties participated in the Cambodian elections. The potential and quality of many political parties trying to join in the elections are inadequate, confusing voters and leading to a split in the non-ruling parties’ vote (opposition parties). In addition, there was a decrease in the number of female candidates to 14%.

Rejection of candidates

According to Article 38 (new) of LEMNA, candidates standing for election are required to obtain confirmation of their registration from the relevant commune/sangkat authority. This was one among many problems causing extreme difficulties for candidates completing the candidate application form.

Candidates from at least 5 political parties spoke of difficulties that they had confronted concerning commune chiefs and commune/sangkat councilors who discriminated against them and postponed registration clarification; nonetheless, observation did not find any cases where such problems caused applicants to fail to register their name with the NEC, and no complaints were submitted to the NEC.

The decrease in the number of political parties participating in the elections is a negative indicator in that it reduces choice and entry points for new people and ideas. This system requires more political parties to take part in elections since it does not allow individual candidates to stand.

COMFREL and other CSOs urge the NEC to ensure that its primary responsibility remains supreme at all times, i.e., as the nation’s custodian of every citizen’s right to vote and to take part in elections as candidates. Therefore, the presumption must always be to allow those rights to be exercised unless the evidence is very clear that they are ineligible. There should also of course be a right to appeal against rulings of ineligibility. Such hearings must be arranged by the NEC to be

²⁴ NEC’s Response to NDP’s Voter Registration Audit II, July 7, 2008.

conducted in time for overturned decisions to apply so that successful appellants can take part fully and equally alongside other candidates.

By May 21, 2008, 11 political parties had been officially registered by the NEC. The **UPCP was rejected by the NEC** (see below). According to the NEC's calendar, the NEC must assign the PEC to post the political parties' candidate lists at the PEC offices and downtown on June 11, 2008; however, few people went to see the lists.

During the final revision of the candidate lists, **99 candidates were rejected**²⁵ (equal to 4%) from among 2,478 candidates, **as they were found not to be on the voter list**. Some of the rejected candidates had voted in previous elections, particularly in the 2007 commune council election; some candidates had their name on the 2006 voter list but had been eliminated from the 2007 final official voter list. Other candidates had minor data mistakes.

NEC officials and commune/sangkat councilors blamed each other regarding this issue of candidate name clarification. Some commune/sangkat councilors claimed that they had issued candidate clarification notices based on the old voter list because the NEC had not yet submitted the finalized official list to them. NEC officials criticized commune/sangkat councilors for being careless in their work which led to erroneous clarification.

Nonetheless, the NEC has to be responsible for the names disappearing from the official voter list, such as was the case for candidates from the NRP, FUNCINPEC and the UPCP, which had at least 40 candidate names clarified by commune/sangkat officials as on the voter list that were then checked by the NEC and found not to appear on the finalized official voter list, requiring the commune/sangkat official to correct their records.

For instance, in a case related to NRP candidate Mr. Noranarith Anon Dayad, the name was on the 2006 official voter list in Toul Tom Pong II sangkat, Office Code 0999, but no longer existed on the 2007 official voter list.

Lack of legality in NEC rejection of commune/sangkat confirmation: the UPCP

Irregularities **concerning this rejection by the NEC of some electoral candidates clarified by communes/sangkat** because their names were not on the voter list did not exist or were minimal during political party registration for previous NA elections. In these cases, as we have seen, the NEC did not approve some political party candidate application forms because it found that some candidates did not have their names on the official voter list, although commune/sangkat authorities issued clarification notices that the candidates were registered for the elections.

The NEC's right to reject confirmation notices clarifying candidate names on the voter list issued by commune/sangkat authorities is not stated in LEMNA. Thus, the NEC has no lawful authority to dismiss confirmation notices. This led to 99 candidates losing their right to stand and one political party not being able to take part in the elections: the UPCP.

The UPCP registered its candidates (102 candidates and 109 reserve candidates) with the NEC in 23 constituencies to take part in the NA elections for the fourth mandate. The NEC rejected 25 candidates whose names were not found on the official voter list.

²⁵ 2 from the NRP; 7 from the Khmer Democratic Party (KDP); 15 from the League for Democracy Party (LDP); 0 from the CPP; 11 from the Khmer Anti-Poverty Party (KAPP); 15 from the Khmer Republican Party (KRP); 1 from the Social Justice Party (SJP); 2 from FUNCINPEC; 1 from the SRP; 11 from the Hang Dara Democratic Movement Party (HDDMP); 9 from the HRP and 25 from the UPCP.

The rejection affected the party's candidate list in 15 constituencies, because the number of candidates on the list was not equal to the number of seats in those constituencies; the number of candidates filling in the form accurately in the other 8 constituencies was only 38, leading to a lack of candidates as required by law (at least 1/3 (42 candidates) of the total number of NA seats (123 seats)). Thus, the NEC decided to eliminate the UCP from the official list for the elections to be held on July 27, 2008.

The party lodged a complaint with the Constitutional Council on May 17, 2008; the Constitutional Council opened a hearing in relation to the case and officially decided to uphold the NEC's final decision made on May 12, 2008. This decision led to the party not being able to take part in the elections, since the Constitutional Council's decision prevented further complaint.

A key reason for the NEC's rejection of the UCP candidate registration was that their names were not found on the voter list. Although the candidates had received confirmation notices from their commune/sangkat councils, the NEC rejected them for not having their names on the voter list.

According to Article 49 of LEMNA, the voter list must be kept permanently at the commune/sangkat offices; the second point of Article 38 requires that the commune/sangkat authorities be responsible for confirming candidate names on the voter list. There is no provision in LEMNA stating that the NEC holds the right to give extra confirmation or to directly reject the commune/sangkat chief's decision or confirmation notice.

In addition, commune/sangkat councils are decentralized administrators directly elected by the citizens, so their decisions are not subject to the NEC. In sum, the NEC has the authority neither to confirm nor to not confirm candidate names on the voter list.

Regarding this case, the NEC raised two justifications:

1. The NEC holds the lawful right to review the commune/sangkat's confirmation notice because the commune/sangkat's task was delegated to it by the NEC.
2. The NEC received the commune/sangkat authorities' rejection notice of the issued confirmation notice.

The delegation to the commune/sangkat councils raised by the NEC refers to Article 53 of LEMNA, and deals only with the process of voter list revision and voter registration; the NEC holds privileged authority to deal with the complaints of voters who are dissatisfied with the commune/sangkat's decision rejecting their voter registration.

The NEC, in the above case, has the lawful right to reject the commune/sangkat's decision in accordance with Article 61²⁶ of LEMNA. Nevertheless, this provision cannot be applied to reject the commune/sangkat's decision confirming any candidate, for reasons that their names are not found on the voter list.

The commune/sangkat authorities' rejection notices of the candidates as received by the NEC were not made public in either the NEC's or the Constitutional Council's hearing.

²⁶ Article 61 (new) states: "*The National Election Committee (NEC) shall, through an open public hearing, decide on this appeal within five (5) days, from the date of its reception. If the NEC decides in favor of the request of the complainant, the NEC shall issue a Decision to the Commune/Sangkat Council to order the Commune/sangkat clerk to register the name of the rejected person in accordance with the conditions for registration of voters as provided for in Paragraph F of the new Article 54 of this law ...*"

Based on legal principles, the NEC must produce clear proof that candidates do not have their name on the voter list and lodge a complaint with the Administrative Court in order to reject the commune/sangkat authorities' decision to issue a confirmation notice (lodging a complaint with the Provincial/Municipal Court because the Constitution states that the court's jurisdiction covers all kinds of complaints, including administrative complaints).

Doubtful jurisdiction of Constitutional Council hearing

The **Constitutional Council had doubtful jurisdiction to hear the complaint of the UPCP.**

After rejection by the NEC, the political party may have misunderstood procedure or have been advised by the NEC to lodge the complaint with the Council to request the addition of its 25 candidates to the running party list. On May 26, 2008, the Council held a public hearing on the case. However, the complaint hearing is questionable: according to Article 42 Paragraph 4 of LEMNA, any candidate or political party ruled out by the NEC shall have the right to make a written appeal to the Constitutional Council within five days of the rejection. The Council's jurisdiction covers political parties appealing the NEC decision; in its proceedings, the Council shall have the competence to check the legality of the NEC rejection decision only. The final resolution of the Council hearing is to recognize or cancel the decision of the NEC and to give approval for party registration.

4.3 Voter information notice (VIN) distribution (see Annex 4)

The distribution of the VIN took place from June 5–25, 2008. **Irregularities were observed.** Some political parties asked the NEC to allow their activists to participate in the handing-out process, but were refused because they might become involved in political discrimination. However, in practice, most of the distributor groups were political party affiliates, such as commune councilors and village chiefs, most of whom are from the CPP. There were concerns, therefore, regarding the biased attitude of village chiefs and commune councilors towards the CPP in some places, where chiefs at the same time distributed gifts and mobilized for the CPP.

According to an NEC press release on the distribution of the VIN, dated June 30, 2008, only around 85% of over 8 million eligible voters had received the notice; therefore, nearly 1.2 million voters had yet to receive their notice. COMFREL observers found that tens of thousands of voters living in the urban areas of each province/municipality, especially in Phnom Penh Municipality, had not received their notice owing to political discrimination.

There was concern that voters who did not receive their VIN might be confused or think they were not allowed to vote because their names were not included on the voter list.

COMFREL regrets the fact that some voters lost their right to vote and that some other voters might have believed erroneously that their right to vote had been lost. The main reasons for this were politically discriminatory actions by village and commune authorities in the cleaning up of voter lists and in the distribution of VINs.

4.4 Political party campaigning

Most political parties were active in their preparations for the elections. The political parties taking part in the elections were more mature than previously in terms of dealing with problems. Five political parties (CPP, FUNCINPEC, SRP, HRP and NRP) carried out large-scale campaigning in cities, such as marches, large gatherings and distribution of party leaflets and images. The other political parties carried out smaller-scale campaigning in the constituencies where they were standing for election.

Municipality decision to prevent political parties from conducting campaigns in public areas

Notice No. 358 SJN.S, dated June 9, 2008 and issued by Phnom Penh Municipality, informed Phnom Penh's PEC to **prohibit political parties from gathering in public areas and from holding processions along certain routes**. This violated the authority of the NEC and election commissions at all levels with regard to organizing and assuring the process of free and fair elections. Such an initiative had the potential to affect the election process, particularly the election campaigning process of political parties aimed at attracting votes.

Phnom Penh Municipality has no authority over the NEC. On the contrary, according to the spirit of Article 29 of LEMNA, authorities at all levels that are in charge of security and public order must cooperate with the NEC and election commissions at all levels to ensure safety, security and public order during the whole election process, including the election campaigning period.

Free and fair elections cannot proceed smoothly unless voters have the right to obtain the necessary information from all political parties, and unless political parties participating in the election have full and sufficient opportunities to keep in touch with the public and disseminate their political platforms and programs to the public, who are the voters. In addition, the above demand went against Article 70 of LEMNA, and made it difficult for political parties and electoral candidates to disseminate their platforms to voters. At the same time, it contravened Points 7.1 and 7.2 of the Regulations and Procedures for the fourth mandate NA elections, as it had a direct impact on political processions, public gatherings and parades.

Moreover, Phnom Penh Municipality's Notice No. 358 SJN.S could represent a barrier to political parties' election campaigning, something which is explicitly forbidden, according to Point 5 of Article 124 of LEMNA ("*preventing candidates and political party supporters from conducting campaigning during the determined time period*").

Continued violation of Regulations and Procedures

By the end of the election campaign period, **there had been a total of 151 violations²⁷ of LEMNA and the Regulations and Procedures**, including the destruction of party property; the removal of party billboards, banners, posters and leaflets; prevention and disturbance of party campaign activities; and gift giving in order to buy votes. These cases occurred in the provinces of Kratie (23 cases), Banteay Meanchey (21 cases), Phnom Penh (19 cases), Kampong Cham (18 cases), Kampong Speu (17 cases), Kampong Chhnang (15 cases), Prey Veng (13 cases), Siem Reap (13 cases), Battambang (12 cases) and Kampot (12 cases); other provinces/municipalities saw fewer than 10 cases apiece. The highest number of victims as a result of these cases were from the SRP (28 cases), followed by the NRP (12 cases) and the HRP (8 cases). The majority of the alleged perpetrators involved, in 74 cases, were local authority officials and CPP-affiliated persons.

COMFREL reports showed that gift giving continued to take place throughout the campaign period, including the distribution of sarongs in Kampong Chhnang province and of medicines in Banteay Meanchey and other provinces. Observations of NA elections since 1998 have shown that, one or two days before polling day (often called the Night of the Barking Dogs, so called because of late night-time visits to houses to remind and reward voters in relation to their "duties" next day), voters are often given money and/or promised materials by political parties. Regarding these elections, CSOs are concerned that **political parties give money and/or**

²⁷ Our observers found 56 cases of destruction of political party property; 35 cases of vote buying; 31 cases of bias by government officials; and 18 cases of disturbance of electoral campaign activities by political parties.

materials to voters not only to attract them to vote for their party but also to prevent certain voters from going to cast their ballot.

Vote buying is stated as an offense in LEMNA but there is no definition of activities included in this. In previous elections, political parties have given gifts and materials to voters during campaigning. However, no perpetrators have been charged or punished.

Some **high-ranking police and military officials openly carried out political activities** supporting the ruling party, such as field visits to strengthen the party, to chat with local party members, to oversee the construction of local party buildings, etc., which contravenes existing law. At local level, village and commune chiefs and local authorities are still actively involved in party campaigning, threatening people whose position is not accordance with the party. The observation noted that most civil servants, armed forces personnel and local authorities did not remain neutral, but were biased towards one particular party by actively participating in electoral campaign activities to support their prospective political parties, particularly the CPP; some of their activities were also regarded as disturbance and as acting against other political parties, mainly the opposition SRP, NRP and HRP, etc. According to COMFREL's observation, at least 31 cases of partiality and 18 cases of disturbance took place.

“During this election campaign period, civil servants, authorities and armed forces have not only taken part in supporting the ruling party but have also conducted activities against other political parties. These cases have increased compared with the previous elections” said Mr. Thun Saray, Chair of COMFREL's Board of Directors and President of ADHOC.

COMFREL's observations indicated that election Regulations and Procedures were violated by civil service and armed forces personnel from a number of state institutions. Violations included not only the participation of state personnel in election campaigning during working hours, but also the use of state-owned property for election campaigning. The latter particularly included the use of cars, with or without license plates, in party campaign processions. COMFREL observers also noticed that some cars had had their state license plates removed and replaced with private license plates or no license plates at all, in order to make it easier to join party campaign processions. There were approximately 35 such cases committed by the two governing parties, particularly the CPP, in the first week of the campaign. The police have not taken any action to look for more information related to these cases.

In the first week of the campaign period, COMFREL received and followed up on 8 complaints, 5 of which came from Battambang province. Of these 5 complaints, 4 were lodged by the SRP and 1 by the CPP. The main focus of the SRP complaints was the destruction of party property by local authority officials, including the police. The CPP complaint was against the SRP, which the former accused of conducting an illegal campaign at a school.

The other 3 complaints came from Kampot, Kampong Chhnang and Kampong Thom provinces. In Kampot, the SRP lodged a complaint against the CPP over the alleged use of a car carrying license plates of the RCAF and a sticker with the CPP logo in the campaign procession. In Kampong Thom, a complaint was made against a CPP member who allegedly threatened a SRP member regarding putting up a SRP signboard in front of his house. There was another SRP complaint on June 30, 2008 against the CPP in Kampong Chhnang province over the alleged distribution of gifts to the people in Kbal Toek commune, Toeuk Plus district.

Some of the irregularities that occurred in the second week of the election campaign included:

- 6 cases of gift giving to buy votes, 2 of which occurred in Kampong Chhnang province, 2 in Siem Reap province, 1 in Prey Veng province and 1 in Pursat province.
- Numerous cases of confiscating political party leaflets and destruction of party billboards – both of which are election campaign violations – mostly in Battambang, Banteay Meanchey, Kampot, Kampong Cham, Kandal, Prey Veng and Stung Treng provinces and Phnom Penh Municipality. When it comes to permitting political parties to hand out their leaflets and put up their posters, ordinary people are more amenable than commune and village authorities, even in cases where parties do not have the prior approval of the home owners involved. The party that handed out and put up the most leaflets, posters and slogans was the CPP, followed by the SRP, the HRP, the NRP and FUNCINPEC.
- 2 cases of disenfranchisement of FUNCINPEC members by authorities in Banteay Meanchey.
- 4 cases related to provocation and obstruction to party campaign activities. One example of obstruction was when HRP representatives were prevented from conducting their campaign activities by a group of security guards at O'Russe Market in Phnom Penh.
- Authorities, civil servants and armed forces personnel in almost all 24 provinces/ municipalities still not acting in a politically neutral manner when exercising their official duties. COMFREL observed that many government officials from the various ministries/ departments did not attend their regular places of work, to perform their normal public service duties, in the first two weeks of July. Moreover, several village chiefs and local authority actors opposed and obstructed party campaign activities.

By the end of the second week of campaigning, COMFREL had received and followed up on 26 cases. Of these 26 cases, 11 were filed by the SRP, most involving intimidation of political party activists and violations of the electoral Regulations and Procedures by CPP officials. The 6 cases filed by the CPP comprised mainly cases of defamation, in which an individual's personal dignity was affected and/or electoral campaign procedures were violated. 3 cases, filed by the NRP, concerned the failure of the authorities to provide equal access to parties in their campaign activities. 2 cases were filed by the Banteay Meanchey province branch of FUNCINPEC and involved the illegal confiscation of Khmer ID cards and leaflets. Another case was filed by the HRP and focused on the destruction of party property. In Borkeo district of Ratanakiri province on July 2, 2008, a district deputy police inspector detained a 17-year old boy and his younger brother for allegedly destroying a CPP billboard and asked them to pay 150,000 Riel.

State and private media overwhelmingly cover ruling party activities. Unless the Guideline on media is included in the election Regulations and Procedures, the NEC cannot ensure the principal of equity and fair elections in terms of providing political parties with equal chances to access media. Intervention by the NEC on this was ineffective. Most private-run media outlets are in favor of the ruling CPP and did not comply with LEMNA and the NEC's Regulations, Procedures and Guidelines. Broadcast media affiliated with the CPP, which included at least 30 TV and radio stations, continued to violate the principle of equality and equity as enshrined in the NEC's Procedures, Regulations and Guidelines, when it comes to making political programs and renting airtime to other political parties. For more information, please see Section 5.

4.5 Polling day (July 27)

COMFREL notes that the security environment on polling day and the counting process were peaceful. COMFREL concludes that the **voting and counting process** of the July 27, 2008 NA elections was in general **conducted in a good manner** in terms of the technical administration of the Regulations and Procedures inside the polling/counting rooms. However, although the

overall number of irregularities and complaints (both written and unwritten) was similar to that in the 2003 elections, in this election there were more serious irregularities affecting people's voting rights than in previous elections. On cooling/polling/counting days, a total of **2,090 cases of irregularity** occurred, covering 70% of all polling stations in 15 provinces/municipalities and 5% of polling stations in the 9 other provinces/municipalities. In 2003, 15,000 electoral observers recorded approximately 3,723 cases in 90% of all polling stations across the country.

Before voting, the NEC began printing around 10.5 million ballot papers at the same printing house used for the 2003 and 2007 elections, although it had declared that it would select the printing house via auction. The observers wanted to scrutinize the ballot-printing process thoroughly, including its technical methods and transparency, rather than merely being present at the printing house and showed the ballot papers by the NEC. Some political parties have no trust in this printing house, as there were at least 900 ballot papers too many in the 2003 election.

COMFREL observed **major problems during the electoral process** on July 27, particularly that:

1. **There were many voters who lost their name on the voter list** or could not find their polling station. In almost every province/city there were many of these cases; these cases of irregularity were likely to have affected the election result as well as voter turnout, whether or not there was a high number of voters going to polling stations.
2. As in previous elections, **civil servants and local authorities were present around the polling stations.**
3. There were irregularities and complaints involving **commune officials who did not abide by the electoral Regulations and Procedures or the NEC Guidelines regarding the issuing of Form 1018.** These problems could affect voters' decisions and voting outcomes.

616 of these cases took place in Phnom Penh, 354 in Banteay Meanchey, 198 in Kampong Cham, 116 in Koh Kong, 107 in Takeo, 93 in Kampong Chhnang, 74 in Prey Veng, 70 in Kandal, 67 in Kampong Thom, 62 in Siem Reap, 59 in Kampot, 56 in Kratie, 36 in Pursat, 30 in Svay Rieng, 29 in Battambang, 27 in Kampong Speu, 23 in Sihanouk Ville, 22 in Preah Vihear, 10 in Kep, 8 in Monduliri, 6 in Oddar Meanchey, 5 in Ratanakiri, 5 in Pailin and 3 in Stung Treng.²⁸

Irregularities where people lost their right to vote refer mainly to obstacles faced by voters at polling stations, which resulted 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).
3. Voters were confused about whether they could use their VIN to vote.

Such cases took place in the following provinces/municipalities: Phnom Penh (particularly in Tonle Basak commune – Dey Krohom community near Building Bloc, Boeung Tumpun commune (Sansam Kosal pagoda), Kampong Cham, Takeo, Banteay Meanchey, Kampong Thom, Siem Reap, Kratie and Battambang. We also found that the second assistants of polling officials did not completely fulfill their duties or did not have capacity to help voters who faced the above-mentioned problems.

²⁸ 159 complaints (both those written on Form 1202 (the complaint form) and those unwritten) were filed by political party agents at polling/counting stations; 70 of these cases were not resolved by the electoral officials in charge.

In addition, there were **a large number of unsolved irregularities outside polling/counting stations**. These included the presence of commune and village authorities close to the station and activities aimed at influencing voters, both of which are considered violations of the electoral Regulations and Procedures.

COMFREL uncovered several irregularities and complaints involving **commune officials who did not abide by the electoral Regulations and Procedures or the NEC Guidelines regarding the issuing of Form 1018** on polling day. This occurred in Labanseak commune/district of Ratanakiri province, Prek Pnau commune, Ponhea Leu district of Kandal province, Kampong Cham province, Sihanouk Ville Municipality, Kampong Speu province, Pursat province and Phnom Penh Municipality. Moreover, many PECs and CECs did not want to accept and/or resolve complaints, rejecting up to 45% of the complaints filed by political parties.

Only about 74.8% (approximately 6 million people) of the 8.12 million registered voters **cast their ballot** in the July 27, 2008 NA elections.² COMFREL observers noted **1,191 cases** of eligible voters going to the polling station but **facing difficulties** that prevented them from casting their ballot. Specific irregularities at polling day are as follows:

- 731 cases of people losing their right to cast a ballot occurred in the following provinces/municipalities: Phnom Penh (247 cases), Banteay Meanchey (162 cases), Kampong Cham (57 cases), Takeo (33 cases), Kampot (26 cases), Kampong Thom (24 cases), Siem Reap (21 cases), Kampong Chhnang (18 cases), Sihanouk Ville (17 cases), Prey Veng (14 cases), Preah Vihear (10 cases), Battambang (6 cases), Kampong Speu, Monduliri, Koh Kong, Kratie and Svay Rieng. It should be noted that such cases involved eligible voters who had or had not received the VIN or whose names were on the voter lists but who did not have identity documentations; cases also involved eligible voters who had cast their ballot in the 2007 commune council elections but who did not have their name on the 2008 voter list. With regard to such cases, political parties filed 71 complaints, but only 22 of these were addressed.
- About 460 cases of eligible voters not being able to find their name occurred in the following provinces/municipalities: Phnom Penh (215 cases), Banteay Meanchey (110 cases), Kampong Cham (34 cases), Siem Reap (17 cases), Kratie (16 cases), Takeo (13 cases), Kampot (12 cases), Battambang, Kampong Thom, Kampong Chhnang, Koh Kong, Monduliri, Preah Vihear, Prey Veng and Svay Rieng. With regard to such cases, political parties filed 35 complaints; 15 of these were not addressed.
- Some political party activists, particularly those of the ruling party, provided large-scale transportation or money to voters in order to stimulate them to vote for their particular party. This occurred in Sampov Loun commune, Sampov Loun district of Battambang (Polling Station 0722), Labanseak district of Ratanakiri and Svay Rieng, Oddar Meanchey and Kampong Cham provinces, among others.
- 30 cases of campaign violation, such as gift giving, the distribution or posting of party posters and leaflets aimed at seeking support for the respective party occurred in the following provinces: Sihanouk Ville, Kampong Cham, Banteay Meanchey, Kampong Chhnang, Kampot, Koh Kong, Kratie, Kampong Thom and Siem Reap.
- 23 cases of observers or party agents being prevented from observing the polling process occurred in some polling stations in the following provinces/municipalities: Banteay Meanchey, Prey Veng, Kampong Thom, Phnom Penh and Takeo.

