

Cambodia Commune Council Election 2002

Report of International Observation Missions
24 December 2001 - 15 February 2002



Asian Network for Free Elections (ANFREL)
Asian Forum for Human Rights and Development (FORUM-ASIA)

REPORT

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(FORUM-ASIA)
109 Suthisarnwinichai Road
Samsennok, Huaykwang
Bangkok 10320, Thailand

Tel : (66 2) 276 9846 -7
Fax : (66 2) 693 4939, 276 2183
E-mail : anfrel@forumasia.org

Written by
Kang Iong Nian
Sunai Phasuk

Edited by
Somsri Hananuntasuk
Marie Laberge

Laid out by
Chatchawan Rakchat

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Cover photo by
Betty Scheper

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Abbreviations

NEC	National Election Commission
PEC	Provincial Election Commission
CEC	Commune Election Commission
RSO	Registration Station Officer
LTO	Long Term Observer
STO	Short Term Observer
SRP	Samrainsy Party
FUN	Funcinpec Party
CPP	Cambodia People Party
EMO	Election Monitoring Organization
COMFREL	Committee for Free and Fair Elections in Cambodia
NICFEC	Neutral and Impartial Committee for Free and Fair Elections in Cambodia
ADHOC	Cambodia Human Rights and Development Association
LICADHO	Cambodia League for the Promotion and Defense of Human Rights
COHCHR	Cambodia Office of the High Commissioner for Human Rights
CFF	Cambodia Freedom Fighter
ANFREL	Asian Network for Free Elections
NGO-CC	Non-Governmental Organizations Coordinating Committee
HR	Human Rights

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ANFREL Secretariat
Bangkok, Thailand, 31 August 2002

Chapter 1: Introduction

1.1 ANFREL Missions to Cambodia

ANFREL was formed in 1997 as the first regional network of civil society organizations in Asia with a principal mandate to promote and support democratization initiatives at national and regional levels in Asia. Based in Bangkok, ANFREL is now the biggest regional network of election monitoring, democracy advocacy and human rights organization. ANFREL members include 21 regional and national civil society organizations from 11 countries: Bangladesh, Cambodia, India, Indonesia, Japan, Nepal, Pakistan, Philippines, South Korea, Sri Lanka and Thailand. For four years, ANFREL has been active in representing international efforts to promote and support democratization in Asia. In electoral terms, ANFREL observers were deployed to ensure the integrity, credibility and transparency of electoral process in Bangladesh, Cambodia, East Timor, Philippines, India, Indonesia, Malaysia, Sri Lanka, Nepal, Japan, Hong Kong and Thailand.

Activities of ANFREL regarding the promotion of democratization via electoral process are primarily guided by the Universal Declaration of Human Rights (Article 21), which states that:

- Everyone has the rights to take part in the government of his country, directly or through freely chosen representatives.
- Everyone has the rights of equal access to public service in his country.
- The will of the people shall be the basis of the authority of government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.



Equally important, the Framework for Future Efforts at Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections adopted by the UN Commission on Human Rights in 1989 provides that universal and equal suffrage as well as impartial administration must be ensured in the conduct of electoral process. Apart from independent administration and supervision of electoral process by related

agencies, there have to be appropriate voter registration methods, reliable balloting procedures and effective measures for preventing frauds and resolving disputes.

In this regard, ANFREL believes that the use of election observers can provide an effective means of verifying the integrity and fairness of the electoral process and its outcomes. In addition, the presence of observers will create an atmosphere that decreases the likelihood of intimidation, violence or fraud. Well-planned observation missions can significantly instill confidence in voters and increase not only their willingness to seriously participate in electoral process but also their ability to freely express political wills at the polls without fears of reprisal.