² This is an estimate based on COMFREL's direct observation while the official results issued by the NEC indicate a voter turnout of 75.08%.

- There were 146 cases of illegal presence of local authorities, village chiefs in particular, around polling stations, watching voters or instructing them to vote for their party, sometimes intimidating them. Such cases happened in some polling stations in the following provinces/municipalities: Banteay Meanchey, Battambang, Kampong Cham, Kampong Chhnang, Kampong Thom, Kampot, Koh Kong, Kratie, Phnom Penh, Prey Veng, Siem Reap, Sihanouk Ville, Stung Treng, Svay Rieng, Takeo and Pailin.
- There were 150 cases of allowing armed forces personnel wearing uniform and carrying weapons and/or explosive devices to enter polling stations. These cases occurred in some polling stations in the following provinces/municipalities: Kampong Cham, Phnom Penh, Mondulakiri, Takeo, Kampong Thom, Kratie and Siem Reap.
- 4 cases of eligible voters being prevented from casting their ballot by means of gifts of money or other materials occurred in Kampong Cham, Kampong Speu and Siem Reap.
- There were 207 cases of polling station officials not complying with the electoral Regulations and Procedures. These cases occurred in the following provinces/municipalities: Phnom Penh, Kampong Cham, Preah Vihear, Siem Reap, Takeo, Kampong Chhnang, Kampong Speu, Kampong Thom, Battambang, Pursat, Svay Rieng, Oddar Meanchey and Koh Kong. The irregularities reported in these cases included the following:
 - 27 cases of not showing the empty ballot box before the polling station was opened;
 - 24 cases of late opening of polling stations (not following the determined opening time of 7am);
 - 89 cases of not ensuring the secrecy of balloting;
 - 50 cases of 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;
 - 20 cases of postponing the polling process or the closure of polling stations during the polling process, which took place in the provinces of Kampot, Banteay Meanchey, Prey Veng, Siem Reap and Takeo as well as Phnom Penh Municipality.
- 14 cases of allowing eligible voters whose forefingers were stained with indelible ink to cast their ballot again occurred in Banteay Meanchey, Kampong Cham, Phnom Penh, Kratie and Siem Reap.
- 3 case of taking a ballot paper out of the polling station to let another voter mark it occurred in Kampong Cham and Preah Vihear.
- 10 cases of polling station officials dismissing or ignoring voters' or political party agents' requests or refusing to give them a complaint form (Form 1202) occurred in Banteay Meanchey, Kampong Chhnang, Phnom Penh and Svay Rieng.

4.6 Vote counting and results consolidation

After the polling process ended at 15:00 on July 27, 2008, COMFREL continued to observe the process of securing the ballot papers by electoral officials and found the following **irregularities**:

- 19 cases of allowing persons who were not on duty to go in and out of the polling stations during the closing process occurred in Banteay Meanchey, Kampong Chhnang, Phnom Penh, Siem Reap and Takeo.
- 4 cases of not putting on the lid to cover the ballot-insertion holes, or not locking the large boxes used for packing the ballot boxes, occurred in Battambang and Prey Veng.
- 22 cases of disturbing the counting process occurred in Banteay Meanchey, Kampong Chhnang, Prey Veng, Phnom Penh and Takeo.

During the ballot-counting process, COMFREL observed some counting station officials did not comply with the electoral Regulations and Procedures or the NEC Guidelines, resulting in the following **irregularities**:

- 13 cases of postponing the counting process inside the polling stations occurred in Banteay Meanchey, Kampong Cham, Kampong Thom, Phnom Penh, Prey Veng and Takeo.
- At least 2 cases of not allowing observers and political party agents to observe the counting process occurred in Prey Veng.
- 2 cases of not allowing observers and political party agents to observe the sealed lock of the ballot box before removing the lid covering the ballot box occurred in Kampong Cham.
- 27 cases of counting too fast or of not clearly showing the ballot papers to observers or political party agents occurred in Banteay Meanchey, Kampong Cham, Kratie, Phnom Penh, Preah Vihear, Prey Veng, Svay Rieng and Takeo.
- 16 cases of announcing electoral results inaccurately occurred particularly in Takeo, Phnom Penh and Kampong Thom.
- 5 cases of accepting valid ballots and rejecting invalid ballots but not showing them to observers or political party agents occurred in Kampong Chhnang and Phnom Penh.
- 4 cases of important electoral materials being lacking, which disrupted the counting process, occurred in Banteay Meanchey and Phnom Penh.

COMFREL observers noted that, during the CEC consolidation of electoral results, CPP observers were present at every commune office; SRP observers were present at only some commune offices. Observers and agents of other political parties were not present. With regard to the verification and consolidation of electoral results, COMFREL observers found that almost no PECs carefully checked or verified the electoral results tallied by the CECs against the records made by the polling station commissions.

There were some irregularities with regard to preparing and packaging electoral documents and materials:

- There were 8 cases of not showing polling and counting records to observers and political party agents.
- There were 9 cases of not allowing observers and political party agents to observe every part of the process of preparing and packaging the electoral documents and materials before transporting them from the counting stations to the CECs. This occurred in Banteay Meanchey, Phnom Penh, Kampong Thom and Takeo.
- There were 9 cases of not informing observers and political parties about the safe place or the location at the polling station commissions where the ballots would be kept.

A comparison of the initial electoral **results announced by the NEC²⁹** with the unofficial **results collected from counting stations by COMFREL** electoral observers shows a **small difference of $\pm 0.2\%$** , which might not affect the average percentage of total votes received by each political party, but **might affect the number of seats allocated to each political party in the various constituencies**, but by less than 0.7%.³⁰ (See COMFREL's PVT Report, 2008.)

²⁹ The release of the NEC's initial election results started from the evening of polling/counting day until August 9, 2008. Because nothing changed between the primary and official results, later comparison was done with the official results, which were released on September 2, 2008.

³⁰ Please see the unofficial results table collected and prepared by COMFREL on July 29, 2008.

5. Media

COMFREL conducts media monitoring during the pre- and post-election periods and during elections; from May 1, 2007 to May 31, 2008 COMFREL undertook a thorough analysis of programs on state-run Television Kampuchea (TVK) of the time allocated to elected political parties,³¹ the RGC, the NA and the Senate and of coverage of the 2008 NA elections; from June 1 to July 31, 2008 COMFREL undertook a thorough analysis of programs across TVK, the Cambodian Television Network (CTN), state Radio FM 96 MHz and AM 918 KHz, Radio FM 105 MHz, Radio FM 102 MHz, RFA (evening Khmer programs), VOA (evening Khmer programs) and RFI (evening Khmer programs) for access provided to political actors³² and coverage of the elections and with respect to the NEC's Media Guidelines, as well as coverage of women, youth, indigenous people and disabled people in politics and elections. The selection of these media was based on their popularity, independence or (in principle) public access. Within the latter period, COMFREL also monitored FUNCINPEC-affiliated Radio FM 90.5 MHz, SRP-affiliated FM 93.5 MHz, which rents out airtime to political parties, and CPP-affiliated FM 95 MHz for violations of LEMNA and NEC Regulations and Guidelines.

COMFREL observed that, in terms of political party coverage, the **CPP was ahead with regard to access to broadcasting media**; in other words, information on or activities of the CPP were covered by all TV channels and many radio channels; at least 39 broadcasting channels were affiliated with the CPP.³³ Other political parties could not gain access to television coverage. COMFREL, in general, observes that, of all political actors, the RGC and the Prime Minister received the most coverage time on all media monitored, followed by the legislative bodies – the NA and the Senate. However, coverage of these actors decreased during the election campaign period, with more time given to political parties. The three international radio channels and Radio FM 105 MHz played a vital role in providing more coverage for non-ruling political parties and giving mixed-tone coverage to all political actors. On the other hand, during the pre-election campaign period, the state-run channels and CTN were absolutely in favor of the CPP in terms of time allocation and positive information tone. Radio stations FM 90 MHz and FM 90.5 MHz, which are affiliated with FUNCINPEC, broadcast information on the activities of FUNCINPEC.

Additionally, observation revealed that non-ruling parties could still access some electronic and print media. For example, the SRP, the HRP and the NRP all accessed radio airtime on Radio FM 105 MHz and Radio FM 93.5 MHz. These political parties used the media to disseminate information on their own political platforms and party activities and to express their views against the ruling parties, as well as criticizing each other.

Freedom of opposition information, especially for local broadcasting media, was threatened in terms of voice given to non-ruling political parties. A Kratie local radio station, Angkor Ratha FM 105.25 MHz, was ordered to shut down by MoInfo before the election campaign period as the station owner had rented out airtime to political parties and CSOs. MoInfo claimed that the renting of airtime to other parties was a contract violation. The radio has not yet been permitted to re-open, despite the efforts of the station owner, CSOs and some MPs. The editor-in-chief of opposition-affiliated newspaper Moneaksekar Khmer was detained on charges of defamation and publishing false information; a Moneaksekar Khmer reporter and his son were killed.

³¹ Political parties elected in the 2007 commune council elections include the CPP, the SRP, FUNCINPEC, the NRP and the HDDMP.

³² The political actors include the 11 political parties contesting in the election, the NA, the Senate, the RGC including the Prime Minister.

³³ Hun Sen's speech at the Opening Ceremony of Latex Harvesting and Inauguration of the Dharma School of Kirivanaram Pagoda in Kampong Cham province on May 21, 2008.

It seemed the NEC did not implement its duties with regard to making the media respect the Media Guidelines to ensure free and fair elections. Although it was informed of some media violations of the Guidelines in the time allocated to political parties and the use of insulting words towards other political actors during the election campaign period, the NEC did not take any legal action besides requests to the relevant media to follow the Guidelines; these requests were ignored.

However, during cooling day (July 26, 2008), the NEC in collaboration with MoInfo took unfair and tough action against private radio Maha Norkor FM 93.5 MHz, which rented out airtime to political parties and CSOs. The NEC and MoInfo claimed that the station was violating the NEC's regulations forbidding media from broadcasting on any political party or candidate in the cooling-off period. The station was closed by MoInfo forces at around 23:00 on July 26, 2008. According to the Secretary-General of the NEC, many radio and TV stations violated the laws/regulations and he reported on these to MoInfo. However, MoInfo took legal action only against FM 93.5 MHz, on the grounds that the station had not followed MoInfo's verbal instruction.

The findings are classified into two stages as follows: 1) findings during the pre-election period (May 1, 2007 to June 25, 2008); and 2) findings during and after the election campaign period (June 26 to July 31, 2008).

5.1 Findings during the pre-election period (May 1, 2007 to June 1, 2008)

Findings of TVK monitoring from May 2007 to May 2008

The methodology used for monitoring within this period was a bit different from that used from June 1 to July 31, 2008, in that within this monitoring period each political actor was counted based on the number of his/her appearances or the number of times his/her name or picture was heard or shown, regardless of how long this was for.

From May 2007 to May 2008, COMFREL undertook a thorough analysis of programs on one state-run television channel (TVK) to analyze coverage of political party activities and of progress towards the upcoming 2008 national elections.

In general, COMFREL observed that TVK dedicated the vast majority of its political times to the activities and performance of the RGC and the Prime Minister, which received 85% (equal to 17,092 appearances) of the total time allocated to all political actors.

The coverage on TVK of the RGC, including the Prime Minister, was usually about meetings, workshops or inauguration ceremonies, field visits to meet local people to give gifts, etc. or strengthening the CPP network, including new party member acceptance ceremonies. Most of the coverage of the RGC (CPP leaders) was positive, focusing on construction and on the development of the country under the leadership of the three Samdech (Samdech Chea Sim, Samdech Hun Sen and Samdech Heng Samrin).

The Prime Minister was the main actor seen or heard about during political coverage, making at least 3,504 appearances. As well as broadcasting an entire speech of the Prime Minister, TVK broadcast a speech by government officials visiting the field, praising the Prime Minister for developing the country in every sector.

News related to the NA and the Senate took up 12% of coverage (2,490 appearances). Coverage dealt mostly with NA plenary sessions, meetings between MPs and foreign delegations,

constituency visits of MPs (mostly from the CPP), etc., leaving around 3% for all elected political parties.

Observation of TVK within the monitoring period showed that, in terms of coverage of political parties, TVK came out heavily in favor of the CPP, which was allocated (or heard about in) 84% of cases of political party coverage (equal to 520 times). The coverage of the CPP included party meetings, acceptance of new members, party members giving gifts to local people, etc. For example, TVK broadcast programs on the 56th anniversary of the CPP on June 28, 2007, and the 29th anniversary of the victory over the Pol Pot regime on January 7, 2008, in which the CPP President mentioned party efforts and achievements in developing and building the country and party policy. Besides broadcasting entire programs, including the party President's speech, TVK interviewed other CPP senior officials about the party's achievements for the country. TVK also showed the logo of the CPP and banners praising the CPP, using the words "***the CPP protects social equity and justice***". Government officials, including the Prime Minister when on duty, also took the time to mention the CPP; this was also broadcast by TVK.

FUNCINPEC was **covered or mentioned** in 10% of cases (64 times). Some of this coverage showed a meeting between the party's leaders and the Chinese and Vietnamese communist parties. Sometimes, the name of FUNCINPEC was mentioned by the Prime Minister and FUNCINPEC government officials.

The **SRP**, which was not part of the coalition government, was **mentioned in 6% of all cases** (35 times), most of which was negative in tone, for example regarding the defection of SRP members to the CPP and the Prime Minister's criticism of the SRP. TVK also produced a program aired on April 4 and 5, 2008 criticizing the SRP's intention to hold a protest against the increase in the price of goods.

The NRP was heard about 2 times only, related to the position of parties regarding the request to remove immunity from the retired king. No other political parties were heard about on TVK.

*TVK's Equity Weekly Program*³⁴

COMFREL observed within this monitoring period that the Equity Weekly Program focused mainly on social, economic and environmental issues and on matters surrounding the livelihoods of ordinary people; **political issues, especially coverage of political parties or views, were given less coverage**. Most information dealt with the positive aspects of government development activities; a few shows mentioned the negative impacts of development, for example a show on the victims of land disputes in Dey Krohom and Village 78 in Tonle Basak commune, Chamkar Morn district, Phnom Penh.

Within the monitoring period, the program broadcast a few shows on election issues, such as voter registration and revision, and interviewed a NEC official regarding the election process.

The above program dedicated only a small amount of time to covering political views or parties.

Of political actors, the NA was allocated 67% of time, equal to 63 appearances. SRP MPs received the most coverage: 26 appearances, followed by the CPP's 23 appearances and FUNCINPEC's 14 appearances. Coverage of MPs usually was in interviews about laws adopted. The RGC, including the Prime Minister, was heard about or mentioned 18% of the time, equal to 17 appearances.

³⁴ This program is supported by UNDP in conjunction with MoInfo. The program was broadcast from May 20, 2007 to June 15, 2008. Its aims were to promote civic understanding and participation in political issues.

Equity Weekly Program gave less time to political parties: 15%, equal to 14 appearances. Within the monitoring period, only five political parties saw coverage. The CPP and SRP were given coverage on the program 4 times each, FUNCINPEC 3 times, the NRP 2 times and the HRP 1 time. For example, in the show on the cancellation of voter names from the voter list, the show interviewed representatives from the first 4 parties regarding the said topic.

The program also gave time to political parties to share their views on the importance of youth in politics.

In conclusion, within the monitoring period, Equity Weekly Program still focused mostly on social topics, such as people's livelihoods and development.

5.2 Findings of media monitoring within June 1 to 25, 2008

The combined findings of all media monitored within this monitoring period showed that all political actors were allocated time.

The RGC, including the Prime Minister, was allocated the most political airtime, **receiving 69%**, equal to 89 hours 01 minute and 31 seconds of the total time allocated to all political actors (25% for the Prime Minister). Most of the coverage was neutral in tone (90%, equal to 80 hours, 25 minutes and 10 seconds, of the total time allotted to the RGC including the Prime Minister).

The tone of information on the RGC including the PM was very different between state-run channels/private TV station CTN and the other channels monitored. The state-run channels and CTN provided more positive coverage for the RGC. In total, the RGC received positive coverage at 8%, equal to 6 hours, 47 minutes and 32 seconds, of which 6 hours, 13 minutes and 23 seconds were allotted by the three state-run channels and CTN. The coverage included – but was not limited to – the activities of RGC members visiting and giving gifts to the local people and the development of infrastructure, peace and national stability. CTN produced the program Genuine and Achievement, which mostly propagandized the achievements of the government; Radio AM 918 KHz produced the program Newspaper Views, which quoted only positive stories about the RGC from the pro-CPP newspapers; Radio FM 96 MHz produced the program Our Country to appraise and defend the RGC from any criticism.

RGC saw negative coverage at only 2%, equal to 1 hour 48 minutes and 49 seconds, of which 1 hour 45 minutes and 25 seconds were covered by the three internal radio channels and Radio FM 105 MHz. Negative shows often focused on disputes between local authorities, RGC members and local people, and the criticisms of ordinary people and civil society regarding hot issues such as land disputes, democracy and social injustice and other special topics covered by the channels.

Radio FM 102 MHz coverage of the RGC was mostly neutral in tone.

Interestingly, the performance and work of the legislative bodies – NA and Senate – **received the least allocated time, at around 9%**, equal to 12 hours, 9 minutes and 50 seconds in total. The coverage of the NA and Senate dealt mostly with MP meetings with foreign delegations, field visits to constituencies and MP expressions regarding issues brought up by journalists. Most coverage was neutral in tone (91%, equal to 11 hours, 3 minutes and 44 seconds of all time dedicated to the NA and Senate); positive coverage was at 8%, equal to 56 minutes and 54 seconds. Negative information on the NA and the Senate was at only 1%, equal to 9 minutes and 12 seconds.

Within this monitoring period, all political parties combined were allocated **22% of political coverage**, equal to 28 hours, 28 minutes and 1 second, of the total time allocated to all political actors. Only two political parties received the most majority coverage: the CPP and the SRP. In general, the three state-run channels provided the most coverage, including positive coverage for the CPP, but less (and negative in tone) to the SRP and a few other non-ruling political parties.

In the meantime, in terms of political party time allocation and information tone, the coverage on the three state-run channels along with CTN in comparison with that on the other monitored media showed a big difference. The former channels were very much in favor of the CPP, providing positive coverage on the CPP and negative information on opposition parties. Coverage usually quoted only pro-CPP sources. The latter channels provided more time to opposition parties but with balanced coverage in terms of source of information.

The **CPP** was dedicated the most time, receiving around **40%**, equal to **11 hours, 19 minutes and 6 seconds** – 7 hours, 14 minutes and 23 seconds on the three state-run channels and CTN – of time dedicated to all political parties. Of the CPP's total time, positive coverage was at 11%, equal to 1 hour 17 minutes and 25 seconds (1 hour, 5 minutes and 13 seconds on the three state-run channels and CTN). These channels produced pro-CPP programs such as CTN's Genuine and Achievement, Radio AM 918 KHz's Newspaper Views and Radio FM 96 MHz's Our Country. Negative information about the CPP was mostly on the three international radio channels and FM 105 MHz, accounting for 4%, equal to 29 minutes and 17 seconds, of which 25 minutes and 58 seconds were on the three international radio channels and FM 105 MHz. Most of this information related to the alleged threats of the CPP towards other political party activists or ordinary people.

The **SRP saw the second-highest amount of coverage, allotted 30%**, equal to 8 hours, 26 minutes and 11 seconds, of which 6 hours, 20 minutes and 26 seconds were covered by the three international channels, FM 105 MHz and FM 102 MHz. Even though most coverage of the SRP was neutral (86%, equal to 7 hours, 15 minutes and 14 seconds), the SRP saw very little positive coverage, around 1%, equal to 6 minutes and 5 seconds, most of which was covered by VOA and RFA. The SRP received the most negative coverage (13%, equal to 1 hour, 4 minutes and 52 seconds), most on the three state channels and CTN. CTN, FM 96 MHz and AM 918 KHz used the programs mentioned above to criticize the SRP and other opposition parties.

The NRP was allocated the third-highest level of coverage, around 9%, equal to 2 hours, 32 minutes and 42 seconds, of which 2 hours, 6 minutes and 41 seconds were allocated by the three international radio stations, FM 105 MHz and FM 102 MHz. Almost all of the coverage was neutral in tone, with some coverage positive or negative in tone.

The FUNCINPEC and the HRP received 6% (equal to 1 hour, 34 minutes and 58 seconds) and 5% (equal to 1 hour, 26 minutes and 46 seconds), respectively; almost all of the coverage was dedicated by the three international radio stations, FM 105 MHz and FM 102 MHz. The coverage was almost 100% neutral in tone. These parties saw very little positive coverage (32 seconds for FUNCINPEC and 3 seconds for the HRP) and negative coverage was 6 minutes and 10 seconds for FUNCINPEC and 5 minutes and 38 seconds for the HRP.

The other 6 political parties were allotted between 1%, equal to 21 minutes and 19 seconds, and 3%, equal to 49 minutes and 15 seconds. In short, the total time allocated to these 6 parties combined was 10%, equal to 3 hours, 8 minutes and 18 seconds, of which 2 hours, 56 minutes and 42 seconds was dedicated by the three international radio stations, FM 105 and FM 102 MHz; the coverage was almost 100% neutral in tone.

In conclusion, the findings during the pre-election campaign period reveal that the state-run channels along with CTN were willing to support only the CPP and were against the other political parties, in terms of both time allocation and information tone. The other media – RFA, VOA, RFI, FM 105 MHz – played a very important role in providing access to non-ruling parties and covering both negative and positive information for all political actors, including the CPP. The type of information presented in the latter media could not be found in the former media. For example, news stories on the latter media provided time to all parties concerned to defend themselves; the former gave the chance only to pro-CPP sources. However, it seemed that the latter media dug out more negative stories about the CPP and the RGC for broadcast.

5.3 Findings during campaigning (June 26 to July 25, 2008)

Coverage of political actors on state-run channels within the election campaign period was completely different from that during the pre-election campaign period, owing to the presence of the UNDP/TVK Equity News Program on TVK and the NEC's own Equal Access Program in the three state-run channels and the suspending of the programs bias toward the CPP. These two programs made the state-run channels the only ones to comply with LEMNA and the NEC's Regulations, Procedures and Guidelines during the election campaign period within the monitoring time. The other media remained the same in terms of political actor coverage.

The NEC asked MoInfo to take action against some media that the NEC claimed were violating LEMNA during cooling day, July 26, 2008, leading to the unfair closure of radio Maha Norkor FM 93.5 MHz, which rented out airtime to non-ruling parties.

State-run media

Programs on the three state channels biased towards the ruling party and attacking the opposition were suspended. The RGC, including the Prime Minister, was allotted only 24% of coverage, equal to 48 hours, 28 minutes and 28 seconds, leaving around 76%, equal to 156 hours, 3 minutes and 22 second, for the 11 political parties. The NA and Senate were heard in only 28 minutes and 59 seconds.

TVK's Equity News Program

The content of the Equity News Program focused mostly on parties' positive aspects, party platforms and the support of voters for specific political parties. Negative tone and criticism of political parties arose only a few times. The following table shows COMFREL's findings on the time allocated to political parties in the Equity News Program. It should be noted that the findings are slightly different as COMFREL used a slightly different methodology from UNDP.

Table 1: Time allocated to political parties in the Equity News Program (by COMFREL)

No	Party	Positive tone (in secs)	Negative tone (in secs)	Neutral tone (in secs)	Total (in secs)	Comfrel's total findings in %	UNDP's total findings in % ³⁵	Difference	UNDP's Planned Total %
1	CPP	256	98	4065	4659	19.31	21.00	-1.69	20
2	SRP	20	0	3167	3279	13.59	13.80	-0.21	13
3	FCP	11	0	2454	2713	11.24	11.11	0.13	11
4	HRP	16	0	2336	2484	10.29	10.43	-0.14	8
5	LDP	0	0	1678	2478	10.27	8.19	2.08	9
6	NRP	9	0	2249	2284	9.47	9.13	0.34	9
7	HDDMP	35	8	1905	2140	8.87	8.71	0.16	9

³⁵ Today's airtime percentage, http://www.equitycam.tv/index.php?option=com_content&task=view&id=106&Itemid=80, retrieved on September 4, 2008.

No	Party	Positive tone (in secs)	Negative tone (in secs)	Neutral tone (in secs)	Total (in secs)	Comfrel's total findings in %	UNDP's total findings in % ³⁶	Difference	UNDP's Planned Total %
8	KDP	0	0	1579	1717	7.12	7.73	-0.61	9
9	KAP	0	0	835	1006	4.17	3.61	0.56	4
10	KRP	0	0	720	761	3.15	3.89	-0.74	5
11	SJP	0	0	446	610	2.53	2.40	0.13	3

The program also allocated a great deal of time to voters commenting on the elections and the particular political party they liked and supported. The program included several appeals by political party leaders asking voters not to vote for the CPP.

NEC's Equal Access Program on state-run media

There were two kinds of NEC Equal Access Program: the NEC-produced Political Parties' Platform Broadcasting and the political party-produced spots. The programs were broadcast on the three state-run channels, providing each political party 10 minutes per show. The opposition parties used their time to strongly criticize the CPP-led government, whereas the CPP used its time to disseminate on the CPP government's achievements. Apparently, some political parties lacked the resources to produce spots for broadcast. The KRP, for example, did not produce a spot; the HDDMP only slightly modified its 2003 election spot. Nevertheless, the CPP, the SRP, FUNCINPEC, the NRP and the HRP had different spots broadcast during the program. Most political parties used almost all their allotted time between approximately 15 hours and 13 hours, except the HDDMP and the KAP, which used approximately 12 hours and the KRP, which produced no spot to broadcast on state media, around 6 hours only.

Private media

CTN, within this monitoring period, allotted airtime to only 5 political parties. CTN still criticized the opposition SRP and allocated much time to the CPP (77%, equal to 1 hour 15 minutes and 51 seconds), of which 19% was positive and the rest neutral. Only the CPP saw positive coverage on CTN. The SRP was allotted 19%, equal to 20 minutes and 34 seconds, but most (54% of CTN's SRP coverage) was negative. FUNCINPEC, the NRP and the HRP were heard about for 61 seconds, 42 seconds and 42 seconds, respectively.

On Radio FM 105 MHz, FM 102 MHz, RFA, VOA and RFI, the sources and tone of programming/news varied. However, observation found that most of the news and programs produced by these stations attacked or were negative in tone towards the CPP and the RGC.

Within the period of monitoring of the above channels, the RGC including the PM was allotted 28%, equal to 20 hours and 58 minutes, of the time dedicated to all political actors. The NA and the Senate were given the least, around 2%, equal to 1 hour 32 minutes and 23 seconds, leaving around 70% for the 11 political parties.

In terms of political party coverage, the three international radio stations, FM 105 MHz and FM 102 MHz dedicated more time to the SRP and the CPP. The SRP received around 19%, equal to 9 hours, 40 minutes and 8 seconds, of time dedicated to all political parties, followed by the CPP at 14%, equal to 6 hours, 59 minutes and 47 seconds; negative coverage for the SRP was only 10 minutes and 48 seconds. CPP saw the most negative coverage on these media (9%, equal to 35 minutes and 52 seconds, of total time dedicated to the CPP). One of the broadcasts with a negative tone comprised an interview between the Asia Director of Human Rights Watch and a

³⁶ Today's airtime percentage, http://www.equitycam.tv/index.php?option=com_content&task=view&id=106&Itemid=80, retrieved on September 4, 2008.

RFA commentator, which included references to the murder and torture of FUNCINPEC officials as the responsibility of the CPP Hun Sen government during the July 5-6 coup in 1997. RFA radio asked the Prime Minister and the National Police Commander-in-Chief to comment on this matter but received no response.

Almost all of the coverage of other political parties was neutral in tone. FUNCINPEC, the HRP and the NRP were allocated around 11% each, equal to around 5 hours, whereas the other political parties were allocated between 5% and 7%, except the SJP (4%).

*Voter education*³⁷

All monitored media combined dedicated 210 hours, 21 minutes and 25 seconds to voter education. This coverage increased sharply during the election campaign period, and totaled 199 hours, 0 minutes and 41 seconds, of which 193 hours, 05 minutes and 21 seconds were allotted by the three state-run media during election campaign period.

The NEC's voter education program broadcast using state media included songs and comedy spots, informing people about the importance of voting and about how to vote. The spots also told voters to vote for whatever party they wanted without fear. By dedicating most of their time to the NEC's programs, the state-run media played a very important role in voter education.

COMFREL noticed that the **NEC produced video spots** to educate voters on the VIN and songs encouraging people to cast their ballot as the elections approached. These were broadcast by some media, but **broadcasts on both state-run and private media seem to have been limited prior to election campaign period.**

Some private radio stations offered other programs. For example, FM 105 MHz's Voice of Democracy produced a Prize-giving Electoral Question & Answer program. In addition, RFA and VOA both produced electoral programs.

CTN and Radio FM 102 MHz, on the other hand, allocated the least time to voter education programs (21 minutes and 29 seconds and 13 seconds, respectively).

5.4 Violations of codes of conduct and NEC Guidelines

Violations

Political party-affiliated media outlets, broadcasting in almost all provinces/ municipalities, continued to disregard the codes of conduct for journalists and the NEC's broadcast Guidelines. FM 95 MHz Bayon radio station still produced its daily radio program Khmer Culture, which was aired live by at least 6 other radio stations,³⁸ often using language inciting and provoking discrimination against other political parties, particularly the SRP, HRP and NRP (referring to their leaders as incompetent, devious, intent on ruining the nation, etc.) Meanwhile, private TV and radio stations produced programs that supported the CPP and opposed opposition parties, which severely violated the NEC's principles of program production and equality of media access for all parties.

The language referred to above was also broadcast by media outlets that rented airtime to other political parties.³⁹ Maha Norkor FM 93.5 MHz, for instance, frequently broadcast the SRP

³⁷ Voter education was from June 1 to July 25, 2008.

³⁸ These radio stations include FM 88 MHz, FM 97 MHz, FM 98 MHz, FM 99 MHz and FM 103 MHz.

³⁹ According to NEC Notification No. 06.096.08 NEC.SG.PIB, dated June 24, 2008, media outlets that rented airtime to political parties include FM 105 MHz, FM 104 MHz and FM 93.5 MHz.

program Candle Light, which used words to insult CPP leaders (e.g. referring to them as “thieves who steal and sell the nation”, etc.) However, this radio channel publicly announced that it would rent out airtime to any political party.

In the meantime, Ta Prom FM 90.5 MHz radio, which is affiliated to FUNCINPEC and did not make a public announcement to prove that it rented airtime to all political parties, produced programs that served only FUNCINPEC.

NEC's response to media violations

During the electoral campaign period, **the NEC failed to fulfill its media-related roles and duties** to ensure transparency, balance, accuracy, professionalism and respect for the codes of conduct by private-run media outlets. Meanwhile, coverage of election issues decreased as most media turned their attention and coverage to the Thai–Cambodia border dispute.

The NEC even seems to have accepted current violations of the electoral Regulations and Procedures by media outlets. According to Samne Thmey newspaper,⁴⁰ the NEC Secretary-General, H.E. Mr. Tep Nytha, said: “***I have noticed that most local media broadcasts are more biased towards the ruling party than towards (non-ruling political parties). However, the broadcasts of foreign media outlets are negative in tone towards the ruling party.***” Thus, H.E. Mr. Tep Nytha believes there was an overall balance in broadcasts by local and foreign media outlets. This raises a question as to whether the NEC is really committed to demanding respect by media outlets for the NEC Regulations and Procedures. When asked about this, the NEC has always responded that it does not have the legal instruments to correct the media.

⁴⁰ “COMFREL is Concerned about Insecure Atmosphere and Irregularities during the Electoral Campaign Phase”, Oeat Daravuth, *Samne Thmey* newspaper, July 17, 2008.

6. Complaints Receiving and Solving

The receipt and resolution of election complaints still face challenges. NEC officials still use the excuse of “not enough evidence” to reject election complaints. Additionally, the NEC still does not have in place a professional and legitimate investigation mechanism for further inquiry with concerned parties and the collection of evidence prior to the start of a hearing.

Mr. Sok Sam Oeun, Chairman of CHRAC and Executive Director of the Cambodian Defenders Project (CDP), was of the opinion that *“it is very important to reform the NEC, especially its mechanisms for electoral conflict and infraction complaint resolution, in order to increase confidence in the institution and to ensure a free and fair electoral process.”*

6.1 Complaint-solving process

COMFREL notes that **political party agents seemed to have a better understanding**, as compared with previous elections, of the **complaints process**, such as providing details on a complaint, presenting evidence, finding witnesses, respecting deadlines and working towards reconciliation, all by means of the NEC Reminder Notification on “Receiving and resolving complaints at CECs during the electoral campaign phase”, dated July 3, 2008.

Complaint settlement and hearings by the NEC

During the 30-day electoral campaign, there were **many cases of confrontation that led political parties to file complaints**. Up to July 25, 2008, there were 32 appeals to the NEC; 15 of these were accepted for resolution in open hearings. During the first hearing, which was held on July 16, 2008, 5 complaints were settled. During the second hearing, which opened on July 23, 2008, another 10 cases were settled. In both hearings, where the arguments of the two sides in the dispute were discussed, several of the points raised were not grounded in legal provisions.

Negative outcomes resulting from the use of representatives

In order to seek resolution, complainants (particularly political parties) authorized the use of representatives in almost every phase of the hearings. These representatives were not the complainants. As a result, they often lacked necessary information when testifying, which hindered their explanations and detailed descriptions of the scene to the trial jury. In the case of complaints No. 063 and No. 064, for instance, the representative apologized for any potential mistakes before answering questions from the trial jury. Moreover, without exception, the word “representative” (which does not refer to an attorney) was used, even though all sides involved in the dispute were present at the hearings.

Hearing debates

In electoral disputes, hearings can take the form of a summary judgment, an adversary system or an inquisitorial system. In all cases, the NEC hearings were tacitly considered inquisitorial hearings. COMFREL’s observation of a hearing on July 16, 2008 showed that the judge failed to recognize the role of the representatives as attorneys authorized to speak on behalf of the plaintiffs. This resulted in the representatives/attorneys themselves having to formally request the right to speak (complaints No. 062 and No. 063).

Presentation of evidence

Three kinds of evidence were presented during the hearing processes. These included material items (such as a gift package in the case of complaint No. 068 and tape recordings in the case of

complaints No. 074, No. 075, No. 087, No. 088, No. 076, No. 083, No. 084 and No. 075), documents and eye witnesses (in almost all complaints). Point 11.10.18 of the Regulations and Procedures states that: “Methods used in presenting evidence in trials in the Kingdom of Cambodia can also be used in the hearing process. Evidence can be presented by all means and shall comply with LEMNA and the Regulations and Procedures.” Regarding civil law procedures, the court recognizes a case if it is based on evidence. Thus, the examination of a case by the trial jury will be based on evidence presented during the complaint submission and hearing process. Moreover, the trial jury cannot accept or reject any case before scrutinizing the evidence.

Questioning of witnesses and relevant persons

Another point is related to the questioning of witnesses and other relevant persons by asking “leading questions”, which could affect the trial jury’s impartiality and jeopardize its responsibility not to favor any of the sides involved in the dispute (in the case of complaint No. 068, for example, a question raised by a council member referred to gift giving as a charitable activity). The questioning of representatives by the trial jury is also regulated by Articles 139⁴¹ and 141⁴² of the Law on Civil Procedure of the Kingdom of Cambodia. For instance, is the phrase “a thief who steals from the nation” an insult or not? Do we know whether the following words and phrases are defamation or not: “fat person”, “person with one or two broken legs”, “blind person”, “big-headed person”, “small-headed person”? These questions were asked very often during the second hearing, even though such questions should not be raised by a legal professional trial jury.

6.2 Complaints during the campaign process

Complaints overall during the campaign process

COMFREL is pleased to note that the **number of complaints rejected decreased**. Of the **116 complaints**⁴³ filed at commune level, only **12 were rejected**. This compares positively with previous elections, when more than **80%** of complaints were rejected.

50 complaints were appealed at PECs when CEC reconciliation was felt to be unsatisfactory. 6 complaints against CEC officials were filed directly at PECs. 22 complaints were appealed at the NEC. 29 of the 116 complaints were resolved; 52 could not be resolved. The 116 complaints included:

- 7 cases related to vote buying;
- 9 cases related to participation of public and religious officials in party campaign activities;
- 19 cases related to election campaign disturbance;
- 31 cases related to destruction of election campaign materials/equipment;
- 16 cases related to disturbance and/or threats, including attempted murder;
- 20 cases related to defamation and/or insults;
- 12 cases related to general violation of Regulations and Procedures;

⁴¹ Article 139 – level of questions

1. If possible, questions should be posed separately and clearly.
2. The following questions cannot be asked unless there is good reason:
 - a. Questions which insult or make the witness nervous;
 - b. Leading questions;
 - c. Repeated questions;
 - d. Irrelevant questions;
 - e. Questions which require the opinion of the witness;
 - f. Questions which require a description of a scene not seen by the witness.

⁴² Article 141 – execution relevant to the provision on primary questioning of the witness.

⁴³ According to NEC Notification No. 07.126/08, dated July 14, 2008.

- 1 case related to the use of a public building by a political party;
- 1 case in which an administrative police chief asked for the names of political party agents and members (it is unclear whether this is a violation of election law).

According to COMFREL observation, the **majority of hearings** by electoral authorities to resolve complaints, particularly at the provincial/municipal level, **proceeded in accordance with the electoral Regulations and Procedures**. Offenders who violated the Regulations and Procedures were punished in various ways, including a five-year disenfranchisement of three voters in Kampong Cham province and fines of 5,000,000 Riel per person in 4 cases of vote buying. This included individual cases of vote buying in Pursat province and the sacking of one CEC official in Battambang province. Nevertheless, some cases remained unclear with regard to the law. These included 3 cases, in Battambang, Kampong Cham and Kampot provinces, in which a “warning” was issued, and another case in Kampot province where two perpetrators were fined 5,000,000 Riel together for something not stipulated in LEMNA. The law states that “*the penalty provision must be enforced*” and “*each of the perpetrators must be charged with their individual offense*”. Observation noted that the majority of claimants and defendants were not satisfied with the decision made by the PEC, claiming that settlements were not fully based on the law and its penalty provisions. As a result, some defendants have appealed and are now asking the NEC for justice.

There were also several complaints involving prominent dignitaries who are also electoral candidates. These included cases against H.E. Sam Rainsy, who allegedly violated the codes of conduct and the electoral campaign Regulations and Procedures in Kratie, Kampong Cham, Pursat and Battambang provinces, as well as 3 cases against H.E. Ly Thuch, H.E. Seang Nam and H.E. Prom Sokha over vote buying in Pursat, Siem Reap and Prey Veng provinces, respectively.

6.3 Complaints about ballot counting and polling

According to NEC reports on the reception and resolution of complaints at CECs, PECs and the NEC, until August 4, 2008, **143 complaints were recorded during the polling and counting phase at CECs. 84 of these complaints were submitted to PECs and 24 complaints were appealed at the NEC.**

Complaint process at CECs

Even though polling station officials in some cases hesitated to provide complaint forms, and although political party agents were scared when lodging complaints, **political parties lodged most of their complaints at the CECs**. The complaints related to the issuance or confiscation of Form 1018 by commune and village chiefs, the presence of commune and village chiefs or the rejection of electoral results at polling stations.

Our observation showed that at least 60 of the 143 complaints, or 42%, were rejected by CECs: CECs said simply that it **was not clear which law applied**. The SRP lodged the highest number of complaints, in total 112. However, 54 (or 48%) of these complaints were rejected; thus, 58 cases brought by the SRP were taken up, including 39 cases that were resolved and 8 cases in which a meeting was organized to discuss the complaint. Moreover, in 4 out of the 112 complaints lodged by the SRP, the plaintiff withdrew the complaint. Another 7 cases could not be resolved.

None of the 12 complaints filed by the CPP was rejected by the CECs; 7 of the 12 complaints were taken up. 1 case was resolved, 1 case led to a meeting and 3 cases could not be

resolved. Out of the 10 complaints filed by the NRP, 2 were rejected, 2 were taken up, 1 was resolved and 4 could not be resolved. Out of the 2 complaints filed by FUNCINPEC, 1 was taken up and the other was resolved. Out of the 3 complaints filed by the HRP, 2 were rejected and the other was taken up.

According to Point 8.17.2 of the Regulations and Procedures, a complaint form submitted after the deadline cannot be accepted for ruling by the CEC (the deadline for accepting a complaint was 11:30 of July 28, 2008). Thus, CECs cannot reject or not take up complaints that are lodged before the deadline, for example complaints on the polling/counting phase. Rejection of complaints lies under the authority of the CEC advisory council, which must meet to come to a decision on the rejection. All such rejections must use Form 1203. The decision to reject more than 36 complaints submitted using Form 1202 exceeds the authority of the CECs and does not correspond with electoral procedures.

Complaint process at PECs

84 complaints were brought to the PECs; 49 complaints, or 58%, were rejected. The reasons given were that the complaints **did not qualify or comply with the complaint procedure**. Only 16 complaints were decided in favor of the complainants.

Subjects for the above-mentioned complaints included: the presence of local authorities close to polling stations; confiscation of voters' identity documents; the illegal issuance of Form 1018; gift giving; vote buying; the transportation of voters to polling stations; and polling station chiefs helping voters to mark ballot papers. In addition, PECs received various complaints calling for the rejection of electoral results. According to Article 114 of LEMNA, political parties can lodge complaints against electoral results within 72 hours of the NEC announcing its primary results, but such complaints must be submitted to the NEC or the Constitutional Council, not to CECs or PECs.

Most complaints on irregularities on polling/counting day were rejected on the basis of inadequate evidence. In addition, a small number of complaints were rejected for technical reasons, for example because a plaintiff did not have a letter giving him/her the right to represent the person who was present at the incident.

The NEC received 24 complaints, 22 of which were brought by the SRP, 1 by the NRP and 1 by the HRP.

6.4 Complaints about temporary election results

Both the legal framework and the procedural practices of complaint settlement regarding the temporary results of the NA elections in Cambodia came in for serious criticism. LEMNA provides only 48 hours for the NEC to settle complaints regarding the results of the election nationwide. This pushed the NEC into taking immediate action: it was unable to investigate complaints for more information and to open public hearings to solve political parties' complaints. Despite the time constraint, the NEC never suggested an amendment to LEMNA on the deadline for lawsuits or any other challenges. It did claim that it had no time but had to follow the law. In practice, the NEC tried to make its decisions as quickly as possible. Political parties could file appeals with the Constitution Council, where final decisions were made, open to no further appeal.

The Constitution Council procedure in solving complaints included summoning political party representatives/lawyers to clarify, to provide more information and evidence or burden of proof

before an open public hearing and to open to each party a chance to restate and defend his/her case. However, the Council's decisions were based entirely on the NEC's decisions, which were made in a very hurried way.

In addition to coming in for allegations of political affiliation, NEC and Constitutional Council decisions have not yet gained public or political party support. Observation found some irregularities regarding the legal framework for complaint settlement at the NEC and the Constitutional Council.

Filing complaints

The NEC announced temporary election results on August 9, 2008. Following the NEC's announcement, three political parties – the SRP, the HRP and the NRP – filed complaints separately to reject the results (August 11, 2008).

The SRP filed separate complaints, one related to rejection of the election results and a request for a new election in Svay Rieng, and the other related to rejection of the election results nationwide. The complaints were based on the following grounds:

- Polling stations were changed from the planned location and voter names were missed off the voter list;
- Ineligible voters voted for other voters; and
- Form 1018 was issued on Election Day, which is against Regulations and Procedure.

The HRP's complaint to reject the temporary results nationwide was on the grounds that the voter lists were manipulated (more names were added to the voter list in each polling station).

The NRP also filed a complaint with the NEC to reject the election results nationwide, raising serious irregularities, including intimidation and the illegal issuance/use of Form 1018.

Evidence and documents given by political parties to the NEC included fake Form 1018s; thumbprints of voters whose name were used to vote by other people and voters whose names could not be found; tape recordings; newspaper articles; observation of events; and a study on the election result Form 1104, which has statistical errors.

Legal framework

To solve the complaints, articles used were as follows. Article 114 of LEMNA provides that political parties running for election can contest partial or complete election results with the NEC or the Constitutional Council directly. Based on this article, a political party has to clarify in its complaints the following:

1. Irregularities related to the commission or commissioner who conducted the wrongdoing /misconduct;
2. Date of wrongdoing/misconduct;
3. Place of wrongdoing/misconduct;
4. Name and address of witness; supporting documents and other evidence.

In terms of narrow meaning, political parties can file complaints only about irregularities committed by electoral officers. They cannot raise other election-related violations, such as those regarding vote buying or political intimidation. A complaint against an electoral officer, whose work is under the guidelines and control of the NEC, is filed with the NEC. This leads to a conflict of interests.

According to LEMNA Articles 111 and 112, a PEC shall hold a public hearing to settle a complaint in a case where any serious irregularity/misconduct is raised by the political party, and submit a report/minutes on the hearing and the decision to the NEC to review its legality. The NEC can reject the elections results in a polling station as raised in a complaint only if serious irregularities affect the election results. The law does not describe what level of irregularities should be considered serious. This causes difficulties for the NEC, which often appears irresponsible in resolving complaints and carrying out further investigation. In principle, serious election irregularities/violations include illegal booth capture, vote rigging, vote buying, political intimidation, the issuance of policy and other practices affecting free and fair elections.

Additionally, as noted, Article 115 of LEMNA states that the NEC shall decide on complaints within 48 hours of receiving the complaint. This deadline is unreasonable with regard to dealing with the resolution of political complaints related to the election results nationwide. This time is very short and it is unreasonable to expect it to be possible to solve complaints related to important issues, such as the election of the country's leaders.

Complaint settlement at the NEC

On August 12, 2008, the NEC issued 3 separate decisions rejecting political parties' complaints, raising the fact that the plaintiffs had not provided evidence of irregularities as stated in LEMNA's Article 114 to the NEC for review and consideration.

During receipt of the complaints, the NEC's representative wrote a report asking for more information from political parties' representatives/lawyers. Nevertheless, the NEC did not take any action to investigate the irregularities and/or documents and evidence given by the political parties. The NEC rejected the political parties' complaints in an internal meeting without holding a public hearing. This violated LEMNA's Article 16 in Section 25, which states that the NEC must make decisions based on a public hearing regarding appeals or complaints related to the elections.

The NEC's decision was referred to a meeting on August 12, 2008. Doubts arise surrounding this meeting: the NEC's decision to reject the complaints was forwarded to political parties on the same date at 08:45; the NEC received the last complaint on August 11 at 18:10. For NEC officers at all levels, workdays include Saturdays and Sundays (except public holidays); nevertheless, the working hours on that day bring about suspicion as to how the meeting was conducted and the legitimacy of the NEC's decision.