In early 2001, the Cambodian legislature adopted the Law on the Administration of Commune Councils and the Law on the Election of Commune Councils. These laws provide for the creation of a decentralized system of government and the establishment of democratically elected councils in each of the country's 1,621 communes. Through a system of proportional representation and party lists, five to eleven councilors are to be elected locally in each commune. The commune council elections have fundamental impacts on a system in which the appointment of commune chiefs and officials

has been unilateral, non-democratic and remained unchanged since the early 1980s. For the first time, Cambodia's population would democratically choose their local representatives, individuals empowered with the distribution of aid and services. In this light, the commune council elections on 3 February 2002 were seen by contesting political parties as an important forum for them to expand and strengthen grass-root support in anticipation of the general elections in 2003. On the side of voters, it is also important to note that half of Cambodians reported that decisions of their commune government could affect their lives more than those of the central government in Phnom Penh.¹



*Long Term Observers
(LTOs) visited
National Election
Commission (NEC)*

Since its inauguration in 1997, ANFREL has been active in contributing various efforts to the promotion and consolidation of democracy in Cambodia. ANFREL understands that although elections in Cambodia have become increasingly competitive, little has been made to change the notion of “zero-sum” in electoral contests. ANFREL, as well as other international and domestic monitoring organizations, foresaw that corrupt practices would be rampant as candidates and political parties sought to win by all possible means, including violence and vote buying. Incumbents would especially attempt to control the process and its outcome to maintain their power, privileges and security. As a result, the unrestricted exercise of voters’ freedom of choice at the polls could

¹ Center for Advanced Study and the Asia Foundation, *Democracy in Cambodia: A Survey of the Cambodian Electorate 2001*.

be seriously compromised. The risk of both electoral and post-electoral violence was also considerable.



LTOs strategic meeting at COMFREL before deployment.

Experiences from the 1993 and 1998 general elections have highlighted the need for an independent and objective monitoring mechanism to observe the political climate and promote a free and fair electoral environment.

For the commune elections in 2002, a large number of Cambodian civil society organizations were involved in election-related activities. Election monitoring in particular was conducted by three election-monitoring organizations, including the Committee for Free and Fair Elections in Cambodia (COMFREL), the Coalition for Free and Fair Elections (COFFEL) and the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC). These organizations worked in close cooperation with ANFREL in monitoring, investigating and documenting political situations that affect the creation of a neutral political climate necessary for the conduct of free and fair elections in Cambodia. Specifically in working with domestic monitoring organizations, ANFREL sought to: 1) minimize election irregularities and election-related human rights violations; 2) provide reliable information and analysis on issues related to the commune election in particular and to prospects for democratic development in general; and 3) enhance and sustain the capacity of civil society organizations to ensure an environment conducive to the holding of free and fair

elections as well as to the realization of people's aspiration for full democracy.

Drawn from practical and substantive experiences that ANFREL has gathered and in consultation with COMFREL, actual observation activities of ANFREL in Cambodia were divided into long-term and short-term observation.

Press conference training provided by Asia Foundation. Mr. Sebastien Drans is explaining the importance of an effective press conference.



A group of nine experienced long-term observers chosen from the network of ANFREL in East Asia, Southeast Asia and South Asia were deployed to work with COMFREL in selected constituencies for a period of two months, from 25 December 2001 to 25 February 2002. In-depth information and pre-election findings of long-term observers set a foundation for strategies and activities of ANFREL short-term observers, deployed one week before the polling day. By preparing and strengthening the capacity and readiness of domestic monitoring organizations, long-term observers helped to ensure the best quality of observation activities of short-term observers.

The credentials of long-term and short-term observers were carefully chosen based on their experiences in areas related to election monitoring and local governance. Moreover, they must have a sound understanding of the situation in Cambodia.

ANFREL long-term observers were positioned in Kratie, Kampong Cham, Svay Rieng, Kampot, Koh Kong, Pursat, Battambang, Preah Vihear and Pailin since 21 December 2001. On the election day, a strong team of 60 short-term observers were deployed across Cambodia. ANFREL observers visited all 24 provinces to monitor voting and counting in more than 400 polling stations.



Gen. Saiyud Kerdphol, Mr. Kassie Neou and Mr. Thun Saray welcome Mr. Xanana Gusmao at Pochentong airport. Mr. Xanana participated in Anfrel senior observation team in Phnom Penh.