The NEC rejected political parties' complaints related to counterfeit Form 1018s on the grounds that the NEC does not have any jurisdiction over counterfeit identity documents. Form 1018s (identity documents) were issued by commune chiefs to the people for use in registering for the elections. The authentic Form 1018 has the NEC logo at the top and its layout was designed by the NEC. It was given by the NEC to all communes across the country for official use. However, the NEC lost control of the number of the forms issued by commune chiefs to voters and did not hold any responsibility for their issuance.

Constitutional Council's decision on the appeals

After cases were rejected by the NEC, the SRP and the HRP filed 3 appeals with the Constitutional Council (2 by the SRP). The NRP did not file an appeal with the Council. According to LEMNA's Article 117, the Council has 10 to 20 days to settle complaints and make a decision over appeals.

During complaint settlement on August 19, 2008, the Council summoned the SRP representative for further inquiries and to provide more evidence. The NEC's representative was summoned to clarify and defend the decision to reject the political parties' complaints without holding a public hearing. The Council summoned only the lawyer, without giving a chance to the SRP's President, H.E. Sam Rainsy, to clarify the case; even though he was present in the Council compound he was not allowed to enter the inquiry room. Although the party had requested assistance from a lawyer, it is not clear why the Council did not call on the political party's leaders to clarify the case directly. Regarding further inquiry and the search for extra evidence (other than that of the political party), observation found that the procedure was unclear, particularly for the reason stated above (that only the lawyer was called on and not the party leadership). On August 20, 2008, the Council summoned the HRP representative to clarify the party's case and to provide more evidence.

6 days after the political parties' lawyers/representatives were summoned (August 26–8, 2008), the Council held a public hearing to settle the complaints. During the hearing process, the jury invited political parties and NEC representatives to clarify their case before the panel. In the end, the Council issued a decision to reject all the complaints and upheld the NEC's decision, made without a public hearing and in contravention of LEMNA's Article 16 Section 26 and Articles 111, 112, 114 and 115, without further investigation.

The NEC representative claimed before the Council that the NEC's reasons for rejecting the complaints were that the political parties had not shown specific irregularities committed by the election commission, including the specific location, time and evidence. The NEC responded to the political parties' claims as follows:

1. Voter name deletion, inflated figures and double names on the voter list: Cases related to the voter list could not be solved in the time used for settling complaints against temporary election results. Voter list updating, voter registration and voter list deletion were done in accordance with procedure and voters were given time to contest decisions.
2. Changes of polling station locations and missing voter names: The NEC clarified that one polling station should have a maximum of 700 voters. In case a commune clerk registers more than 700 voters, the initial polling station will become two polling stations located near each other.
3. Ineligible voters voting using other people's names: The NEC denied this occurred, acknowledging only 1 case in Phnom Penh (stating that this was unintentional).
4. Issuance of Form 1018 on Election Day against the Regulations and Procedure: The NEC said that, in addition to evidence provided by political parties, it had investigated the alleged commune chief who issued Form 1018 on Election Day. The NEC had already submitted all the cases to the MoI to take disciplinary sanction against those found guilty. The NEC said that it had no jurisdiction over fake Form 1018s.

This led to suspicion regarding the NEC's interpretation of "insufficient evidence", as the NEC did not review and consider the evidence and documents provided by the political parties attached to their complaints. For example, some Form 1018s given in by political parties clearly showed falsified information and wrong procedure in filling out the forms.

In conclusion, to improve the procedure of complaint resolution related to temporary election results, the legal framework should be prioritized. Political parties, the NEC, the Constitutional Council and election stakeholders and experts should discuss the possibility of amending LEMNA to determine the situation regarding the institutions involved, lawsuit deadlines, filing and receipt of complaints, investigation and inquiry procedure, hearing procedure and procedure with regard to decisions over complaints about temporary election results.

7. Recruitment and Performance of Election Authority Officials

The majority of officials working at PECs and CECs were former officials, with experience in previous election(s); there were not many new officials. In addition, most PEC and CEC chairpersons and members were from provincial/municipal departments. In the past, these older members of PECs and CECs were allegedly biased towards the CPP and, in some cases, the way they fulfilled their role in previous elections favored that party. This year, there were rumors that, in the recruitment process for polling and counting station commissions in some polling stations, money was offered as a bribe to obtain certain positions. Moreover, at least 4 complaints were filed by political parties (3 cases by the SRP and 1 case by the HRP) against CEC officials whose performance was allegedly biased and contravened the Regulations and Procedures. In one case, the CEC of Ka Chanh commune, Banlung district, Ratanakiri province, requested that the SRP remove its party billboard, which had been installed approximately 200 meters away from Borei Kamkor Boun School, which was to be used as a polling station for the forthcoming elections. There was no request by the CEC that the CPP remove a billboard that had been installed approximately 40 meters away from a polling station in Yeak Lom commune of Banlung district.

The NEC made a strong effort to manage and fulfill its roles and duties in accordance with the electoral calendar. According to Article 16 of LEMNA, the NEC shall be responsible for planning, organizing and managing the election nationwide and shall have the full right to implement its duties. Most of the NEC's performance of its 27 duties and tasks (see table below) was around average. Positive performance was seen in connection with the planning, organization, management and supervision of the election, such as in

1. Preparing the work plan, budget and materials for the election and disseminating the schedule of the election;
2. Proposing and enforcing measures to maintain security and public order at the time of the election;
3. Issuing decisions regarding locations of registration and polling stations;
4. Producing electoral materials and equipment for the election;
5. Producing and disseminating publications on the elections;
6. Promoting public awareness on election processes through voter education and public dissemination programs and by other means;
7. Designing a curriculum and training for electoral officers.

However, COMFREL's observation still found several weaknesses and some violations of election law in the NEC's performance of its 27 duties:

1. Preparing the list of voters and voter registration booklist; checking the financial resources and expenses of candidates and political parties in the electoral campaign;
2. Rejection of the verification notices of electoral candidates who had their name on the voter list (issued by commune/sangkat authorities), which is beyond the NEC's authority;
3. The failure of VIN distribution to reach all voters
4. The illegitimate consolidation of electoral results at communes by CECs;
5. The NEC's ineffective interventions with regard to private-run media outlets. Most private-run media outlets are in favor of the ruling CPP and did not comply with LEMNA and the NEC's Regulations, Procedures and Guidelines.

The table below evaluates the performance of the NEC in relation to its 27 tasks and duties for the 2008 NA elections by COMFREL.

Table 2: COMFREL's Evaluation on NEC performance related to its tasks

No.	Task performance by the NEC	Negative/ several weakness	Below average	Average	Above average	Positive/ strong
		(-)	(- -/+)	(-/ +)	(-/+ +)	(+)
1.	Taking all necessary measures to ensure that the elections are free and fair with secrecy of the vote;				✓	
2.	Preparing the work plan, budget and materials for the election and disseminating the schedule of the election;					✓
3.	Appointing provincial/municipal electoral commissions;			✓		
4.	Adopting regulations, procedures and directives for the election process within the framework of applicable laws;			✓		
5.	Proposing and enforcing measures to maintain security and public order at the time of the election;					✓
6.	Supervising the work performance of electoral commissions at all levels;			✓		
7.	Establishing the jurisdiction of polling stations;					✓
8.	Issuing decisions regarding locations of the registration and polling stations;					✓
9.	Producing electoral materials and equipment for the election;					✓
10.	Recruiting and appointing officials to help in the revision of the list of voters and registration of voters in accordance with laws and regulations;		✓			
11.	Preparing the list of voters and voter registration booklist;	✓				
12.	Reviewing and providing validation of the list of voters	✓				
13.	Receiving and deciding on the political parties' registration and applications of political parties' candidates;		✓			
14.	Monitoring and facilitating electoral campaign activities;				✓	
15.	Organizing and managing voting, counting of ballots and result consolidation and announcement;				✓	
16.	Withdrawing temporarily and restoring the right to vote. Registering political parties on the list for participation in the elections or deleting them. Deleting or restoring the candidacy of a candidate who stands for NA election;		✓			
17.	Checking the financial resources and expenses of candidates and political parties in the electoral campaign;	✓				
18.	Taking any measures and facilitating equal access to public media;		✓			

No.	Task performance by the NEC	Negative/ several weakness	Below average	Average	Above average	Positive/strong
		(-)	(- -/+)	(-/ +)	(-/++)	(+)
19.	Providing information on the progress of the electoral process to political parties and candidates and receiving suggestions relating to elections; ensuring regular information exchanges and coordination on the electoral process between the NEC and electoral commissions at all levels with political parties, candidates and stakeholders;			✓		
20.	Producing and disseminating publications on elections;					✓
21.	Promoting public awareness on election processes through voter education and public dissemination programs and by other means;					✓
22.	Designing a curriculum and training for electoral officers;				✓	
23.	Accrediting political party agents, national and international observers;				✓	
24.	Controlling the legality, regulations and procedures on the implementation of the election;			✓		
25.	Making decisions, by holding public hearings, on all complaints and appeals relating to the election, except complaints that fall under the jurisdiction of the courts;			✓		
26.	Preventing and monitoring electoral irregularities;		✓			
27.	Establishing a committee to destroy ballot papers used during each election of the NA after these ballot papers have been stored in a safe place for 4 years after the polling day of each election with participation of representatives of political party(ies) who have seat(s) in the NA; implementing other tasks as deemed required or expressly permitted by laws and regulations.	N/A				

8. Election Results, Verification, Analysis and Comparison

8.1 Overview

A comparison of the official electoral results announced by the NEC with the unofficial results collected from counting stations by COMFREL electoral observers shows a small difference of $\pm 0.2\%$, which might not affect the average percentage of total votes received by each political party, but might affect the number of seats allocated to each political party in the various constituencies, but by less than 0.7%.

NEC official results are the following:

Party	Votes		Seats	
	No	%	No	%
CPP	3,492,374	58	90	73
SRP	1,316,714	22	26	21
HRP	397,816	6	3	3
NRP	337,943	6	2	2
FCP	303,764	5	2	2
Others	161,666	2	-	-
Total	6,010,277	100	123	100

Figure 5: NA seats and % taken by political parties in 2008

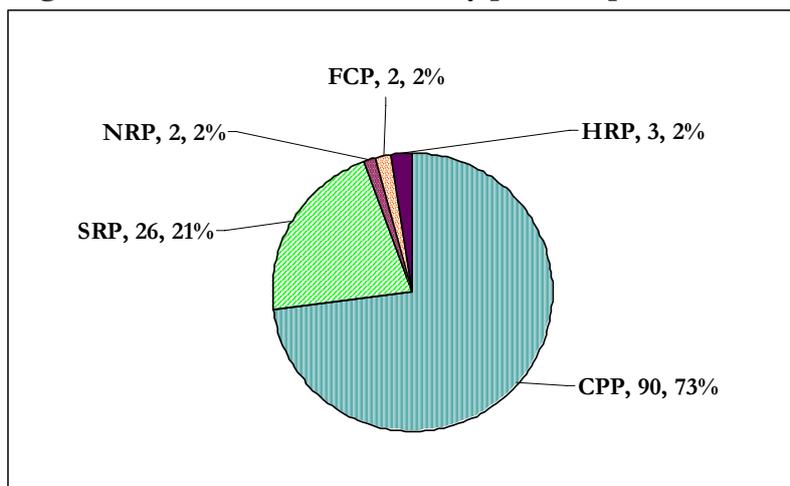


Figure 6: % of votes taken by political parties in 2008

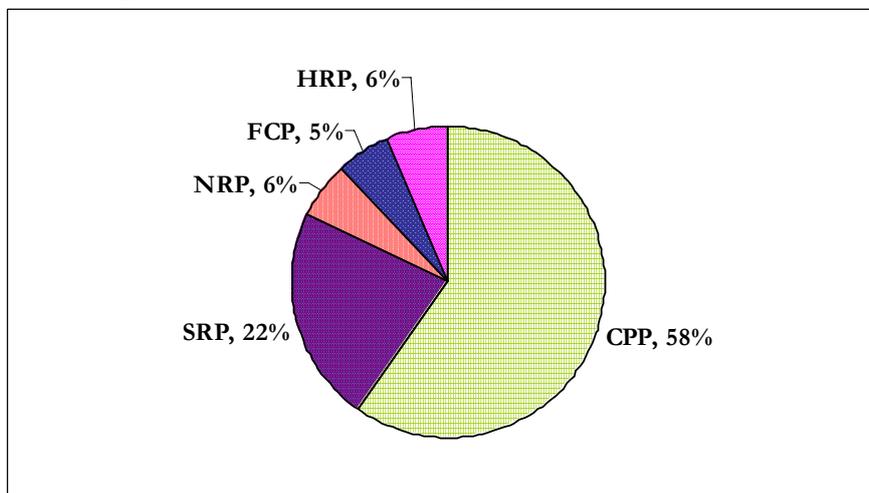


Table 3: Pattern of voting between parties

Party	1993		1998		2002		2003		2007		2008	
	No	%										
CPP	1,530,943	39.63	2,014,912	41.67	2,647,849	60.89	2,445,177	47.30	148,533	60.82	3,492,374	58.11
FCP	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
SRP	-	-	694,169	14.36	736,454	16.94	1,137,308	22.00	1,303,906	25.19	1,316,714	21.91
NRP	-	-	-	-	-	-	-	-	419,791	8.11	337,943	5.62
HRP	-	-	-	-	-	-	-	-	-	-	397,816	6.62
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
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

Figure 7: Comparison of election results 1993, 1998, 2002, 2003, 2007 and 2008 (by party)

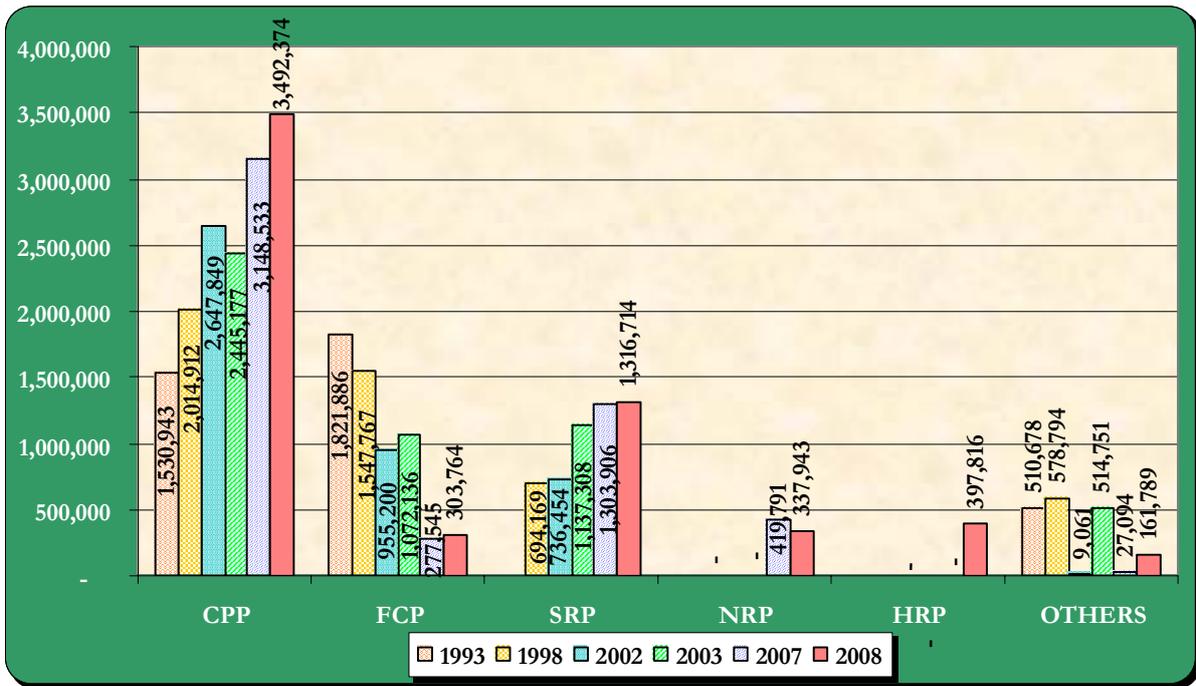
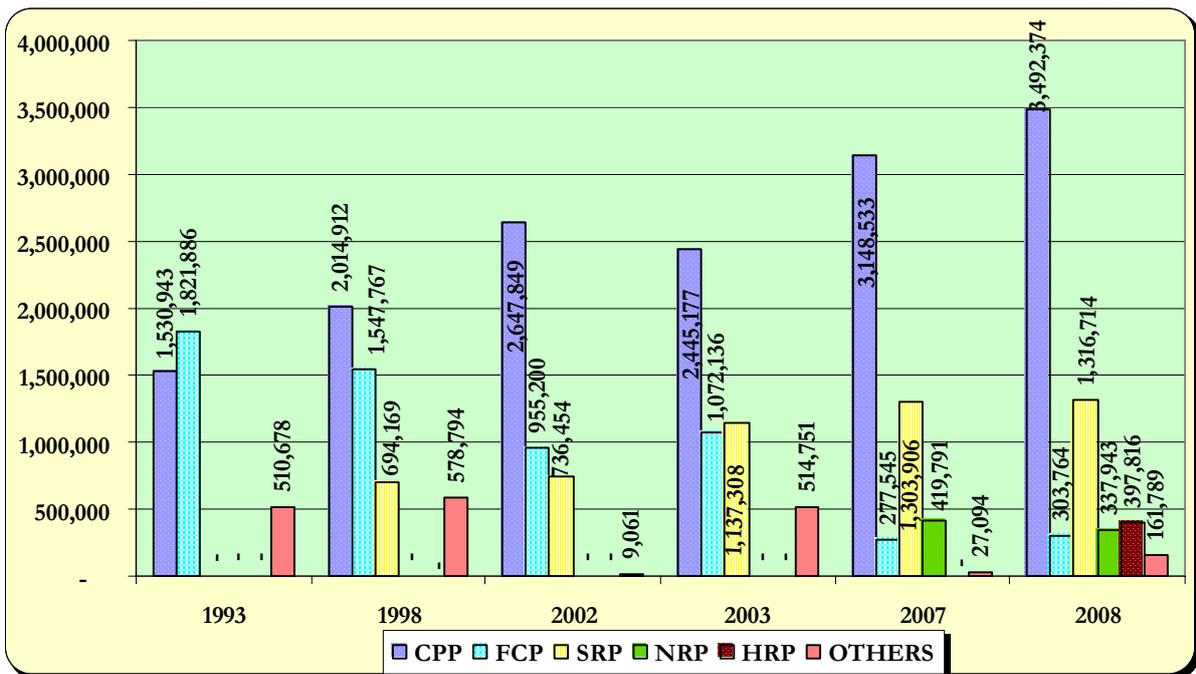


Figure 8: Comparison of election results in 1993, 1998, 2002, 2003, 2007 and 2008 (by year)



8.2 Results analysis

The election results show that the CPP won 90 seats from 58% of votes; the SRP 26 seats from 22% of votes; the HRP 3 seats from 7% of votes; the NRP 2 seats from 6% of votes; and FUNCINPEC 2 seats from 5% of votes. The landslide election victory of Cambodia's ruling party, in comparison with the 2003 elections, saw the CPP increase its share by more than 10% of votes and 27% of seats. The SRP gained only 2 more seats but not in percentage of votes. FUNCINPEC lost 70% of its 2003 votes (in the 2003 elections, it had 1,072,136 votes but in 2008 it received 303,764) and 95% of its seats (in the previous election it had 26 seats whereas in the 2008 elections it won 2 seats). These results reveal that the CPP alone is in a position to control the government and the NA. However, the number of seats of the ruling coalition parties (CPP and FUNCINPEC) combined has decreased from 99 to 92, whereas the opposition parties combined (SRP and HRP) have seen an increase from 24 to 29 seats.

These results show that royalist loyalty voters have lost confidence in both royalist parties. In addition, the NRP suffered from the absence of their president in the election process.

The reasons for and major factors affecting the election results were:

1. The decline and split of FUNCINPEC, which led to most of its voters switching to the CPP and the HRP.
2. The fact that the CPP ran a particularly effective campaign, able to use all means available to it as the main party of incumbency; the CPP's notably attractive campaigns, especially including CPP highlights of achievements in building infrastructure and national sentiment regarding the registration of Preah Vihear Temple on the World Heritage List. In addition, all 7 private TV and 30 radio stations produced campaign programs that supported the CPP and opposed opposition parties and their access.
3. Increasing activities of civil servants, state authorities and armed forces personnel and local authorities participating in campaigns to support the CPP and to oppose other political parties, including activities such as the destruction of property belonging to political parties; the tearing and pulling down of party signs, posters and leaflets; the prevention of and disturbance to campaign activities of other political parties; and gift giving and the donation of money with the aim of buying votes.
4. Many voters going to their polling station and, owing to various obstacles, not being able to make use of their right to vote. The total number of people not able to vote was higher than in previous elections. The loss of the right to vote was caused by technical errors as well as dubious political intention, which could affect the election process and results. There was disenfranchisement of non-CPP voters in close races or large constituencies such as Phnom Penh, Kampong Cham, Kandal and Kampong Thom.
5. The CPP message that it is the only party that can guarantee stability and progress. This message seems to have registered, regardless of whether it is accurate or was delivered fairly.
6. The CPP's close association, from an ordinary voter's perspective, with community development projects and emergency relief dispersions (even though donor sources are usually apolitical).

Electoral formula constraints

The lack of a unified opposition party meant that the election formula enacted since 1998 was against those from non-ruling parties. The formula was changed by the CPP and FUNCINPEC following the 1998 election. About 42% voted for non-ruling parties, leaving the CPP with 58% of the ballot (90 seats, or 73% of NA seats), with only 33 going to 4 other parties. The HRP earned 6% of the vote, but 3 seats, and the NRP and FUNCINPEC each earned 5% but 2 seats each. Any party with less than 3% of the vote was cast aside.

Votes split into small parties are like discarded votes, as the formula gives all remaining seats to the big parties. The opposition earned just under half of the vote but nearly 3 times fewer seats than the ruling party. Even with the current formula, had smaller parties joined into one ahead of the election, they could have pulled out more seats. With 42% of the vote for one party, more than 45 seats would have been won, with the CPP earning about 75 and the remaining going to the highest average. As such, according to this formula, in order for a coalition to be effective, to effect change, it must form before an election, not after.

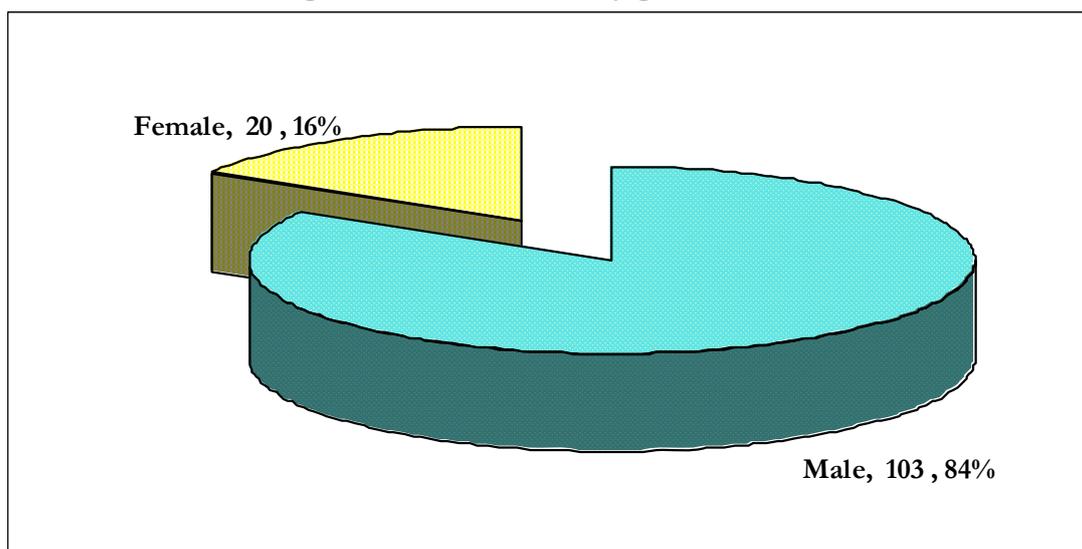
If this election result had been calculated using the UN Transitional Authority in Cambodia (UNTAC) formula (the larger remainder) in the 1993 elections, there would be a different distribution of seats: the CPP 74 seats, the SRP 27 seats, the HRP 8 seats, the NRP 7 seats, FUNCINPEC 6 seats and the LDP 1 seat. This formula promotes a pluralist party democracy.

8.3 Women candidates elected as NA members

According to the NEC's election results on September 2, 2008, the percentage of women candidates elected as NA members was higher than proportion of women among all those standing for election (14%).⁴⁴

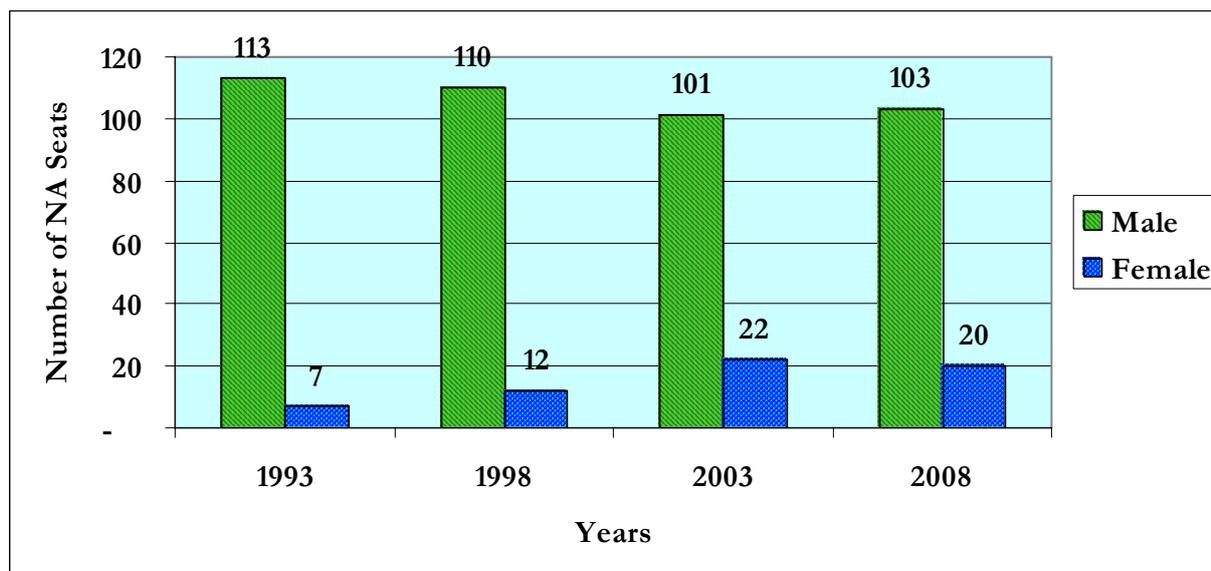
However, it is to be noted that the number of women elected was lower than that in the last mandate (22 = 18%). Female candidates from the CPP won 16 NA seats out of 90. Female candidates from the SRP won 4 NA seats out of 26. Female candidates from the HRP, FUNCINPEC and the NRP won no seats for women.

Figure 9: NA members by gender in 2008



⁴⁴ The number of women candidates elected as NA members was 20 (16%).

Figure 10: NA members by gender in 1998, 2003 and 2008



Source: NEC. Note: The above data were extracted from the NEC's first announcement after each election.

Table 4: Political parties' candidates and gender

No	Political party	Seats	%	Number of candidates						# of Constituencies
				Number titular			Number titular and alternate			
				Total	Female		Total	Female		
					#	%		#	%	
1	CPP	123	100%	123	20	16.26	142	26	18.30	24
2	HDDMP	123	100%	123	10	8.13	141	17	12.05	24
3	NRP	123	100%	123	11	8.94	141	15	10.64	24
4	FUNCINPEC	123	100%	123	10	8.13	141	16	11.34	24
5	HRP	123	100%	123	6	4.87	141	3	2.12	24
6	SJP	46	37%	46	14	30.43	46	18	39.13	7
7	LDP	123	100%	123	24	19.51	141	43	30.49	24
8	SRP	123	100%	123	17	13.82	141	16	11.34	24
9	KAPP	60	48%	60	14	23.33	60	29	48.33	7
10	KDP	123	100%	123	37	30.00	148	53	35.81	24
11	KRP	72	58%	72	9	12.50	74	14	19.44	9
Total 11 parties				1,162	172	14.80	1,316	250	19.00	

9. Post-election Period and Transfer of Power: Controversy of the NA Formation

Four parties, the SRP, the HRP, the NRP and FUNCINPEC jointly rejected the initial election results of the July 27 NA elections, citing irregularities, illegal and fraudulent practices regarding Form 1018 and the deletion of eligible voters from voter lists (a number of voters were not able to cast their ballot). The political parties produced a joint statement which called on the Cambodian public and the international community not to recognize the election results. They argued that the election process had been manipulated and rigged by the ruling political party (the CPP) and the NEC.

Later, FUNCINPEC announced its recognition of the election results, because it wanted to join the government with the CPP. The NRP announced that Party Spokesman and Chief of the Party Cabinet, Muth Chantha (an outspoken critic), had been replaced by Deputy Secretary General Suth Dina, and that the party recognized the election and its results as free and fair, because it wanted Prime Minister Hun Sen to give the green light to the King to pardon Prince Norodom Ranariddh. NRP President Prince Norodom Ranariddh, who had lived in self-imposed exile for almost 2 years to avoid imprisonment on a breach of trust conviction, was to return to Cambodia on September 28, 2008. In October, the Prince decided to quit politics and handed control of the party to its Vice-President.

Former HRP Secretary-General, Ou Chanrath, changed his position and became Vice-chairman of the party's disciplinary committee. In addition, a key founding member and second leader of the HRP, Mr. Keo Remy, defected to and joined the ruling party, CPP.

Although FUNCINPEC and the NRP decided to exit the opposition alliance, the SRP and the HRP vowed to boycott the NA opening ceremony, which is central to the NA's formation, although options remained for the formation of the government. There were disputes over the election results and about different interpretations of the law in relation to the validity of newly elected NA members. CPP lawmakers and the government explained that if the opposition parties boycotted the swearing-in ceremony and the first new NA session, their new elected NA members could not be validated, leading to a loss of parliamentary seats for these parties.

Article 76 of the Constitution and a Constitutional Council ruling state that: "*the National Assembly consists of at least 120 members.*" At its first meeting after any legislative elections, the NA has first to proclaim the validity of all its members' mandates. Therefore, without at least 120 members-elect being present at its first meeting, it is not possible for the NA to have the power to make any valid decisions, including the decision to proclaim the validity of all its members.

If the opposition boycotted the swearing-in ceremony in an attempt to pressure Article 76 of the Constitution, they risked losing their seats. If a new NA were to form without the participation of the SRP, which won 26 seats, and the HRP, which won 3, the NA would be not legitimate. Prime Minister Hun Sen has said that "*If political parties do not participate in the lawmaker swearing-in ceremony, the seats won by the SRP and other opposition parties will be divided among others, meaning the CPP and possibly other parties.*"⁴⁵ According to LEMNA, especially Article 118, the 29 seats of the SRP and HRP among the other parties represented at the NA are derived on the basis of the number of seats and votes they received for each province. On the basis of figures provided by the CPP

⁴⁵ He was quoted as saying this on February 1, 2008 at Phnom Penh International Airport.

itself and consistent with our system of proportional representation combined with a very specific formula for seat allocation, the CPP would collect all the seats previously allocated to the opposition. This could be 119 seats (97%) for the CPP of the 123-member “National” Assembly. The opposition could not fulfill its obligation to the 1.6 million citizens who voted for them if this was the case.

A CPP lawmaker warned that the plenary meeting of the NA, in which new members were set to be sworn in following the official announcement of election results, would not be halted by the intended boycott of the two opposition parties. The CPP was able to look at various options for the formation of the NA government, despite constraints in the LEMNA interpretation of any boycott of the upcoming swearing-in ceremony by the two parties.

The first would be an interpretation by the Constitutional Council as to whether LEMNA requires parties to give up their seats if they continue to boycott results.

The second is an amendment of LEMNA by the current NA by the majority CPP, ensuring that a boycott would end in the loss of seats. With 73 CPP NA seats in the 2003 elections, the party could also easily have turned out a majority of the 123 total seats. That would allow the party to amend LEMNA.

However, opposition lawmakers argued that LEMNA could not be amended if this meant impacts on the multiparty system or the constitutional monarchy, which are outlined in the Constitution. This means the majority in a democratic assembly can amend the Constitution but cannot conspire to do so when the country is in a state of emergency, or conspire to eliminate Article 51, which defends a democratic, multiparty system. Nevertheless, any interpretation as to whether an amendment is constitutional, or whether it would adversely affect a multiparty system, would be up to the Constitutional Council, which remains CPP dominated.

Until September 23, the SRP and the HRP were still determined to boycott the swearing-in ceremony, scheduled for September 24 by the King, over allegations of election fraud by the ruling CPP, demanding a separate ceremony on September 25. The Cambodian legal framework allows that, within 60 days of an election, some political parties can have a separate swearing-in ceremony to obtain legitimacy or validity for its members of the NA.

However, at the last minute on September 24, the SRP decided to join the ceremony without the agreement of the HRP: the SRP explained that Prime Minister Hun Sen (Deputy Chairman of the CPP) had agreed with their condition to adopt provisions recognizing and legitimating the opposition parties and their role in the NA. Unlike in 2004, when a two-thirds majority was required, the CPP has more than enough NA members (it needs only a 50%+1 majority vote of NA members following an amendment to the Constitution). With 90 CPP NA seats, the party could also easily have turned out a majority of the 123 total seats. That would allow the party to amend the Constitution or to reach a quorum for a vote of confidence in the creation of the new NA and the appointment of the Prime Minister and the Cabinet. However, the CPP decided to use a “package vote” for confidence on the establishment of the government and NA leadership together. On September 25, the opposition parties HRP and SRP did not attend the meeting and rejected this package vote. Constitutional experts explain the reasons for this rejection of the package vote as follows:

1. The parliamentary session chaired by the Dean of MPs for the “package vote” is in violation of Article 82 of the Constitution of the Kingdom of Cambodia. This article states: “*Before taking office, the assembly shall decide on the validity of each member’s mandate and vote*”

separately to choose a President, Vice-Presidents and members of each Commission by a 50%+1 majority vote.”

2. The “package vote” is in violation not only of Article 82 cited above, but also of the new Article 119 of the Constitution. It is specified in this article that: *“At the recommendation of the President and with the agreement of both Vice-Presidents of the Assembly, the King shall designate a dignitary from among the representatives of the winning party to form a Royal Government. This designate dignitary shall lead his colleagues members of the Assembly or political parties represented in the Assembly who are to be placed in various positions in the Royal Government, to ask for a vote of confidence from the Assembly.”*
3. The “package vote” not only is a violation of the Constitution but also is against the ethical standards that MPs have sworn to uphold. MPs have taken a solemn pledge to “respect the Constitution” before the King, the Buddhist Patriarchs and Thevoda guardians of the Throne.

As a result of the package vote, the CPP controls all the NA’s commissions chair and deputy chair positions and all ministries of the government. Elected representatives to the NA from opposition parties were not selected to be chairs of expert commissions of the NA or commission members. The number of members of the government has increased by more than 35% compared with the last mandate, with around 250 individuals holding deputy prime minister, senior minister and secretary of state positions. The government has created another 205 under-secretary of state positions. The sharing of power in NA leadership structures represented a concern; in the past, there has been no clear legal framework to address this, except political compromises among political figures. This formation of NA commissions will not occur based on the appropriate checks and balance between the ruling parties and the opposition parties, as was the previous practice.

10. Popular Participation and Loss of Rights

Table 5: Popular participation from 1993 to 2008

	1993	1998	2002	2003	2007	2008
# Eligible voters	4,654,000	5,488,029	6,251,832	6,749,876	7,291,084	7,828,161
# Registered voters	4,764,430	5,395,595	5,190,307	6,341,834	7,799,371	8,125,529
% Registered voters	102%	98%	83%	94%	107%	104%
# Voter turnout	4,267,192	5,057,830	4,543,974	5,277,494	5,293,327	6,100,884
% Voter turnout	89.56%	93.74%	87.55%	83.22%	67.87%	75.08%

Table 4 shows that the number of Cambodians going to the polls has increased each election. This marks an improvement in and consolidation of democracy. However, voter turnout was 75% (6.1 million voters), as compared with 83% in 2003. The voter list was imperfect, which affected voter rights and voting. The MoI failed to provide identity cards to all citizens, identified as the main reason behind the noticeable increase in the number of applications for Form 1018.

There is limited attention paid to youths in Cambodia by political institutions such as political parties, the RGC and the NA. Youth influence on the election process is also very limited.

Additionally, **some youth political activities were obstructed by authorities during the elections.** Banteay Meanchey authorities, for example, banned the SRP Youth Movement from carrying out activities regarding local hygiene on January 7, 2008. In addition, around 200 youths wished to meet and discuss the political platform on job creation with elected officials in a forum facilitated by COMFREL in Kandal province on January 23, 2008. This forum was delayed as a result of the local authorities influencing a school principal. In Phnom Penh, around 10 youths from the HRP were detained for questioning by the O'Russe and Deum Kor Security Guard when they wanted to interview sellers in the market.

There was a concern that the voting rights of the people could again be lost, as in the 2007 commune council elections. Local authorities need to speed up the provision of relevant documents, such as residence books and other identity documents, to people who have been evicted and/or resettled by Phnom Penh and other provincial/municipal authorities. These documents were necessary for them to be entitled to be registered as voters for the 2008 NA elections, allowing them to make their choice of representative.

The people affected included: over 1,000 families evicted from Sambok Chab ("Sparrow's Nest" Village 14, Tonle Basak commune) to Andong village (Kork Roka commune, Phnom Penh city); around 1,000 families settled in the disputed Boeung Pram area (Ampil Pramdeum commune, Bor Vel district, Battambang province); around 400 families living in Treng Troyeung commune (Phnom Sruoch district, Kampong Speu province); and others living in various locations in Koh Kong province, Sihanouk Ville and other provinces/municipalities. Competent authorities were responsible for preparing the relevant documents for these affected people.

11. Political Party Participation

11.1 Decrease in the number of political parties

Table 6: Number of political parties

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

Source: NEC.

Table 7: Number of accredited political party agents deployed

1993	1998	2002	2003	2007	2008
N/A	5,389	76,006	86,990	104,450	131,534

Source: NEC.

Table 5 shows that the number of political parties has almost halved compared with the 2003 elections, when there were 23 political parties contesting (in the 1993 elections there were 20 political parties), and represents less than one-third of the number contesting in the 1998 elections (39 parties).

However, there has not been thorough scrutiny of the impact of this on the political system and on the Cambodian electoral process as a whole, ranging from the selection of NA members, to the Senate elections and province/municipality, district/khan and commune/sangkat elections, which all use the political party list (or proportional representation) system. This gives power to the political party to make decisions from a higher level with regard to the selection of candidates for the list and to control the state structure.

Citizens and voters have no lawful rights to select the individual politicians they prefer. This system works in accordance with the Constitution, which promotes a multiparty system as a collective but discourages individuals. The system requires parties not only to take part in the elections by registering with the MoI, but also to have the potential and opportunity to take part in the electoral process.

Factors hindering small political parties that are not well known from receiving any seats may include the amendment to the election law regarding the proportional electoral system, to use a formula to calculate seats based on the highest average. This formula does not give small political parties the chance to pick up remaining seats, unlike the one used to calculate the number of seats during the UNTAC period in 1993, when the Molinaka Party obtained one remaining seat. In reality, only three major political parties received the vote and NA seats in the 2003 and 1998 parliamentary elections.

In 2003, the CPP received 47% of all valid votes and – using the highest average calculation – was allocated 59% of the total number of seats. This means that the party receiving the most votes was able to pick up remaining seats.

Small political parties also face budget constraints, unlike the ruling party, which has plenty of resources that cannot be controlled (although, in practice, according to LEMNA, the NEC has the right to ask for financial reports from political parties). This causes small parties difficulties

when paying for a campaign and for the budget deposit, which increased from 10,000,000 Riel to 15,000,000 Riel after an amendment⁴⁶ to the LEMNA after the 2003 NA elections.

If these parties do not obtain any seats, or at least 3% of all valid votes, their budget deposit will not be returned to them. This means that small political parties have to work hard to register in almost all provinces/municipalities and to save money and gather votes, despite the fact that they have little hope of obtaining seats in provincial/municipal constituencies. The state has no national budget to help these parties.

Among the 39 registered parties in the 1998 parliamentary elections, 4 parties were led by women; only 2 parties were led by women in the 2003 elections. No political parties participating in the 2008 elections are led by women.

Of the 23 registered parties in the 2003 elections, only 5 have gone on to contest in the 2008 parliamentary elections. The 7 newly created political parties are: the NRP, the HRP, the SJP, the LDP, the KAPP, the KRP and the UPCP.

However, it should be noted that the Khmer National Front Party, which contested in the 2003 elections, has changed its name to the NRP. Although the HRP is newly formed, it has picked up members from former parties, such as the Cambodian National Supporting Party and the Buddhist Liberal Democratic Party.

11.2 Decrease in the number of female candidates

According to figures of the NEC, the number of female candidates has decreased compared with previous elections, and has not reached the stipulated 30%. The proportion of titular female candidates from the 12 political parties was only 14%, decreasing from 27% in 2003 and 17% in 1998.

Overall, this figure suggests that most of the newly formed parties taking part in the elections have not prioritized women on the candidate list. Taken separately, two significant political parties with seats in the NA tried hard to increase the number of titular female candidates on the candidate list; the CPP, for example, had 20 female candidates, equal to 16% (increasing from 14 in 2003) and the SRP had 17 female candidates, equal to 14% (increasing from 14 in 2003). FUNCINPEC had only 10 female candidates, equal to 8% (decreasing from 14 in 2003), but placed women as premier candidates on the candidate list.

The NRP had 11 titular female candidates, equal to 9%, and the HRP had 11, equal to 9%. The party that placed the most female candidates was the KDP, with 30, equal to 24%, followed by the LDP, which had 24, equal to 20% and the SJP, which had 18 female candidates (7 provinces/municipalities), equal to 39%.

⁴⁶ On September 17, 2002

12. Difficulties of CSO Participation in Election Monitoring

12.1 Number of accredited independent election observers

Table 8: Number of accredited independent local election observers deployed

	1993	1998	2002	2003	2007	2008
NGOs	N/A	18	N/A	102	33	72
Observers	N/A	83,665	39,948	29,637	19,121	31,262

Source: NEC.

Table 8 shows that there were many observers from election-monitoring organizations, serving as a result of the NEC's cooperation and efforts to legitimize 72 NGOs as election-monitoring organizations and acknowledge more than 30,000 accredited local observers.

However, the procedure for provision of observer accreditation cards has not changed, which created difficulties and took an unnecessarily long time. The NEC has not accepted suggestions to ease its bureaucracy. This problem boded ill for the activities of many short-term observers (over 10,000 from COMFREL alone), who needed a card to be present on polling day. It would be better if the NEC only needed to accredit the name of the election-monitoring organization itself, particularly as such organizations had to spend a great deal of money and time to send observer cards from Phnom Penh to observers deployed nationwide. It would be quicker if the PEC were instead delegated powers to deal with the name list for observer applicants.

12.2 Observers not being encouraged to help voters

COMFREL deeply regrets that the NEC rejected its proposal to accredit observers with rights and roles in order to help voters, on the basis that this would provoke disorder at polling stations and interfere with election preparation.⁴⁷ In previous elections, many voters have had difficulties finding their name on the voting list – in some cases, names had been removed. In addition, there were many irregularities related to illegal deletion of voter names and voters not receiving their VIN. Therefore, COMFREL assigned its observers to assist the second assistant of polling station officials in order to be able to help voters find their polling office and name. When helping voters, observers should abide by the codes of conduct. Because there are different codes of conduct, COMFREL believes that the rights and roles of NGO observers are not the same as those of political party agents, village chiefs or local authorities.

⁴⁷ According to NEC's response letter No. 724/08 dated July 9, 2008.

13. Legal Framework

One of the important tasks of the NEC refers to adopting regulations, procedures and directives for the election process within the framework of applicable laws.

COMFREL appreciates the fact that the NEC was open to political parties and NGOs providing recommendations on the draft election Regulations and Procedures. However, the NEC did not take into consideration the explanations given for the recommendations. The NEC has not provided a chance for political parties and NGOs to debate issues or to put forward more arguments. COMFREL regrets that the NEC's decision did not lead to improvement of crucial procedures and regulations related to the following points; the NEC's response did not explain clearly why the recommendations were excluded. Instead, the NEC conservatively defended its first draft of the Regulations and Procedures. The following crucial points are still not clear in the Regulations and Procedures, causing obstruction during implementation and repeated irregularities such as vote buying; lack of access to public places in political campaigning; lack of access to media; lack of neutrality of civil servants, national police officials, members of the RCAF, judicial officials and village chiefs; and faulty complaint procedures.

The following recommendations and reasons set out key issues for improvement on the NEC Regulations and Procedures for NA elections. They cover Chapter 7 (Electoral Campaign) and Chapter 11 (Complaints or Appeals, Decisions, Reconciliation and Hearings) of the Regulations and Procedures and the process of consolidation of election results. The recommendations suggest that all the provisions *in italics (and underlined)* below be stated in the NEC's Regulations and Procedures.

13.1 Chapter 7: Electoral campaign

1. Access to private media

These principles should be strengthened with regard to equal access, equity and balance of political news on a "first-come-first-served" basis for private media, as stated in the Regulations and Procedures.

- The principle of equality is recognized in Article 5 and Point 18, Article 16 of LEMNA.
- The provision of this recommendation has already been stated in the NEC Directive for TV and radio stations concerning the sale or rent of airtime to political parties for disseminating political platforms during the election campaign (NEC No. 172/07, dated March 14, 2007).

Point 7-14-5-2

TV and radio stations that wish to sell airtime must publicly declare hours available daily and total number of hours available for sale or rent in the 30-day election campaign period.

TV and radio stations must make public statements on advertisement prices. All TV and radio stations must inform all political parties running in the NA elections about their advertisement prices.

Station owners must divide the total number of hours to be sold or rented by the number of political parties competing in the elections, and then sell to each party only that amount of time to which it is entitled.

In selling or renting airtime to political parties, TV and radio station owners are not allowed to sell or rent all the airtime available to one particular party.

TV and radio station owners are not responsible for the content of political party broadcasts. Political parties themselves are responsible for the content of their broadcasts.

2. *Financial statement on the financial resources and expenses of political parties with regard to the election campaign*

Point 7-20-1-

The NEC must check the accounting journal after the end of the election campaign.

Point 7-20-3 (new additional point)

The NEC must make a public statement on the expenditures and sources of income of political parties competing in the NA elections.

Reasoning

- The election campaign is an important part of the election process; the NEC should obey the provision of Point 17, Article 16 of LEMNA, which empowers the NEC to check the revenues and expenditures of candidates and political parties related to the election campaign.
- Article 5 of LEMNA recognizes the principles of free, fair and just elections.
- To apply the principles of the rule of law, democracy, good governance and free, fair and transparent elections.

3. *Transportation provided to voters on polling day*

Point 7-4

Transportation provided to voters to polling stations and giving lifts to voters are not included in electoral campaign activities if the vehicles used are private, the total number of voters does not exceed 10 and no election campaign materials are found.