In cooperation with COMFREL, ANFREL observers monitored electoral process as it took place to make an informed and In In In cooperation with COMFREL, ANFREL observers monitored the electoral process as it took place to make an informed and accurate assessment on both the conduct of elections and the surrounding environment. Balloting and vote counting processes were the focal point of election observation activities of ANFREL. But apart from that, ANFREL observers were also active in examining other aspects of electoral process such as the appointment of electoral officers, the registration of political parties and voters, the verification and designation of candidates, the demarcation of constituencies, the enforcement of election campaign regulations, the conduct of voting and vote counting, the review of complaints and the installation of election winners. Authorities and the media were monitored as well, given their potential for improperly using their status to manipulate the electoral process and influence election outcomes. At the end of the polls and after preliminary results were released, ANFREL observers examined the way complaints about cheating and irregularities were handled by related agencies.

1.2 Elections in the Context of Cambodian History

At the first glance, it could be said that democracy was born in Cambodia several decades ago. Local elections were held in 1901 under the French Protectorate.² The first general elections were held in 1946 and the constitution was adopted in 1947, thereby transforming the age-old absolute monarchy into a constitutional monarchy with multiparty regime.

With the adoption of the constitution, democracy started at a promising level in 1947 and lasted until 1955.

In that year, Norodom Sihanouk, who had just succeeded in his crusade for Cambodia's independence from France, abdicated and formed a movement called Sangkum Reatr Niyum (People's Socialist Community), which under the banner of "guided democracy", subsumed all political parties. The prospects for democracy began to decline when no other political parties were allowed to operate. Press freedom was curbed and genuine, competitive elections ceased to be held. Democratization continued



to decline for a decade, as Sihanouk exercised autocratic power. The situation changed sharply in 1966, when Sihanouk no longer hand-picked parliamentary candidates, and all Cambodians were free to stand for the general elections. Power then shifted away from Sihanouk for several years, and hopes for a stable democracy remained high until Sihanouk succeeded in wresting back the power.

² Henri Locard, "A Brief Overview of the History of Commune Elections," *Phnom Penh Post* (1 – 14 February 2002), page 9.

In 1970, Cambodia's democracy appeared to reemerge when General Lon Nol toppled Sihanouk. Leading intellectuals seemed to have persuaded the new ruler to embrace multiparty democracy. But soon after, Lon Nol became a dictator. In 1975, democracy's prospects bottomed out when the Khmer Rouge defeated the Lon Nol regime, assumed power, and brutally imposed their brand of radical agrarian communism. Hopes remained flattened following the ousting of the Khmer Rouge by the Vietnamese troops and during the People's Republic of Kampuchea and the State of Cambodia.



In electoral terms, democratization can only take place under the condition where power resources have become so widely distributed that no group is able to manipulate the electoral environment or to suppress its competitors in order to maintain its dominant status in the power structure.

Although the tradition of electoralism has been well integrated in Cambodia's politics before the country became independent from the French, balloting mainly serves the perpetuation of hegemonic politics. From 1946 to 1981, ten elections of legislative assemblies were held in Cambodia. These included three elections before the country became fully independent (in 1953), four elections from then until the overthrow of Sihanouk's monarchical regime in 1970, one election under Lon Nol's Khmer Republic regime in 1972, one election under Pol Pot's Democratic Kampuchea regime (Khmer Rouge) in 1976 and one election during Hun Sen's People's Republic of Kampuchea (State of Cambodia) in 1981.



*January 7th, 2002
Celebration of the 23rd
anniversary of 'Victory Day
over Genocide' on the
grounds of "TV channel 10"
with the participation of the
Governor, three parties, PEC,
and police/military.*

Elections in the past allowed those in power to maintain and extend their control. The balloting process was used to legitimize those in power or to identify political enemies (and get rid of them). While unleashing security forces and thugs against the opposition, those in power manipulated the electoral system and fabricated electoral results showing massive voter turnout having voted overwhelmingly in their favor. In other cases, especially after the fall of the previous regime, the new group of rulers would call elections to legitimize and consolidate their power. Often, elections held under this circumstance were one-sided rules with no (or few weak) contestants from the opposition.