Reasoning

- Based on previous election experiences, parties have provided transportation, including renting out vehicles, to mobilize voters to cast ballots.
- The provision of prearranged mass transport affects the decisions of voters in selecting a political party.
- Nonetheless, we consider the use of individual vehicles and the giving of lifts to neighbors, colleagues or other voters as a good practice in accordance with Cambodian culture.

4. *Vote buying*

Point 7-11-7-

The provision of gifts, incentives, rewards or cash of any form by a political party, its representatives, a candidate or any individual to any institution, organization or official is considered vote buying and must be punished in accordance with Article 124 of LEMNA.

In the electoral campaign period, all types of gift giving, including that of cash, materials/goods or services, are prohibited, unless there are unforeseen circumstances or a natural disaster occurs, in which cases the NEC can give permission. This provision does not cover the humanitarian activities of the Cambodian Red Cross, the National Committee for Disaster Management and NGOs and civil society.

Reasoning

- Although the offence of vote buying is mentioned in Article 124 (New) of LEMNA, the qualifying criteria as stated in the Regulations and Procedures are not precisely defined and only describe the offence and the type of action.
- As stated in the criteria, vote buying refers to any action taken by someone identified as representing a political party, which provides money, materials/goods or services to voters during the election campaign regardless of the aim or intention.
- Vote buying strongly violates the principles of a fair election.

5. *Neutrality of government officials (including civil servants, national police, RCAF and village chiefs)*

Point 7-7

Civil servants and local authorities at all levels; village chiefs, deputy-chiefs and assistants; RCAF; and national police and court officials must strictly uphold their neutrality during the election campaign process and must not participate in the campaign, unless they are electoral candidates who have asked for special leave in accordance with the spirit of Article 35 (New) of LEMNA.

Civil servants who contravene the principle of neutrality should be punished in accordance with Articles 37, 39 and 40 of the Law on Civil Servants Statutes of the Kingdom of Cambodia. Military personnel of the RCAF must comply with the principle of neutrality as stated in Article 9 of the Law on General Statutes for Military Personnel of the Royal Cambodian Armed Forces.

Reasoning

- According to Article 15 of the Law on Political Parties, "...religious followers, court officials, Cambodian Royal Armed Forces and National Police personnel can be members of political parties, but are not allowed to conduct any action that protests or supports any particular political party."
- According to Article 16 (New) of LEMNA, overall power is given to the NEC to take all actions to assure a free and fair election. The content of the NEC's book of Guidelines describes the roles and responsibilities of village chiefs, deputy-chiefs and members, and should also be included in Point 7.7.
- The criteria regarding the neutrality of government officials and armed forces should be the same as the criteria of neutrality for NGOs and civil society.

6. *Use of public areas*

Point 7-15-

Managers of theaters, sport centers, parks or public areas as well as public halls must provide space to political parties and/or electoral candidates who have asked to rent such locations as campaign venues, on an equal and 'first-come-first-served' basis.

Political parties and/or candidates running for election who wish to rent the locations described in Point 7.15 should submit their request to the managers of such locations *three days* prior to the campaign meeting. Managers shall respond to the petitions *immediately on receiving the petition*.

Other public areas, such as markets, public routes, public spaces and public areas of state institutions shall be used free of charge by candidates and/ or political parties.

Reasoning

Article 77 of LEMNA clearly states that only four types of public areas can be rented out (through a renting contract), including theaters, sport centers, public parks and public halls.

7. Voter education

All media outlets, including newspapers and state-run radio and TV stations must broadcast all information concerning electoral activities and voter education at the request of the NEC free of charge.

Communities and local NGOs can ask state-run media, through the NEC, to disseminate and broadcast information regarding electoral activities and voter education free of charge.

All media outlets, including newspapers and private-run radio and TV stations must disseminate all information requested by the NEC free of charge or at a negotiable commercial fee when broadcasting on electoral activities and voter education, in accordance with the agreement between the media and the NEC.

13.2 Chapter 11: Complaints or appeals, decisions, reconciliation and hearings

8. Trial jury

Point 11-10-1

The chairman, vice-chairman or members of the NEC, in total five people, and president, vice-president or members of the PEC/CEC, in total three people, shall be appointed as the hearing jury. Members of the jury shall be appointed from among those who hold a bachelor degree and legal experience; the team is to be led by one president. Before taking up their positions, members of the judging council must participate in a swearing-in ceremony.

Reasoning

The NEC trial jury is set up and its members can be more professional.

9. Complaint receiving and basic information

Point 11-1

According to LEMNA, any person or their representative has the right to file an appeal and/or complaint with the electoral commissions of any level or the NEC or the Constitutional Council on any matter concerning election and/ or preliminary election results, with basic information.

Point 11-6 and Point 11-7

Basic information shall be as follows:

- 1 Name and address of the complainant
- 2 Subject of the complaint
- 3 Time and place of the offence

If possible, the complainant should provide the following additional information:

- 1 Related Article of the Election Law
- 2 Type of offence

3 Identity of the perpetrator

4 Name and address of witness

Nonetheless, [the absence of] such additional information cannot be a basis for rejecting the complaint without a hearing.

Point 11-6-2

Upon receipt of a complaint related to an election campaign violation, the CEC must check the legal deadline of the complaint. Then, a chief of the CEC has to assign one of his members to write a depository file in the CEC asking for more information from the complainant or his/her representative and obtain the complainant's thumbprint for the record.

The CEC can reject any kind of complaint that fails to be lodged within the legal deadline stated in Article 11-6, by verifying the reason for rejection. Three sets of copies of the complaint are to be prepared: one is to be delivered to the plaintiff; one is kept as a record and the third is to be submitted to the PEC. [The rest has been deleted.]

The same recommendation is applied to Points 11-6-15, 11-6-15, 11-6-27, 11.9.1, 11.9.2, 11.9.3, 11-8-4-2 (suggested for deletion) and 11-8-21.

A complaint submitted to the NEC after the deadline as stated in Point 11-8-19 above will not be accepted for settlement. [The rest has been deleted.]

Point 11-8-21-2

Suggested for deletion.

Point 11-8-22

The NEC shall hold a public hearing to decide on a complaint that has been lodged within the legal deadline stated in Point 11-8-19 above within 48 hours of receiving it. [The rest has been deleted.]

Point 11-8-23

The Constitutional Council shall hold a hearing to settle a complaint that has been made within the legal deadline stated in Points 11-8-19, 11-8-21-3 and 11-8-21-4 above no later than 10 to 20 days after receiving the complaint. [The rest has been deleted.]

Reasoning

In order to ease the receipt and resolution of election complaints, NEC officials are not able to use the excuse of "not enough evidence" to reject election complaints. The legitimate investigation mechanism for further inquiry into concerned parties and the collection of evidence can be strengthened.

10. Monitoring/investigation

Point 11.6.25

The NEC shall appoint its investigative officials to probe into investigation of the case immediately, except an offense *in flagrante delicto* as stipulated in LEMMA or this procedure.

The investigative official team shall be formed/ assigned with the following composition:

- One (1) is chief or deputy chief or member of the NEC;
- One (1) is chief or deputy chief or specialized official of the Legal Service and Complaint Settlement Department.

Investigative officials shall submit their minutes/investigative reports to the trial jury.

The same recommendation is also applied to Point 11.9.5 and Point 11.6.16.

Reasoning

- Pursuant to principles of the court hearing procedure, investigation and summoning of parties in conflict to be present in the court for extra enquiries is required before holding the hearing.
- Investigation is a professional skill; thus, investigation training is necessarily acquired.
- The minutes/investigative reports are to be used officially as reference or basic evidence leading to a decision.

11. Case of violation that cannot be settled through compromise or reconciliation

Point 11.6.6

After the team has completed its investigation and results prove that the perpetrator has actually committed the offense stipulated in LEMNA and the Regulations and Procedure, the CEC shall invite all parties in conflict for reconciliation on a date and at a time as duly determined by the CEC. The reconciliation can be done only if the offense is minor and reconcilable.

Any offense that is stated in Chapter 11 of the Law on the Election of Members of the National Assembly as well as any criminal offense has to be punished in accordance with penalty provisions; such cases mentioned above shall not be reconciled.

Reasoning

- To cut down on the culture of impunity and strengthen justice in the election process.
- Pursuant to legal principles, offenses stipulated in penalty provisions of all laws cannot be reconciled; these cases of offense include debauchery, illegal logging, illegal fishing and trafficking, etc.

Cases of offense with regard to LEMNA, such as vote buying, intimidation, forced promises to vote and disturbance of election campaigns conducted by other political parties cannot be reconciled.

13.3 Chapter 8: Authorization of CECs to tally polling results

A particular matter of concern was the authorization by the NEC of **CECs to tally polling results**, a situation which entails **illegality and lack of transparency and could lead to controversy over polling/counting station results**.

This was the first time for parliamentary elections to see the vote-counting process carried out at polling stations themselves. Provisions in LEMNA confirm this authority. Article 103 of the Law stipulates that “*The polling station commission shall be responsible for the ballot counting*”. More importantly, Article 109 states that “*The commune/sangkat election commission (CEC) shall collect all minutes and other documents from polling station commissions and deliver them directly to the provincial/municipal election commission (PEC)*.” In addition, Article 110 determines that “*The PEC shall collect all minutes from the CEC and prepare consolidated minutes of polling results in the province/municipality concerned*.”

In essence, after finalization of vote counting at polling stations, each polling station commission has to submit its counting records to its CEC. Each CEC then has to forward these to its PEC, to enable the PEC to prepare the consolidated minutes of the polling results in its provincial/municipal constituencies. The provisions of LEMNA state precisely that vote counting should be conducted by the station commissions; tallying the polling results should be carried out by the PECs. The CEC acts only as an intermediary, in charge of collecting and forwarding the minutes and other relevant documents to the PEC, unless specific circumstances make counting at the polling station impossible. In such circumstances, the counting process is allowed to take place at the CEC or another safe place.

This means that PECs should not calculate the election results based on CEC minutes, but that they should calculate the results drawn originally from the stations, in a transparent manner and at a time when all political party representatives and observers can participate.

The NEC in this elections adopted Article 8.19 on Checking and Consolidating Election Results in the Commune/Sangkat by the CEC in its Regulations and Procedures for the parliamentary elections, which are in fact subject to LEMNA. In doing this, the NEC overstepped its authority and the boundaries of the law.

The implementation of Article 8.19, which permits CECs to calculate results arriving from polling/counting stations, could provoke serious irregularities. CEC minutes should be considered illegitimate according to LEMNA; using Article 8.19 implies that PECs prepare and calculate illegitimate results based on the consolidated minutes of the CECs.

If the calculations of CECs and PECs are different from those calculated by political party representatives or observers at the stations, this could lead to serious conflict. In such a case, would the NEC check and revise the calculations? If so, would the NEC base its calculations on the records of the CECs or on those of the station commissions? In practice, when there are no complaints from the polling stations, the CECs, the PECs and/or the NEC will not open the package/kit from the stations containing the minutes.

COMFREL called on the NEC to act accordingly and comply with the provisions of Articles 109 and 110 of LEMNA, and to respect the principle of equality in the election process. This requires CECs to collect all documents and minutes of the vote-counting process and then forward them directly to the PECs, so that the latter can openly calculate the election results on the basis of the minutes prepared at the polling stations.

13.4 Number of seats of the NA

Number of seats of the NA should be increased to 130. Based on the rate of population growth, and geographic, social and economic factors in some constituencies, there should be increase of at least 7 seats at the NA for: Battambang, Kampong Speu, Koh Kong, Oddar Meanchey, Preah Vihear, Siem Reap and Sihanouk Ville.

The above request of raising number of NA seats is based on the following reason:

1. To increase the representativeness of the parliament in proportion to the population and in accordance with the law. The population has increased by 2 million, from around 12 million in 2003 to an estimated 14.5 million in 2008. It should be noticed that the NA has historically increased the number of seats from mandate to mandate. Additionally, the increase of seats is in compliance with Article 7 of LEMNA: *“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”. Actually, only around 112 MPs carry out all their duties, as at least 11 parliamentarians are also government officials, who are busy with government work and barely fulfill their responsibilities as MPs. There should be an amendment to the Constitution to distinguish between members of the legislative and of the executive body.

2. To increase the number of parliamentarians visiting and solving the problems of constituents. According to reports collected from organizations’ public forums and COMFREL’s Parliamentary Watch Reports, people in each constituency need more parliamentarians to protect their interests. Although many MPs are very active in visiting citizens and intervening in and solving the problems of the people in their own constituencies, this number is not sufficient for the large proportion of people, in remote areas in particular, who need help from their representatives.
3. To balance the number of members of NA commissions with the number of government institutions to be able to review the performance of ministries and government institutions. The current number of parliamentarians is not appropriate for the work of NA commissions. Since the first legislature of the NA, the government has established more ministries and national authorities. Furthermore, the number of government members has doubled from mandate to mandate.
4. To strengthen review of income and expenditure in the national budget. It is not reasonable to reject such a request on the basis of budgetary problems, as spending on public interest should be prioritized; an increase by at least 7 parliamentarians is not going to take up much of the national budget, given annual increases in the national budget. In addition, the government recently claimed high economic growth for Cambodia, using this as a reason for increasing salaries of the armed forces by 20% next year. Based on current Cambodian economic growth and the commitments of the government to increase national income from other potential national resources as well as fighting against corruption, the increase in the number of seats is not going to have any negative effect on national budget or economics.

14. Overall Conclusion and Recommendations

The report finds that, in terms of the general election environment, there was an improved and more politically secure climate this year in comparison with the 2003 National Assembly elections, including a relative improvement in media access; more active political party campaign activities; a decrease in the number of irregularities regarding technical administration and complaints inside the polling and counting stations; a reduction in the number of rejections of complaints regarding the election process, in particular during the election campaign period; improved technical election administration/performance; and increased knowledge and understanding of voter rights and responsibilities and democracy.

However, Cambodia in 2008 continued to experience a political environment not fully conducive to truly free and fair elections. There were some cases of violence in the days before the elections, related particularly to intimidation to limit political participation and freedom of expression. Voters were still subject to pressures preventing them from making a choice, either according to their conscience or on the basis of proper information. There is persistent fear at every level of society of retribution from leaders, who can use their power to affect personal and family life. Insufficient efforts have been made to eliminate this factor from the Cambodian election scenario. In comparison with previous elections, some issues worsened, such as an increase in the number of civil servants, state authorities and armed forces personnel showing active participation in support of the campaign and networks strengthening the Cambodian People's Party (CPP); an increased number of voters facing obstructions and complicated procedures during registration, voter list clean-up and the polling period; irregularities regarding the issuing of Form 1018; and problems surrounding candidate registration.

Based on the findings for the 2008 NA elections and other key developments in recent years, prospects are uncertain for Cambodia's progress towards democracy. If the same formula is applied for the formation of the next NEC as in the current mandate, with members appointed based largely on the share by parties of seats in the NA, then the CPP will have 75% control of this vital institution. COMFREL subscribes to the original concept in the election laws that NEC members should be neutral, with no party allegiances. Democratic and efficient governance depends on essential checks and balances – an effective opposition. These are unlikely to emerge in Cambodia with the CPP's control increasing towards single-party rule. The constituency to elect Senate members consists of NA and commune council members – with CPP members now controlling 73% of the NA and 70% of commune councils, the outcome is predictable. As part of decentralization reform to introduce provincial and district authorities, a new "Organic Law" proposes to use a similar constituency.

COMFREL will continue to advocate for below election reform recommendations:

- ***All relevant election stakeholders should discuss ways to reform the process of registering voters and preparing the voter lists; they should consider discontinuing the use of Form 1018.***
- ***The NEC and its election dispute and complaint resolution mechanisms should be reformed in order to ensure that this institution is truly neutral and trusted by all election actors and voters.***

- *A law on political finance should be created, clearly identifying ways to provide and/or use the national budget for the interests of all competing political parties. In addition, transparency in using the budget during electoral campaigns should be improved.*
- *The enforcement of laws guaranteeing the neutrality of judges, authorities, armed forces personnel including police should be strengthened in order to effectively prevent them from participating actively in any political party activities and electoral campaigns, either during or after working hours.*
- *The legal framework for the media should be created and strengthened to follow the principles of equality, equity and balanced information for all competing political parties.*
- *The electoral system should be changed so as to encourage independent candidates. It should operate on a mixed voting basis: a proportional system in including political party and individual candidates should be used. Direct elections by the public and to allow individuals to stand, not just party-approved lists, so that a better modern democracy can emerge.*
- *The process of accrediting domestic observers, in particular short-term observers only for polling day should be further simplified.*
- *For female elected representatives, minimum quotas of 30% should be reserved and adopted for all public institutions and included in the membership rules of all political parties. New provisions must be included that allow women candidates to be co-opted to be elected representatives.*
- *The leadership structure of the NA should be formed based on the appropriate checks and balance between the ruling parties and the opposition parties. So representatives of all elected parties in the NA should be selected to be chairs and members of the expert commissions of the NA.*
- *The number of seats of the NA should be increased to 130. Based on the rate of population growth, and geographic, social and economic factors in some constituencies, there should be increase of at least 7 seats at the NA for: Battambang, Kampong Speu, Koh Kong, Oddar Meanchey, Preah Vihear, Siem Reap and Sihanouk Ville.*

15. COMFREL's Election-related Activities

15.1 COMFREL's training, deployment and observation plan

Long-term observers

For the 2008 NA elections, COMFREL fully trained and deployed 270 long-term observers operating at district and provincial levels. They covered the full range of electoral observation activities, looking at: cleaning up voter lists; voter registration and updating; voter registration audit; candidate registration; election campaign; political climate at local level; supervision of cooling-off period; polling day/counting and tracking complaints, as well as monitoring the general election climate and helping collate and coordinate reports (regular reports and any special incident reports). They also established relationships with key partners – other domestic observers, international election missions, party agents and election officials.

Media monitoring

COMFREL also had 10 media monitoring observers to monitor the various media outlets (radio and TV channels). COMFREL conducts media monitoring during the pre- and post-election periods and during elections; from May 1, 2007 to May 31, 2008 COMFREL undertook a thorough analysis of programs on state-run TVK of the time allocated to elected political parties,⁴⁸ the RGC, the NA and the Senate and of coverage of the 2008 NA elections; from June 1 to July 31, 2008 COMFREL undertook a thorough analysis of programs across TVK, the Cambodian Television Network (CTN), state Radio FM 96 MHz and AM 918 KHz, Radio FM 105 MHz, Radio FM 102 MHz, RFA (evening Khmer programs), VOA (evening Khmer programs) and RFI (evening Khmer programs) for access provided to political actors and coverage of the elections and with respect to the NEC's Media Guidelines, as well as coverage of women, youth, indigenous people and disabled people in politics and elections. The selection of these media was based on their popularity, independence or (in principle) public access.

Short-term local observers

COMFREL deployed around 11,000 observers across the country on polling day for the fourth NA elections. Approximately 8,700 persons (one per polling station) were assigned to observe the situation outside the relevant polling location (pagodas or schoolyards). They looked carefully for any irregularities⁴⁹ and helped voters who were having difficulty finding their name on the voter list or who were not allowed to vote, from 7:30 until 11:00. After that, observers continued their observation inside the polling station until the vote-counting process was concluded.

To take part in verifying the election results and understanding the pattern of election regularities, COMFREL specially trained and coached 1,319 observers on the technique related to the **Parallel Voter Tabulation/Quick Count (PVT)**. They closely observed the situation in 1,319 randomly selected polling stations and quickly sent election results and reports of serious irregularities to COMFREL headquarters. In addition, COMFREL facilitated the participation of 1,400 national and foreign observers in the electoral observation; these observers were

⁴⁸ Political parties elected in the 2007 commune council elections include the CPP, the SRP, FUNCINPEC, the NRP and the HDDMP.

⁴⁹ From 6:30 to 7:30, observers were inside the polling station in order to observe the process of opening the polling station. From 7:30 to 11:00, observers were outside the polling station to observe and to help voters at the polling station. From 11:00 to 15:00, observers were assigned to observe inside and outside 4 or 5 polling stations in the same polling location. There were approximately 30 minutes of observation of each such polling station. From 15:00 until the end of the vote-counting process, selected observers observed inside polling stations, watching the election completion process, preparing the minutes on the counting process and recording results and other related information.

encouraged to become COMFREL's mobile observers. Moreover, COMFREL had approximately 260 special observers to monitor youth and women's participation in politics, in order to record the number of youth and women taking part in the elections and their point of view regarding election participation.

15.2 Voter education activities

Prior to the elections, COMFREL conducted extensive voter and candidate education activities throughout Cambodia.

Voter education

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, which included listener call-ins for questions and answers, TV spots, a movie play, etc. 300,000 pamphlets, 30,000 Q&A booklets, 20,000 calendars and 30,000 picture books were produced and distributed to voters through COMFREL networks and local organizations, including workers in Phnom Penh, local authorities, youths/students, women's party representatives, armed forces personnel and others.

Activities encouraging female political participation

TV/radio spot

An 11-minute video/radio educational spot on "Vote for Women to Help Our Nation" was produced and broadcast 9 times on radio FM 105 MHz, FM 90 MHz, FM 88.5 MHz and FM 90.25 MHz on the Voice of Vote Owner program at 7:30-8:30 of Voice of Civil Society, and 38 times through Cambodian Television Station Channel 9 (CTV9) and Apsara Television Station Channel 11. The spot was also shown at a women's public forum in Kampong Cham province and an Amara activity in Battambang province.

Training and forum

In May to June 2008, COMFREL, which is a member of the Committee to Promote Women in Politics (CPWP), conducted a three-day training on "Capacity-building of Local Women's Networks" to women political party activists of the 4 main political parties (CPP, SRP, FUNCINPEC and NRP), with 25 female participants in Kampong Siem district, Kampong Cham province. The participants were set up with COMFREL's network in order to disseminate voter education in their commune and attended some activities such as women's public forums and meetings.

COMFREL organized 4 public forums on "Promoting Women Brings our Family Harmony" (1 day forum and 3 night forums), with 6,930 (3,690 female) participants: Roang commune, Kosroka commune, Ampil commune, Krola commune, Kean Chrey commune in Kampong Siem district, Kampong Cham province. Key topics discussed were:

- People's awareness of the benefits of equal participation and representation of women and men at national level;
- People's promotion and support of equal representation of women and men in decision-making positions.

In addition, COMFREL showed its "Vote for Women to Help Our Nation" spot and other spots. After the show, COMFREL raised questions to the participants related to the topics, giving rewards to those who answered questions correctly.

Workshop

A half-day workshop was held on “Women’s Empowerment for Candidates of the Fourth Mandate Parliamentary Elections” on March 28, 2008 at the Cambodiana Hotel, Phnom Penh. The 67 participants (35 female) came from political parties, NGOs/associations, students/youth and donor agencies. The aims of workshop were:

1. To encourage and call for political parties to place female and male candidates in a zebra system on the top list of candidates for the fourth mandate parliamentary elections.
2. To increase the number of women at decision-making level in accordance with Cambodia’s Millennium Development Goals.
3. To implement a joint campaign to draw more women’s attention and to encourage and motivate them to participate in the fourth mandate parliamentary elections.

“Women Can Do It”

1. Printed materials and distribution. Printed voter education materials were as follows:
 - 3,125 copies (an extra 125) of the picture book on “Vote for Women to Help our Nation”; 3,125 were delivered.
 - 9,000 copies of a sticker saying “Vote for Women, Women’s and Children’s Issues Are to Be Addressed”; 8,990 were delivered.

The printed materials were distributed to 12,115 direct beneficiaries of women voters in Takeo, Kampong Thom, Kandal and Battambang province. This included the general public/constituent residents through COMFREL’s network and Amara face-to-face. We anticipated that the 12,115 direct beneficiaries would echo the information and awareness to another 36,345 females in their household and neighbors in the villages.