Elections were used by incumbents at other levels within the state as an opportunity to demonstrate their strength vis-a-vis less popular adversaries at higher levels. At worst, elections were a means of violently strengthening the already existing political monopoly; at best, they were a vehicle for political contestation between state incumbents vying to use their control over state mechanisms, to enhance their power along the line of popular preference. From Sihanouk's monarchical regime to Hun Sen's socialist republic, elections never provided an opportunity for those who did not already enjoy access to state power to achieve their goals via ballot boxes. Those who attempted often (if not always) had none of their candidates elected. Their candidates were rather jailed or killed.

For half a century, the holding of elections in Cambodia have existed alongside different forms of authoritarianism. Even when it is obvious that the election outcome has not shaken the position of the government in any significant way, the nominal gain of the opposition often leads to the ruling party to be worried about its decline. Prompt violent reactions to regain political equilibrium are therefore often initiated by the ruling party, while people are left in a state of powerlessness.



Anfrel senior observer visited local organizations in Seam Reap

Since the signing of the Paris Agreements in October 1991, the term "democratic transition" has been used to describe a drawn-out process for Cambodia and its people to leave their bitter past behind: the perpetuation of armed conflicts; the suffering under dictatorial regimes; the radical breakdown of the political order; and the absence of the rule of law.

For more than 10 years, there have been unprecedented international efforts to promote elections as the main forum for Cambodian people to have an opportunity to choose their government in a comparatively free, fair and democratic manner. Not only are election held on a regular basis, but they are taken

seriously. Massive amounts of money are spent in mobilizing voters and organizing polls. In the context of strong international support to the democratization process in Cambodia, the connection between democratic transition and elections is usually explained in one of the following forms:

- Elections are essential legitimizing acts in the eyes of many governments with aid to dispense. For reasons of domestic

politics and personal ideals, these governments wish to be seen assisting countries struggling to achieve democracy.

- As a critical step toward political maturity in terms of self-governing capacity, elections are often required by the withdrawing colonial powers or internal transitional administration agencies, such as those of the United Nations in Cambodia.
- Popular doctrines of nationalist movements explicitly articulate a view that independence means government by the people, which requires the holding of elections.
- Elections are seen as a way of allowing the expression of diverse interests in pluralistic societies and preserving the rights of minorities while championing the power of majorities.

Experiences with the politics of elections prompted all major political parties to attempt gaining access to state power before the actual voting. Khmer Rouge tried, but failed, to persuade Sihanouk and the United Nations to give it an administrative role. After this failure, Khmer Rouge boycotted the polls and resorted to the use of violence to disrupt the voting process. Nevertheless, the Cambodian people bravely participated in the 1993 elections organized by the United Nations Transitional Authority in Cambodia (UNTAC).

With the exception of Khmer Rouge, all factions involved in the Paris Agreement participated in the 1993 elections, through their own political parties. Representing the State of Cambodia was the Cambodian People's Party (CPP) led by Hun Sen. The royalist FUNCINPEC was transformed into a political party with the same name under Prince Ranariddh's leadership. The republican force of the Khmer People's National Liberation Front split into two political parties – the Buddhist Liberal Democratic Party (BLDP) led by Son Sann and the Liberal Democratic Party (LDP). Joining these four major political parties, 16 other political parties were formed to compete in the polls.

CPP's reaction to multi-party electoral contests was harsh and uncompromising. Using its stark advantage as the de facto incumbent, CPP rallied civil servants, including teachers, soldiers and police, to work for its electoral campaign and against rival political parties. Those who refused were told they would lose their jobs. Mass CPP membership drives descended into factories, schools, and even people's homes, offering voters little choice but to register with the party.

CPP also sought to ensure its victory at the polls by confiscating hundreds of thousands of voter registration cards in Battambang, Kampong Cham, Kandal, Takeo, Prey Veng, and Siem Reap. Voters' name and registration card serial number were recorded and entered onto CPP's database, inspiring fear among voters that the party would monitor their votes.

Political violence and intimidation were rampant as CPP organized thuggery secretly with State of Cambodia police to thwart rival political parties. The often devious and violent campaign tactics included grenade attacks on rival political party offices, beatings, abductions, harassment and threats. These activities contrasted with the timid, by-the-book campaign styles of other political parties. As a result, political violence peaked in December 1992, and continued throughout the official campaign period, leading to more than 200 politically motivated killings between January and May 1993.³ UNTAC investigators concluded that the pattern of attacks pointed to a coordinated plan ordered from the top echelons of CPP.

FUNCINPEC sought to form a pre-election coalition with CPP to obtain shared control of state machinery and state power. This deal broke down after CPP violently suppressed demonstrations in 1991, seeing FUNCINPEC as a threat to its continued rule. FUNCINPEC was then

³ Kate G. Frrieson "The Cambodia Election of 1993: A Case of Power to the People?" *The Politics of Elections in South East Asia*. Ed. R.H. Taylor. Woodrow Wilson Centre Series 1996, p. 235

subject to political violence unleashed by CPP and almost joined the Khmer Rouge in boycotting the elections. Nevertheless, FUNCINPEC eventually decided to participate in the polls and won slightly more than 45 percent of the total vote, edging out CPP (with 37.75 percent of the total vote) by only 7.25 percent. BLDP came in third with just over



3 percent of the total vote. In terms of the allocation of 120 parliamentary seats, FUNCINPEC received 58 seats, CPP received 51 seats, BLDP received 10 seats and MOULINAKA received enough votes to be given one seat.

Many were caught by surprise by this outcome, including FUNCINPEC and CPP leaders, as the historical mould of realities in the elections appeared to be broken. However, the incumbent CPP refused to hand over the power to FUNCINPEC and threatened to wage another civil war. This caused the United Nations to force FUNCINPEC into a power-sharing deal that did not reflect electoral results. The post-election struggle for power between CPP and FUNCINPEC that led to Hun Sen's coup in July 1997 effectively nullified the historical rupture created by the 1993 elections. The ascent of democracy buttressed by the adoption of a new constitution that enshrined liberalism, pluralism, human rights and the rule of law was also under imminent threat, because Hun Sen had become the de facto paramount leader of Cambodia. Voters were subjected to an even more powerful CPP hegemony in 1998.

After the coup, Hun Sen maneuvered political power and state machinery to win elections at national and grassroots levels. The Election Commission was created and practically put under control of

CPP. The mainstream media was clearly one-sided in justifying Hun Sen's continued rule. While unleashing security forces and thugs against FUNCINPEC and the newly formed Sam Rainsy Party (SRP), CPP systematically manipulated the electoral system and fabricated electoral results showing massive voter turnout having overwhelmingly voted in its favor.

Between 20 May and 20 August 1998, the Cambodia Office of the United Nations High Commissioner for Human Rights (COHCHR) estimated that 16 to 22 politically motivated killings had occurred. FUNCINPEC and SRP argued, with references to the degree of violence during the 1993 and 1997 elections, that "a relative lack of incidents of violence and intimidation did not represent a lack of intent to intimidate on the part of CPP supporters. Rather, it reflected an anticipation and pre-empting of this intention by voters and rival party supporters, who surrendered to threats in advance".⁴ It was also noted that political violence selectively targeted only some high profile activists who were influential and popular, unlike in the 1993 elections when CPP thugs killed indiscriminately. Political killings were conducted in an intricate way, usually taking the form of armed robbery killings. In other words, few observable violent incidents took place. Instead, CPP used fear to ensure its influence and control.

In the July 1998 elections, CPP won 41.2 percent of the total vote (64 seats) while FUNCINPEC received 31.5 percent of the total vote (43 seats) and SRP received 14.2 percent of the total vote (15 seats).

The coalition government formed by CPP and FUNCINPEC, the two parties that won the largest number of votes and National Assembly seats in the 1998 elections, appeared to renew political stability. The coalition agreement provided for roughly equal power sharing between the parties, with Hun Sen of CPP as Prime Minister and Prince

⁴ *Caroline Hughes and Real Sopheap, Nature and Causes of Conflict Escalation in the 1998 National Election, Cambodia Development Resource Institute and Cambodia Center for Conflict Resolution (January 2000), page 55.*

Norodom Ranariddh of FUNCINPEC as President of the National Assembly. In practice, however, CPP is the dominant partner. The coalition agreement also provided for the creation of the Senate, which was formed in March 1999 with Chea Sim of CPP as President.