2. Radio call-in show. A call-in show program was aired live on FM 105 MHz, FM 90 MHz, FM 88.5 MHz and FM 90.25 MHz. There were 8 broadcasts of “Women Can Do It” on COMFREL’s Voice of Civil Society. The duration was 60 minutes in the morning every Tuesday of the first and second weeks of the month. The program provided an opportunity to the electorate to comment and answer questions about rights and responsibilities to participate in the decision-making process on democratization, information and procedures of the NA elections 2008 in relation to women, the empowerment of women candidates for the fourth mandate, women and elections, women’s political participation, etc. The shows included a discussion among speakers, who included the leaders of CSOs and NEC officers and COMFREL’s staff.

Activities strengthening youth political participation (supported by UNDP)

- Conducted 10 training courses in 10 districts of 2 provinces (6 in Kampong Cham and 4 in Kandal) for 291 youths from COMFREL’s network, civil society and political parties on democracy, advocacy, electoral process/administration and election observation skills etc.
- After the training, participants were encouraged to build a network and keep in touch through 5 follow up meetings to share information, experience and lessons learnt and to discuss politics and the elections. They were able to join and be involved in election activities such as election monitoring and voter education.
- Audio spots, call-in show, debates through COMFREL’s weekly radio program (Saturday morning from 7:30 to 8:30), ‘Tov Reu Min Tov (Go or Not)’ and publication of voter education materials (9,000 Stickers, 300 Training Manuals, 300 T-shirts and other printed materials).
- 200 trained youth observers (COMFREL’s network) were asked to observe the situation of election campaign, cooling and polling/counting days and to interview young voters on their opinion.
- After the elections, COMFREL conducted two workshops in the targeted 2 provinces for young voters to debate, discuss and voice their concerns, comment on speakers and identify key priority agenda items and indicators in the political platform regarding youth concerns.

15.3 Political party debate/forum

In cooperation with other CSOs (NGO Forum, CHRAC, Development Partners in Action – DPA and others), four half-day political debates/forums were held from June to July 2008 in Phnom Penh, related to five topics: 1) Land Conflict and Resettlement; (2) Natural Resource Management; 3) Anti-Corruption Law and its Enforcement; 4) Counter-Trafficking Measures for Women and Children; and 5) Three Priority Platforms of the Political Party. These had as a main objective the provision of space for civil society and political parties that had officially registered with the NEC to take part in the elections to debate and find effective platforms to tackle the above topics. Each debate/forum had 150–300 participants from 10 political parties (except the CPP) as well as local residents from the provinces, students, NGO actors and donors.

15.4 Media activities and outcome

COMFREL's Media and Campaign Section supported the overall national election project by maintaining its core objective, which is to increase and improve understanding of voters and citizens as a whole through various media means, including broadcasts, written publications and electronic media such as the website and email lists.

Radio broadcasting

- COMFREL's Voice of Civil Society continues to receive support from local listeners. The number of listeners and callers is increasing; elections and voter education were the focus during the election period.
 - Many more callers expressed their interest in knowing more about the themes shared by the program. Callers from many backgrounds were noted. Among these callers, about 11% were female.
 - Voice of Civil Society was extended to Battambang and Kampong Thom and was broadcast on FM 95.5 MHz (Siem Reap province).
- There was an estimated 1,283 hours of radio broadcasting in total during the 12-month coverage of the elections, from July 2007 to July 2008. About 804 hours were call-in show programs and another 478 hours were regarded as roundtable discussions relating to the elections.

Written publications

- 16,000 copies in 4 volumes of the quarterly Neak Kloam Meul Bulletin were published and distributed nationwide, covering election issues.
- Three Neak Kloam Meul articles were released from July 2007 to July 2008, specifically emphasizing election matters and updates.
- 4,000 copies of COMFREL's Voice of Civil Society sticker were published and available for distribution to international and local organizations, election observers, voters, audiences and others.
- 46 press releases and statements were issued.

Electronic media

- The number of visitors to COMFREL's website reached 106,895 as of July 2008. From July 2007 to July 2008, there were 93,125 visitors.
- Subscribers to COMFREL's email lists were at 215; 115 unsubscribed from the list, counting from July 2007 to July 2008.
- During the specified period, 5 press conferences and 4 political forums were organized by COMFREL with the cooperation of other concerned CSOs in Phnom Penh.

Annex 1: Conditions/Criteria for Rejecting Election Results in Constituencies (Province/Municipality)

The conditions/criteria for rejecting election results in any constituency (province/municipality) are determined by the number of irregularities that can affect the election results 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 (COMFREL's checklist for observers); or
2. Technical irregularities in a counting station (COMFREL's checklist for observers); or
3. Vote buying in a village (including the election campaign and polling day, report collected 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).

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 from voting 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. Misconduct 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. 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.

Note:

- In case that the total irregularities and technical faults in a polling station are between 20% and 49% of the total numbers at polling stations; and vote buying, electoral campaigning conducted in a prohibited period and political intimidation are at between 10% and 29% of the village numbers, making the vote result change in 50% of polling stations, this shall be regarded as a special case.
- If vote buying and political intimidation committed in the prohibited period are up to 30% of the villages, the vote result shall be null and void.

Annex 2: 2008 National Assembly Election Calendar



KINGDOM OF CAMBODIA NATION RELIGION KING

National Election Committee (NEC)

2008 National Assembly Election Calendar

Tasks to be implemented	Date
Posting of polling stations location list and registration stations	5 September 2007
Posting of last voter list (2006 voter list)	13 September 2007
Beginning of voter list revision and voter registration	15 September 2007
Ending of voter list revision and voter registration	20 October 2007
Posting of temporary list (if no complaint or after solving complains)	27 October to 30 November 2007
Validation and announcement of official voter list	29 February 2008
Receipt of registration applications of political parties' candidates	28 April to 12 May 2008
Distribution of Voter Information Notice	5 June to 25 June 2008
Posting of temporary list of political parties and candidates	11 June 2008
Posting of polling stations location list	26 June 2008
Election Campaign	26 June to 25 July 2008
Polling and ballot counting and posting of result at polling stations	27 July 2008
Submitting appeal at CEC on temporary results of polling or irregularities	28 July 2008 (No later than 11:30 am)
CEC's decision on appeal, verification and consolidation of temporary results, writing and posting of minutes	28-29 July 2008
Lodging appeal to PEC at the latest 2 days after receiving the CEC's decision	The deadline is on 31 July 2008
PEC's decision on appeal and consolidation of results (3 days at the latest)	The deadline is on 03 August 2008
Appeals against PECs' decisions lodged to the NEC at the latest 2 days after receiving PEC's decisions	The deadline is on 05 August 2008
The NEC's decisions on appeals at the latest 3 days after receiving complaints	The deadline is on 08 August 2008
NEC's publication of temporary results (in case of no re-election)	09 August 2008
Submitting appeal to the NEC or Constitutional Council on the temporary results at the latest 72 hours	The deadline is on 12 August 2008
NEC's decision on the appeal at latest 48 hours after receiving the complaint	The deadline is on 14 August 2008
Lodging appeal to the Constitutional Council at latest 72 hours after the NEC's decision	17 August 2008
Constitutional Council's decision on the appeal at the latest 20 days after receiving complaint	The deadline is on 06 September 2008
The Re-Election, 8 days after the decision, if any	The deadline is on 14 September 2008
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)	13 August to 07 September 2008

Annex 3: Printing Order of Political Parties on Ballot

Kingdom of Cambodia Nation Religion King

National Election Committee
No 05.081/08 NEC.SG.PIB

Phnom Penh, May 30, 2008

Results of A Lottery to Determine The Printing Order of The Political Parties on The Ballot for the 2008 National Assembly Election

(On May 30, 2008, NEC Headquarters)

1		Norodom Ranariddh Party
2		Khmer Democratic Party
3		League for Democracy Party
4		Cambodia People's Party
5		Khmer Anti-Poverty Party
6		Khmer Republican Party
7		Society of Justice Party
8		Funcinpec Party
9		Sam Rainsy Party
10		Hang Dara Democratic Movement Party
11		Human Rights Party

For further information, please contact the NEC, Fax: (855) 23 214 374 or Tel: (855) 12 855 018
E-mail: necinfo@forum.org.kh, www.necselect.org.kh, www.voterlist.org.kh

Annex 4: The Voter Information Notice (VIN)

Voter Information Notice



The Voter Information Notice is a card containing the following information:

1. The Polling Day: on Sunday July 27, 2008, from 7:00 A.M to 3:00 P.M;
2. Order number, name, sex, address and date of birth of voters;
3. Location and code of the polling station in the Commune/Sangkat where to vote;
4. To quickly find name on the voter lists avoiding long waiting for the voters;
5. Information on the verification of the name and voter data in the next annual voter list revision.
6. Official identification documents to be used on the Election Day.

The Voter Information Notice cannot be used to replace the identification documents on the Polling Day.

The voters should:

Verify voter's identification documents with Voter Information Notices.

- The Commune / Sangkat Election Commissions (CECs) distribute the voter information notices from June 5 to June 25, 2008 .
- After June 25, 2008, those who have not received the voter information notice can collect is at CEC headquarters until July 26, 2008.

Annex 5: An Example of a Suspect Form 1018

Note: Below is a suspect Form 1018, with two factors in evidence. First, the photo seems to have been taken from another; it may be that this form previously held someone else's photo. Second, regarding the birthplace: there is no Sreung commune in Santuk district. Sreung is in Prasath Sambor district of Kampong Thom province.


គណៈកម្មាធិការជាតិរៀបចំការបោះឆ្នោត

លិខិតធានារង្វាន់ពីអគ្គនាយកដ្ឋាន ឬ/និងអាជ្ញាធរ
នៃអង្គការសុខុមាល្មារចេះឆ្នោត និងការបញ្ជាក់លិខិតនៅក្នុងឃុំ សង្កាត់




១. អគ្គនាយកដ្ឋាននៃអង្គការសុខុមាល្មារចេះឆ្នោត

ឈ្មោះប្រពន្ធ និងឈ្មោះ	ស្រី ១៩៩៩	ភេទ	ស្រី	ថ្ងៃខែឆ្នាំកំណើត	១៥ / ១១ / ១៩៩០
ទីកន្លែងកំណើត៖ ឃុំ សង្កាត់	ស្រុក ឧឃ្យ ស្រុក	ខេត្ត	ក្រចេះ	ថ្ងៃខែឆ្នាំកំណើត	១៥ / ១១ / ១៩៩០
ទីលំនៅ៖ ផ្ទះលេខ	ផ្លូវ ភូមិ	ឃុំ សង្កាត់	ស្រុក ឧឃ្យ	ខេត្ត	ក្រចេះ
ទីលំនៅអចិន្ត្រៃយ៍		ទីលំនៅបច្ចុប្បន្ន	មុខរបរ		ស្រី គិរី

២. ការធានារង្វាន់របស់សាមីខ្លួន

ខ្ញុំជាប្រពន្ធនៃប្រកាសជាឱក្ខានិកជា
 ខ្ញុំជាប្រពន្ធនៃប្រកាសជាឱក្ខានិកជា
 កាលបរិច្ឆេទ៖ ១១ / ០៣ / ២០០៧ ភ្នំពេញ ថ្ងៃខែឆ្នាំ

៣. ការធានារង្វាន់របស់សាមីខ្លួន

ខ្ញុំជាប្រពន្ធនៃប្រកាសជាឱក្ខានិកជា
 ខ្ញុំជាប្រពន្ធនៃប្រកាសជាឱក្ខានិកជា
 ឃុំ សង្កាត់ ឧឃ្យ ស្រុក ឧឃ្យ ខេត្ត ក្រចេះ ថ្ងៃខែឆ្នាំកំណើត ១៥ / ១១ / ១៩៩០ ទីលំនៅបច្ចុប្បន្ន ភូមិ គិរី
 ប្រសិនបើការធានារង្វាន់របស់យើងខ្ញុំមិនពិត យើងខ្ញុំសូមទទួលខុសត្រូវទាំងស្រុងចំពោះមុខម្ចាស់ជាយាយមាំ និងសុខុមាល្មារចេះឆ្នោត ។

ស្រី គិរី ១១ / ០៣ / ២០០៧ ភ្នំពេញ ថ្ងៃខែឆ្នាំ

៤. សេចក្តីបញ្ជាក់របស់មេឃុំ ចៅសង្កាត់

ការធានារង្វាន់លើ ប្រកាសជាឱក្ខានិកជា
 ឬ ជំនួយ ចៅសង្កាត់ ឬ ជំនួយ ចៅសង្កាត់ ដែលត្រូវបានប្រកាសលើ យើងសូមបញ្ជាក់ថា អ្នកសុខុមាល្មារចេះឆ្នោត
 និងភរិយាប្រកាសជាឱក្ខានិកជា ប្រកាសជាឱក្ខានិកជា ឃុំ សង្កាត់ ក្រចេះ ខេត្ត ក្រចេះ ថ្ងៃខែឆ្នាំកំណើត ១៥ / ១១ / ១៩៩០ ទីលំនៅបច្ចុប្បន្ន ភូមិ គិរី
 បុគ្គលធានារង្វាន់ ចៅសង្កាត់ ឬ ជំនួយ ចៅសង្កាត់

ស្រី គិរី ១១ / ០៣ / ២០០៧ ភ្នំពេញ ថ្ងៃខែឆ្នាំ



កំរិតសំគាល់៖ សាមីខ្លួន និងសាក្សីត្រូវបំពេញប្រតិបត្តិការបែបបទលើខ្លួន ២ ម្យ៉ាង ដោយត្រូវបំពេញប្រតិបត្តិការ ១ សិទ្ធិតាមការងារ ដែលមានការបញ្ជាក់
 ពីមេឃុំ ចៅសង្កាត់ មានសុខុមាល្មារចេះឆ្នោត ឬ/និងមេឃុំ ឬ/និងមេឃុំ ក្នុងការសុខុមាល្មារចេះឆ្នោត ឬសំរាប់ប្រើប្រាស់នៅ
 រោងចេញឆ្នោត ។

គ.ជ.ប ១០១៨/០៧ ច្បាប់បែបបទ សំរាប់បំពេញដោយសាមីខ្លួន និងអ្នកធានារង្វាន់ពីអគ្គនាយកដ្ឋាន រដ្ឋ និងមេឃុំ ចៅសង្កាត់

Annex 6: National Assembly Election-related Data from the NEC

No	Provinces/ municipalities	Total population	18 and above age population	Female	Registered voters (#)	Registered voters (%)	Number of seats	Polling stations	Voters	(% of Voters/ registered voters)	Invalid votes	
												%
1	Banteay Meanchey	664,153	368,902	189,853	396,706	105.11%	6	790	262,509	66.17%	3,953	1.51%
2	Battambang	952,712	552,455	283,463	585,118	98.57%	8	1,058	403,558	68.97%	5,991	1.48%
3	Kampong Cham	1,785,106	1,080,902	565,867	1,099,100	105.52%	18	2,158	811,791	73.86%	13,443	1.66%
4	Kampong Chhnang	462,882	266,084	140,907	277,846	106.89%	4	546	222,009	79.90%	3,598	1.62%
5	Kampong Speu	710,269	407,423	217,127	426,361	106.66%	6	813	333,276	78.17%	609	0.18%
6	Kampong Thom	644,250	372,728	195,127	377,882	103.51%	6	738	278,530	73.71%	5,225	1.88%
7	Kampot	590,409	366,432	185,627	363,742	107.31%	6	645	280,102	77.01%	5,375	1.92%
8	Kandal	1,235,385	805,673	410,740	806,901	107.84%	11	1,365	659,701	81.76%	7,223	1.09%
9	Koh Kong	131,266	79,975	37,295	80,552	120.50%	1	171	46,795	58.09%	1,026	2.19%
10	Kratie	291,439	161,921	84,834	179,017	102.44%	3	334	128,234	71.63%	2,005	1.56%
11	Mondolkiri	49,387	25,638	12,990	26,495	93.84%	1	71	17,386	65.62%	823	4.73%
12	Phnom Penh	1,014,480	654,023	349,760	722,677	115.50%	12	1,266	474,596	65.67%	497	0.10%
13	Preah Vihear	144,279	77,548	36,943	80,055	104.30%	1	163	58,666	73.28%	3,082	5.25%
14	Prey Veng	1,098,653	701,158	377,318	726,675	111.67%	11	1,367	562,979	77.47%	8,315	1.48%
15	Pursat	394,536	216,467	115,755	235,853	107.53%	4	461	183,924	77.98%	2,344	1.27%
16	Ratanakiri	132,628	67,606	35,102	67,647	106.11%	1	144	39,896	58.98%	1,816	4.55%
17	Siem Reap	823,238	456,257	245,379	455,418	99.73%	6	877	354,985	77.95%	6,885	1.94%
18	Sihanouk Ville	158,059	98,221	51,144	97,808	102.81%	1	193	68,061	69.59%	1,312	1.93%
19	Stung Treng	97,383	52,058	26,604	52,191	101.35%	1	118	38,110	73.02%	1,239	3.25%
20	Svay Rieng	542,475	338,815	182,078	353,202	111.45%	5	650	292,824	82.91%	4,829	1.65%
21	Takeo	893,791	548,443	292,129	574,423	109.30%	8	1,048	485,520	84.52%	8,594	1.77%
22	Kep	34,268	20,923	10,225	22,228	109.41%	1	39	17,904	80.55%	368	2.06%
23	Pailin	56,528	25,886	12,847	30,238	117.86%	1	61	20,906	69.14%	611	2.92%
24	Oddar Meanchey	156,340	82,623	41,478	87,394	107.88%	1	179	58,622	67.08%	1,444	2.46%
	Grand Total	13,063,916	7,828,161	,100,592	8,125,529	103.80%	123	15,255	6,100,884	75.08%	90,607	1.49%

Annex 7: No. of Candidates Registered for the 4th National Assembly Elections, by province/municipality

No	Province/ municipality	No. seats	CPP		HDDMP		NRP		FCP		HRP		SJP		LDP		SRP		KAPP		KDP		KRP	
			No.		No.		No.		No.		No.		No.		No.		No.		No.		No.		No.	
			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	6			6	6	6	6	
2	Battambang	8	8	8	8	8	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	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	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			
6	Kampong Thom	6	6	6	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			
8	Kandal	11	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			1	3		
10	Kratie	3	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	1	3			1	3		
12	Phnom Penh	12	12	12	12	12	12	12	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			1	4		
14	Prey Veng	11	11	11	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	4	4	4			
16	Ratanakiri	1	1	3	1	3	1	3	1	3	1	3			1	3	1	3			1	4		
17	Siem Reap	6	6	6	6	6	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			1	3		
19	Stung Treng	1	1	3	1	3	1	3	1	3	1	3			1	3	1	3			1	4		
20	Svay Rieng	5	5	5	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			
22	Kep	1	1	4	1	3	1	3	1	3	1	3			1	3	1	3			1	4		
23	Pailin	1	1	3	1	3	1	3	1	3	1	3			1	3	1	3			1	5	1	3
24	Oddar Meanchey	1	1	3	1	3	1	3	1	3	1	3			1	3	1	3			1	4		
Total		123	123	142	123	141	123	141	123	141	123	141	46	46	123	141	123	141	60	60	123	148	72	74
			265		264		264		264		264		92		264		264		120		271		146	

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

Source: NEC.

Annex 8: National Assembly Election Results with Seat Allocations

No.	Province	Votes and seats for each party																					
		NRP		KDP		LDP		CPP		KAPP		KRP		SJP		FCP		SRP		HDDMP		HRP	
		Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats
1	BM	16,543	0	1,544	0	1,966	0	158,010	4	0	0	1,000	0	1,808	0	33,036	1	37,557	1	686	0	6,406	0
2	B'TB	13,524	0	1,953	0	8,909	0	242,410	6	0	0	1,583	0	3,910	0	28,513	0	86,083	2	976	0	9,706	0
3	KCH	58,716	1	3,747	0	6,473	0	409,564	11	3,179	0	2,794	0	0	0	23,671	0	211,775	5	5,707	0	72,722	1
4	KCHN	17,599	0	1,102	0	1,899	0	125,195	3	810	0	596	0	1,222	0	20,163	0	37,222	1	660	0	11,943	0
5	KSP	22,281	0	2,765	0	5,199	0	191,181	5	1,564	0	0	0	0	0	14,034	0	58,951	1	1,633	0	35,059	0
6	K'TH	18,474	0	2,192	0	2,580	0	142,575	4	0	0	1,350	0	2,077	0	37,150	1	60,213	1	1,081	0	5,613	0
7	KPT	21,276	0	2,877	0	3,601	0	156,028	5	0	0	0	0	0	0	16,001	0	59,143	1	1,146	0	14,655	0
8	KDL	23,967	0	1,952	0	5,451	0	360,332	7	1,436	0	0	0	0	0	19,115	0	161,975	3	3,719	0	74,531	1
9	KKG	1,889	0	401	0	411	0	33,902	1	0	0	0	0	0	0	1,014	0	7,042	0	119	0	991	0
10	KTE	8,538	0	944	0	919	0	71,841	2	0	0	0	0	0	0	5,002	0	31,769	1	453	0	6,763	0
11	MDK	578	0	164	0	187	0	12,861	1	0	0	0	0	0	0	532	0	1,828	0	94	0	319	0
12	PP	10,940	0	657	0	2,736	0	245,799	7	759	0	470	0	1,041	0	8,636	0	173,450	5	750	0	28,861	0
13	PVH	3,231	0	1,006	0	867	0	37,507	1	0	0	0	0	0	0	3,403	0	8,328	0	310	0	932	0
14	PVG	48,476	1	1,869	0	4,773	0	312,251	7	0	0	2,260	0	0	0	14,623	0	118,548	2	2,568	0	49,296	1
15	PST	8,229	0	671	0	2,227	0	128,042	4	750	0	0	0	1,218	0	7,708	0	28,588	0	332	0	3,815	0
16	R'TK	1,586	0	464	0	480	0	29,201	1	0	0	0	0	0	0	1,349	0	3,878	0	163	0	959	0
17	SRP	20,739	0	2,780	0	11,572	0	198,581	5	0	0	1,559	0	2,836	0	29,963	0	59,537	1	1,792	0	18,741	0
18	SHV	1,951	0	421	0	428	0	44,821	1	0	0	0	0	0	0	2,137	0	15,364	0	158	0	1,469	0
19	STR	2,717	0	387	0	352	0	27,112	1	0	0	0	0	0	0	852	0	4,844	0	148	0	459	0
20	SRG	11,347	0	1,269	0	2,206	0	211,660	5	1,003	0	0	0	0	0	10,697	0	40,606	0	653	0	8,554	0
21	TK	19,977	0	2,227	0	4,571	0	288,295	6	0	0	0	0	0	0	19,620	0	98,593	2	1,494	0	42,149	0
22	Kep	786	0	142	0	166	0	13,965	1	0	0	0	0	0	0	564	0	1,593	0	46	0	274	0
23	PLN	483	0	62	0	125	0	14,056	1	0	0	81	0	0	0	1,033	0	4,060	0	41	0	354	0
24	OMC	4,096	0	790	0	811	0	37,185	1	0	0	0	0	0	0	4,948	0	5,767	0	336	0	3,245	0
	Total	337,943	2	32,386	0	68,909	0	3,492,374	90	9,501	0	11,693	0	14,112	0	303,764	2	1,316,714	26	25,065	0	397,816	3
	%	5.62	1.63	0.54	0.00	1.15	0.00	58.11	73.17	0.16	0.00	0.19	0.00	0.23	0.00	5.05	1.63	21.91	21.14	0.42	0.00	6.62	2.44

Source: NEC.