The coalition government appointed the 24 provincial and municipal governors and their deputies, as well as district officials. These officials predominantly belonged to CPP. For commune-level officials, they were either appointed by the Ministry of Interior or in power since the time of State of Cambodia. All of them were members of CPP, who was successful in securing its control of grassroots power.

It is apparent that a serious challenge to democracy in Cambodia has been the ongoing, recently bloody, contests for power between political parties. CPP, FUNCINPEC and SRP have continued to view politics as a "zero sum" game, where one's gains equals the other's losses. Political parties have therefore remained fierce rivals, and each has sought advantage over the other rather than engaging in cooperation and compromise. Moreover, political parties are highly personalized, with none of the leaders of these parties having demonstrated a commitment

to democratic decision-making. Party-driven patronage and rivalry, particularly between CPP and FUNCINPEC, have made it inevitable to mix public affairs with interests of political parties and their leaders. Because of the politicization and polarization of the civil service, there has been no separation between the state and political parties. Most civil servants were loyal to their respective parties. Some superiors made decisions that served their party rather than the national interest. Down the chain of command, civil servants tended to obey and implement



"Victory Day Over Genocide" January 5-6: meeting at CPP Battambang provincial office. Most of commune leaders organized the ceremony at CPP commune office.

orders and decisions from superiors of the same party. This was prevalent from the national to the grassroots levels, and has become one of the most notable obstacles to the creation of an even and fair ground for democratic electoral contests.

1.3 Background Information on the Commune Council Elections

Constituencies	1998 National Assembly Seats	Districts	Communes
Banteay Meanchey	CPP	8	64
	FUNCINPEC		
	SRP		
Battambang	CPP	13	96
	FUNCINPEC		
	SRP		
Kampong Cham	FUNCINPEC	16	173
	CPP		
	SRP		
Kampong Chhnang	CPP	8	69
	FUNCINPEC		
Kampong Speu	CPP	8	87
	FUNCINPEC		
Kampong Thom	CPP	8	81
	FUNCINPEC		
Kampot	CPP	8	92
	FUNCINPEC		
Kandal	FUNCINPEC	9	147
	CPP		
	SRP		
Koh Kong	CPP	8	33
Kratie	FUNCINPEC	5	46
	CPP		
Mondulkiri	CPP	5	21
Phnom Penh**	SRP	7	76
	FUNCINPEC		
	CPP		
Preah Vihear	CPP	7	49
Prev Veng	CPP	12	116
	FUNCINPEC		
Pursat	CPP	6	49
	FUNCINPEC		
Ratanakiri	CPP	9	49

Siem Reap	CPP	3	12	100
	FUNCINPEC	2		
	SRP	1		
Sihanouk Ville**	CPP	1	3	22
Stung Treng	CPP	1	5	34
Svay Rieng	CPP	4	7	80
	FUNCINPEC	1		
Takeo	CPP	4	10	100
	FUNCINPEC	3		
	SRP	1		
Kep**	CPP	1	2	5
Pailin**	SRP	1	2	8
Odar Meanchey*			5	24

* *New province created since 1998*

** *In addition to 20 provinces, Cambodia has four administrative municipalities*

The total number of registered voters for the commune council elections was 5,190,307. Voters must be Khmer nationals, 18 years old and hold ordinary residence in the commune. There were approximately 12,500 polling stations in 1,621 communes.