Annex 9: Summary of Information by Province/Town

Province/ town	Total Population	Over 17 years of age	Registered voters	Irregularities during voter registration		Irregularities during the period of						Voters		Election results by COMFREL			Seat allocation	Political environment	
				No. of cases	%	Campaign		Polling		Counting		Voter turnout	%	Political parties	No. votes	% vote			
						Cases	% (1)	Cases	% (2)	Cases	% (3)								
Banteay Meanchey	664,153	368,902	396,706	7	14.6%	14	10.4%	336	17.2%	20	14.1%	161,752	66.01%	CPP	99,682	61.52%	5	Killing Case	2
														SRP	24,688	15.24%	1	Intimidation/Prevent Case	19
														HRP	4,137	2.55%		Vote Buying/Gift Giving	4
														NRP	10,186	6.29%		Destroyed Party Signboard	3
														FCP	18,990	11.72%		Election Procedure Violate	19
Battam- bang	952,712	552,455	585,118	N/A	0.00%	19	6.7%	27	1.4%	2	1.4%	204,464	64.78%	CPP	133,796	60.25%	6	Killing Case	N/A
														SRP	47,535	21.40%	2	Intimidation/Prevent Case	7
														HRP	5,330	2.40%		Vote Buying/Gift Giving	2
														NRP	7,157	3.22%		Destroyed Party Signboard	5
														FCP	17,715	7.98%		Election Procedure Violate	8
Kampong Cham	1,785,106	1,080,902	1,099,100	4	8.3%	70	11.9%	288	9.7%	10	7%	492,712	69.37%	CPP	266,902	51.10%	11	Killing Case	5
														SRP	139,121	26.63%	5	Intimidation/Prevent Case	30
														HRP	48,045	9.20%	1	Vote Buying/Gift Giving	6
														NRP	38,116	7.30%	1	Destroyed Party Signboard	6
														FCP	15,656	3.00%		Election Procedure Violate	19
Kampong Chhnang	462,882	266,084	277,846	5	10.4%	11	8.2%	82	4.2%	11	7.7%	178,519	79.59%	CPP	103,177	57.81%	3	Killing Case	1
														SRP	30,017	16.82%	1	Intimidation/Prevent Case	20
														HRP	9,581	5.37%		Vote Buying/Gift Giving	6
														NRP	14,158	7.93%		Destroyed Party Signboard	1
														FCP	16,406	9.19%		Election Procedure Violate	8

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Province/ town	Total population	Over 17 years of age	Registered voters	Irregularities during voter registration		Irregularities during the period of						Voters		Election results by COMFREL			Seat allocation	Political environment	
				No. of cases	%	Campaign		Polling		Counting		Voter turnout	%	Political parties	No. votes	% vote			
						Cases	% (1)	Cases	% (2)	Cases	% (3)								
Kampong Speu	710,269	407,423	426,361	3	6.3%	11	8.2%	27	1.4%	N/A	0.00%	261,850	89.78%	CPP	142,237	57.52%	5	Killing Case	2
														SRP	43,762	17.70%	1	Intimidation/Prevent Case	16
														HRP	25,506	10.31%		Vote Buying/Gift Giving	1
														NRP	16,113	6.52%		Destroyed Party Signboard	7
														FCP	10,854	4.39%		Election Procedure Violate	6
Kampong Thom	644,250	372,728	377,882	2	4.2%	5	3%	60	3.1%	8	5.6%	209,135	73.79%	CPP	109,258	52.31%	4	Killing Case	2
														SRP	44,289	21.20%	1	Intimidation/Prevent Case	3
														HRP	4,247	2.03%		Vote Buying/Gift Giving	N/A
														NRP	14,097	6.75%		Destroyed Party Signboard	N/A
														FCP	29,768	14.25%	1	Election Procedure Violate	3
Kampot	590,409	366,432	363,742	3	6.3%	6	4.5%	59	3%	N/A	0.00%	196,379	76.58%	CPP	110,875	56.81%	5	Killing Case	1
														SRP	42,895	21.98%	1	Intimidation/Prevent Case	5
														HRP	9,989	5.12%		Vote Buying/Gift Giving	3
														NRP	15,069	7.72%		Destroyed Party Signboard	3
														FCP	10,958	5.61%		Election Procedure Violate	N/A
Kandal	1,235,385	805,673	806,901	4	8.3%	51	3.7%	69	3.5%	1	0.7%	319,711	81.04%	CPP	180,031	55.56%	7	Killing Case	1
														SRP	79,189	24.44%	3	Intimidation/Prevent Case	12
														HRP	36,583	11.29%	1	Vote Buying/Gift Giving	N/A
														NRP	12,073	3.73%		Destroyed Party Signboard	2
														FCP	9,988	3.08%		Election Procedure Violate	6

Province/ town	Total population	Over 17 years of age	Registered voters	Irregularities during voter registration		Irregularities during the period of						Voters		Election results by COMFREL			Seat allocation	Political environment	
				No. of cases	%	Campaign		Polling		Counting				Political parties	No. votes	% vote			
						Cases	% (1)	Cases	% (2)	Cases	% (3)	Voter turnout	%						
Koh Kong	131,266	79,975	80,552	1	2.1%	26	6.5%	113	5.8%	9	6.3%	9,648	54.36%	CPP	8,120	74.89%	1	Killing Case	N/A
														SRP	1,572	14.50%		Intimidation/Prevent Case	1
														HRP	223	2.06%		Vote Buying/Gift Giving	2
														NRP	464	4.28%		Destroyed Party Signboard	1
														FCP	248	2.29%		Election Procedure Violate	8
Kratie	291,439	161,921	179,017	N/A	0.00%	4	3%	54	2.8%	5	3.5%	90,409	71.54%	CPP	50,461	55.77%	2	Killing Case	N/A
														SRP	24,323	26.88%	1	Intimidation/Prevent Case	N/A
														HRP	4,973	5.50%		Vote Buying/Gift Giving	1
														NRP	5,906	6.53%		Destroyed Party Signboard	N/A
														FCP	3,310	3.66%		Election Procedure Violate	7
Mondul Kiri	49,387	25,638	26,495	N/A	0.00%	3	1.5%	8	0.4%	N/A	0.00%	1,746	70.43%	CPP	1,324	81.13%	1	Killing Case	N/A
														SRP	131	8.03%		Intimidation/Prevent Case	1
														HRP	22	1.35%		Vote Buying/Gift Giving	1
														NRP	65	3.98%		Destroyed Party Signboard	N/A
														FCP	54	3.31%		Election Procedure Violate	2
Phnom Penh	1,014,480	654,023	722,677	7	14.6%	9	4.5%	585	30%	33	23.2%	171,810	65.89%	CPP	90,950	52.40%	7	Killing Case	5
														SRP	62,396	35.95%	5	Intimidation/Prevent Case	12
														HRP	10,495	6.05%		Vote Buying/Gift Giving	2
														NRP	4,125	2.38%		Destroyed Party Signboard	10
														FCP	3,136	1.81%		Election Procedure Violate	20

Province/ town	Total population	Over 17 years of age	Registered voters	Irregularities during voter registration		Irregularities during the period of						Voters		Election results by COMFREL			Seat allocation	Political environment	
				No. of cases	%	Campaign		Polling		Counting		Voter turnout	%	Political parties	No. votes	% vote			
						Cases	% (1)	Cases	% (2)	Cases	% (3)								
Preah Vihear	144,279	77,548	80,055	N/A	0.00%	2	0.7%	21	1.1%	1	0.7%	12,051	67.35%	CPP	8,149	70.54%	1	Killing Case	1
														SRP	1,777	15.38%		Intimidation/Prevent Case	N/A
														HRP	197	1.71%		Vote Buying/Gift Giving	2-3%
														NRP	491	4.25%		Destroyed Party Signboard	N/A
														FCP	595	5.15%		Election Procedure Violate	2
Prey Veng	1,098,653	701,158	726,675	1	2.1%	30	8.2%	60	3.1%	14	9.9%	326,178	76.03%	CPP	188,523	56.35%	7	Killing Case	N/A
														SRP	71,394	21.34%	2	Intimidation/Prevent Case	8
														HRP	29,580	8.84%	1	Vote Buying/Gift Giving	8
														NRP	28,678	8.57%	1	Destroyed Party Signboard	2
														FCP	9,219	2.76%		Election Procedure Violate	15
Pursat	394,536	216,467	235,853	1	2.1%	3	2.2%	31	1.6%	2	1.4%	135,088	76.19%	CPP	94,869	70.31%	4	Killing Case	N/A
														SRP	21,379	15.85%		Intimidation/Prevent Case	2
														HRP	2,830	2.10%		Vote Buying/Gift Giving	2
														NRP	6,043	4.48%		Destroyed Party Signboard	N/A
														FCP	5,877	4.36%		Election Procedure Violate	N/A
Ratanakiri	132,628	67,606	67,647	3	6.3%	5	1.5%	5	0.3%	N/A	0.00%	4,015	57.98%	CPP	2,534	65.66%	1	Killing Case	1
														SRP	672	17.41%		Intimidation/Prevent Case	6
														HRP	144	3.73%		Vote Buying/Gift Giving	N/A
														NRP	205	5.31%		Destroyed Party Signboard	N/A
														FCP	214	5.55%		Election Procedure Violate	6

Province/ town	Total population	Over 17 years of age	Registered voters	Irregularities during voter registration		Irregularities during the period of						Voters		Election results by COMFREL			Seat allocation	Political environment	
						Campaign		Polling		Counting				Political parties	No. votes	% vote			
				No. of cases	%	Cases	% (1)	Cases	% (2)	Cases	% (3)	Voter turnout	%						
Siem Reap	823,238	456,257	455,418	2	4.2%	21	5.2%	60	3.1%	2	1.4%	193,757	76.62%	CPP	113,905	58.24%	5	Killing Case	3
														SRP	32,158	16.44%	1	Intimidation/Prevent Case	3
														HRP	10,407	5.32%		Vote Buying/Gift Giving	2
														NRP	11,238	5.75%		Destroyed Party Signboard	3
														FCP	16,776	8.58%		Election Procedure Violate	N/A
Sihanouk Ville	158,059	98,221	97,808	1	2.1%	4	3%	23	1.2%	2	1.4%	12,898	62.68%	CPP	8,702	68.55%	1	Killing Case	N/A
														SRP	2,868	22.59%		Intimidation/Prevent Case	1
														HRP	312	2.46%		Vote Buying/Gift Giving	N/A
														NRP	325	2.56%		Destroyed Party Signboard	1
														FCP	359	2.83%		Election Procedure Violate	N/A
Stung Treng	97,383	52,058	52,191	1	2.1%	2	1.5%	3	0.2%	N/A	0.00%	8,154	64.03%	CPP	6,013	74.92%	1	Killing Case	N/A
														SRP	1,161	14.47%		Intimidation/Prevent Case	2
														HRP	124	1.54%		Vote Buying/Gift Giving	N/A
														NRP	430	5.36%		Destroyed Party Signboard	1
														FCP	175	2.18%		Election Procedure Violate	N/A
Svay Rieng	542,475	338,815	353,202	N/A	0.00%	6	1.5%	26	1.3%	4	2.8%	184,520	76.61%	CPP	90,020	73.77%	5	Killing Case	1
														SRP	17,122	14.03%		Intimidation/Prevent Case	8
														HRP	3,075	2.52%		Vote Buying/Gift Giving	10
														NRP	4,970	4.07%		Destroyed Party Signboard	1
														FCP	4,616	3.78%		Election Procedure Violate	8

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Province/ town	Total population	Over 17 years of age	Registered voters	Irregularities during voter registration		Irregularities during the period of						Voters		Election results by COMFREL			Seat allocation	Political environment	
				No. of cases	%	Campaign		Polling		Counting				Political parties	No. votes	% vote			
						Cases	% (1)	Cases	% (2)	Cases	% (3)	Voter turnout	%						
Takeo	893,791	548,443	574,423	N/A	0.00%	10	0.7%	92	4.7%	16	11.3%	288,468	82.60%	CPP	175,567	60.33%	6	Killing Case	1
														SRP	59,112	20.31%	2	Intimidation/Prevent Case	11
														HRP	26,334	9.05%		Vote Buying/Gift Giving	4
														NRP	12,022	4.13%		Destroyed Party Signboard	2
														FCP	12,589	4.33%		Election Procedure Violate	10
Kep	34,268	20,923	22,228	N/A	0.00%	N/A	0.00%	8	0.4%	2	1.4%	16,287	80.36%	CPP	12,670	79.23%	1	Killing Case	N/A
														SRP	1,523	9.52%		Intimidation/Prevent Case	2
														HRP	240	1.50%		Vote Buying/Gift Giving	N/A
														NRP	706	4.41%		Destroyed Party Signboard	N/A
														FCP	530	3.31%		Election Procedure Violate	3
Pailin	56,528	25,886	12,847	1	2.1%	4	3.0%	5	0.3%	N/A	0.00%	4,919	73.51%	CPP	3,243	70.95%	1	Killing Case	1
														SRP	898	19.65%		Intimidation/Prevent Case	1
														HRP	50	1.09%		Vote Buying/Gift Giving	N/A
														NRP	126	2.76%		Destroyed Party Signboard	3
														FCP	174	3.81%		Election Procedure Violate	3
Oddar Meanchey	156,340	82,623	87,394	N/A	0.00%	3	2.2%	6	0.3%	N/A	0.00%	10,037	63.40%	CPP	9,155	71.10%	1	Killing Case	N/A
														SRP	1,048	8.14%		Intimidation/Prevent Case	2
														HRP	608	4.72%		Vote Buying/Gift Giving	N/A
														NRP	950	7.38%		Destroyed Party Signboard	5
														FCP	758	5.89%		Election Procedure Violate	3
Total	13,063,916	7,828,161	8,125,529	48	100%	319	100%	1948	100%	142	100%	3,494,817	73.51%				123		

Annex 10: Cases of Killing

From July 2007 to July 2008, there were at least 23 cases of murder of members, activists and supporters of political parties: the SRP **10**, the CPP **9**, the NRP **3** and the HRP **1**. Three of the victims were women.

The killings included the following:

No	Victim's name	Sex	Age	Date of incident	Political affiliation	Place of incident	Case in brief
1	Klick Un	M	59	July 27, 2007	SRP	Treal commune, Svay Chek district, Banteay Meanchey province	The victim, named Klick Un and accompanied by his son, was shot to death by 2 unidentified gunmen at 22:00 on July 27, 2007 in Treal commune, Svay Chek district, Banteay Meanchey province after returning from buying frogs.
2	Kim Eoun	M	72	Sept. 10, 2007	SRP	Kok Romeat commune, Thmar Pouk district, Banteay Meanchey province	Unidentified gunmen shot the victim to death in Banteay Meanchey province.
3	Village chief	M	N/A	August 8, 2007	SRP	Kampong Speu province	While he was walking to his rice field outside a village on August 8, 2007, an SRP village chief died in a grenade attack.
4	Im Bunny	M	33	August 10, 2007	SRP	Sala Krao district, Pailin city	Border patrol soldier, Mr. Im Bunny, was beaten to death by a group of bodyguards belonging to General Pul Sinuon. Mr. Im Bunny had allegedly stolen a pistol belonging to General Pul Sinuon on August 7, 2007. Mrs. Van Dara, the Pailin-based SRP vice-chairman, claimed that Mr. Im Bunny was a SRP member and had planned to participate in the commune council elections as an SRP candidate. However, because he experienced difficulties with completing the army resignation form and because there were sufficient SRP commune council candidates already, Mr. Im Bunny could not stand as a SRP candidate.
5	Chum Sophat	F	42	October 27, 2007	CPP	Kanthor Kang Lech commune, Kampong Trach, Kampot	Around midnight on October 27, 2007 in Prey Toteng village, Kanthor Kang Lech commune, Kampong Trach district of Kampot province, an unidentified person threw a grenade into Mrs. Chum Sophat's house, killing her and her two children.
6	Kon Seam	F	47	Dec 17, 2007	SRP	Teng Krosau commune, Prasat Sambo district, Kampong Thom province	At 04:30 on December 17, 2007, a cook who was serving food for scholarship students at a school located in Prasat Sambo district, Kampong Thom province was killed. The victim was fatally shot by an unidentified gunman who fired 3 shots. It should be noted that the husband and son of the victim were also shot to death in 2000 and 2003, respectively. The local authorities have yet to arrest the culprit(s). The victim had been a SRP member since 2005.

7	Oun Horn	M	N/A	Dec 30, 2007	NRP	Tropaing Plong commune, Ponhea Krek district, Kampong Cham	On December 30, 2007, Mr. Ourn Horn was beaten to death by a group of 4 rubber plantation security guards. The victim, who was identified as a wood-lifting worker, was beaten to death while he and his friend trespassed an area of the Kre rubber plantation in order to collect rubber tree wood in order to make fire to cook rice.
8	Prak Koun	M	52	January 6, 2008	SRP	Sambo commune, Prasat Sambo district, Kampong Thom	Mr Prak Koun was beaten to death on January 6, 2008, by an unidentified group of people after having been invited to have a drink with the group.
9	Ngoun Ngan	M	N/A	March 23, 2008	NRP	Samley commune, Kampong Roh,, Svay Rieng	The victim had argued with an unknown man who had stolen his fish-shocking instruments, cut down his tree and had written the word “warning” on his tree.
10	Rom Toeut	M	41	April 19, 2008	SRP	Pouk commune, Pouk district, Siem Reap province	On April 19, 2008, Mr. Rom Toeut was prevented from returning home and killed by a group of residents living in Prey Chrouk commune. According to a speech by Mr. Sim Soupohn, SRP chairman in Kralanh district, this murder was politically motivated. However, Mr. In Oeun, CPP chairman in Prey Chrouk commune, claimed that the case was not politically motivated. Regardless of Mr. In Oeun’s declaration, the SRP commune vice-chairman said that the case did have a political motive because there had also been a demolition of a SRP billboard in this commune.
11	Chheang Soum	M	56	May 7, 2008	CPP	Ta Ou commune, Kirivong district, Takeo province	<p>On May 7, 2008, Mr. Chheang Soum went to work in a rice field and had lunch with Mr. Neit Norn and 6 other people. After lunch, he helped Mr. Neit Norn rake the soil. Soon after, Mr. Minch Khoy, a former Takeo policeman, arrived at the scene. Then, Mr. Chheang Soum started reminiscing about the past and referred to Mr. Minch Khoy as a thief who used to steal fish and free cows to eat other farmers’ rice. Suddenly, Mr. Minch Khoy shouted “you know too much about my personal affairs”. He continued, “it is time that you no longer know about my affairs”. Then, he left the scene, taking with him an axe and a rake. At around 17:00 18:00, the wife of Mr. Chheang Soum saw only her cattle arrive home, but not her husband. Accompanied by her children she started looking for him, but could not find him anywhere. In the morning of May 8, 2008, the victim’s body was found.</p> <p>In accordance with the assumption made by a Takeo-based CHRAC investigator, this case was related neither to a robbery nor to a drowning, but to an intentional fatal assault. The victim was a member of the HRP and had rallied people in the village to join the HRP.</p>
12	Sok Run	M	47	May 17, 2008	NRP	Banteay Dek commune, Kean Svay district, Kandal province	On an event day, the victim had rallied HRP members to attend the party meeting and then died without clear reason. District police officer, Kean Svay, claimed that after a thorough investigation it was found that the victim had died of natural causes (fainting).

							However, ADHOC Monitoring Officer Mr. Chan Savet claimed it was a case of murder because there were bruises on the victim's body, some body parts were swollen and there was blood coming out of his mouth.
13	Yorn Choiy	M	N/A	June 7, 2008	CPP	Ka Chagn commune, Ban Long district, Ratanakiri province	According to Rasmei Kampuchea newspaper, a CPP village chief was assassinated on June 7, 2008 in Villa Kat village, Ka Chanh commune, Banlong district of Ratanakiri province. The victim was robbed and shot to death at 21:30 in his own home by a group of 5 armed robbers. The robbers broke into his home and chopped his daughter with an axe, demanding US\$7,000 which the victim had received in a land sale. The wife of the victim denied having such a large amount of money. Then, the robbers tied the victim and fired 5 shots, killing him. This case has been under the investigation of local authorities. Nevertheless, until now, no suspect has been arrested.
14	Norn Seng Eang	F	38	June 11, 2008	HRP	Koh Samrong commune, Kampong Seam district, Kampong Cham province	At 5:30 pm on June 11, 2008, Mrs. Norn Seng Eang, 38 years old, was raped and killed approximately 150 meters away from her home in Village 6, Koh Samrong commune, Kampong Siam district of Kampong Cham province. It is important to note that there was a HRP billboard installed in front of her house.
15	Keang Sochea	M	34	June 11, 2008	CPP	Kampong Reap Leu village, Kampong Reap commune, Koh Sotin district, Kampong Cham province	According to information broadcast through RFA, a SRP activist was killed in Kampong Reap Leu, Kampong Reap commune, Koh Sotin district of Kampong Cham province. Kampong Cham-based COMFREL provincial secretary said that the victim, SRP activist, named Kheang Sochea, 34 years old, was killed on June 11, 2008. On that day, a criminal named Khen Manh, who was a farmer and also a SRP activist, had invited the victim to a party held at his home. Then the criminal robbed and killed the victim, took a mobile phone and around US\$3,000 and dropped the victim's motorbike into the river. It should be noted that the local authorities have arrested the criminal and sent him, together with other 3 accomplices, to a provincial prison.
16	Deputy village chief	M	N/A	July 27, 2008	CPP	Chrey Sokhom Village, Domril commune, O Raing Oy District, Kampong Cham province	According to COMFREL's network in Kampong Cham province the murder case on deputy village chief in the said place, after the victim coming from gambling, his wife and he claim to his house but suddenly he was arrested and killed by the unidentified killer. Analyzing by ADHOC Monitoring officer just known that it's not related to political motive.

17	Sot Song	M	N/A	July 1, 2008	CPP	Ong Ta Ek village, Prey Kry Commune, Udong district, Kampong Speu province	Around 20.00 pm on July 1, 2008, the unidentified man call victim to prevent gangsters from fighting in a pagoda but almost 400 meter near pagoda, the victim was fight to death by 40 unidentified killers.
18	Lon Chok	M	N/A	July 5, 2008	SRP	Prey Kry village/commune, Chol kiri District, Kampong Chhnang province	After he was backing from joined election campaign 2008 for SRP. The unidentified killer chopped to death. This murder case related to land conflict. Conclusion by Monitoring officer of ADHOC.
19	Nim Houn	M	N/A	July 7, 2008	SRP	Rong kor commune, Kralagn districk, Siem Reap Province	Around 13:00 on July 7, 2008, the member of SRP was killed, and he was accused of being a witch who committed witchcraft.
20	Khem Sambo and his son	M	N/A	July 11, 2008	SRP	Phnom Penh	After he was returning from exercising at Olympic stadium with his son, two unidentified gunmen shot him and his son to death. It is to note that he is a journalist of the SRP affiliated Moneasekar Khmer newspaper.
21	Neam Ben	M	N/A	July 21, 2008	CPP	Sro Young commune, Kulen district, Preah Vihear province	Around 19.55 on July 21, 2008, during his dinner time, the unidentified gunmen shot him to death. The victim is a CPP's commune councilor of Sro Young Commune, Koulén District, Preah Vihear province. He was death in Siem Reap's hospital.
22	Song Hun	M	44	July 26, 2008	CPP	Trey Gnor commune, Puok district, Siem Reap province	The murder case on member of CPP Siem Reap province was happened around 5 pm after he was returning from doing appeal to people to vote on July 27, 2008, then he met his friend at a shop. When his friend left there, he was killed by unidentified man and drag victim to the field far from the shop 150 m.
23	Village Chief	M	N/A	July 26, 2008	CPP	Khvit Thom commune, Prey Chhor district, Kampong Cham province	On the night of July 26, 2008, an unknown man asked the house owners (village chief) to stay one night at his house and he agreed. That night, the man chopped the victim, his daughter and wife to death.



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COMFREL member NGOs include Cambodia Human Rights and Development Association (ADHOC), Cambodian Centre for the Protection of Children's Rights (CCPCR), Cambodian Defenders Project (CDP), Cambodian Women's Crisis Centre (CWCC), Khmer Kampuchea Krom Human Rights Organization (KKKHRO), Khmer Youth Association (KYA), Legal Aid of Cambodia (LAC), People Development and Peace Center (PDP), Women's Media Centre of Cambodia (WMC), Human Rights Vigilance of Cambodia (VIGILANCE), Human Rights, Community Development Organization (HRCDO)

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