Constituencies	Population	Registered Voters and Percentage	Commune Council Seats
Banteay Meanchey	645,118	251,234	504
Battambang	850,102	319,674	744
Kampong Cham	1,626,779	744,982	1,335
Kampong Chhnang	416,163	182,539	415
Kampong Speu	631,395	283,004	605
Kampong Thom	591,177	314,034	575
Kampot	518,200	224,503	542
Kandal	1,130,393	531,413	1,061
Koh Kong	126,604	49,241	187
Kratie	253,454	108,295	280
Monduliri	36,328	13,306	105
Phnom Penh	941,766	440,316	652
Preah Vihear	118,905	54,756	317
Prey Veng	1,015,554	473,279	886
Pursat	343,130	152,586	339

Ratanakiri	100,130	40,823	251
Siem Reap	676,052	281,444	668
Sihanouk Ville	156,645	63,085	144
Stung Treng	75,393	32,974	176
Svay Rieng	505,350	234,419	513
Takeo	815,200	392,785	734
Kep	29,276	13,335	31
Pailin	41,958	14,945	44
Odar Meanchey	129,025	43,807	150
Total	11,774,097	2,109,053	8,862

Seven political parties contested the commune council elections.

	Party Name	Contested Communes (out of 1,621)
1	Cambodian People's People (CPP)	1,621
2	FUNCINPEC Party	1,605
3	Sam Rainsy Party (SRP)	1,501
4	Khmer Democratic Party (KDP)	75
5	Khmer Prosperity Party (CNKP)	5
6	Khmer Angkor party (KAP)	4
7	Khmer Women's Party (KWP)	1

Chapter 2: Major Contending Issues During the Pre-Election Period

1 March – 21 December 2001

From the Announcement of the Commune Council Elections

Until the Arrival of ANFREL Long-Term Observers in Cambodia



Anfrel's LTOs were briefed on Cambodia's election system and law by Mr. Kassie Neou, Vice Chair of NEC.

2.1 Neutrality of Electoral Officials

To break the structure of political hegemony in Cambodia, efforts were made by the international community to introduce a system of political decentralization. The 2002 commune council elections sought to establish a decentralised system of governance through the creation of democratically elected councils in each of Cambodia's 1,621 communes. The preparations for the commune council elections officially started in March 2001, soon after Prime Minister Hun Sen announced that the elections would be held on 3 February 2002. This declaration came shortly after the National Assembly passed the commune council election law and the commune administration law.

The National Election Committee (NEC) is the highest electoral administrative body governing all matters related to the election in Cambodia. NEC was established in 1998 by the election law for the National Assembly and was also assigned to take care the commune council elections.

At the time of the commune council elections, NEC had 11 members with the following composition.

- Two dignitary persons as a chairman and a vice chairman
- Two representatives from the Ministry of Interior
- Four representatives from four political parties, which had seats in Parliaments before 1998
- Two civilians
- One NGO representative



A pile of voting scenes were ready to be distributed from PEC office in Kampong Spue.

Members of NEC

1. Mr. Chheng Phon	President
2. Mr. Kassie Ncou	Vice-President
3. Mr. Do Kong Nguon	Member in charge of administration
4. Mr. Yo Kan	Member in charge of training and education
5. Mr. Uong Keng	Member in charge of legal services
6. Mr. Prum Nhean Vichet	Member in charge of media
7. Mr. Kuoy Bunroeun	Member in charge of logistics and supply
8. Mr. Chheung Kim Eng	Member in charge of computer system operation
9. Mr. Chhay Kim	Member in charge of finance
10. Mr. Tip Chan Vibol	Member in charge of security
11. Mr. Chea Chamreun	Member in charge of inspection

Momentum for controversies in the commune council elections started to build up in May 2001 when NEC appointed the Provincial Election Commission (PEC) officials in 24 provinces. In June 2001, they nominated officials to serve in the Commune Election Commission (CEC) as well as Registration Station Officers (RSO) for 1,621 communes across the country.

Many criticized the lack of transparency and neutrality in the appointment of electoral officials at national, provincial and commune levels.

At the national level, the majority of NEC members were affiliated with CPP and the rest of them had connection with FUNCINPEC. This led to public protest, especially from civil society organizations. It was only after extensive lobby by civil society organizations that SRP was allowed to join NEC.

At the local level, COMFREL conducted a survey in June 2001 and found that the political composition of PEC in 2002 was not different from previous elections in 1998. CPP was still predominantly in charge of the electoral mechanism as 60 percent of PEC officials were CPP affiliates and 10 percent were FUNCINPEC affiliates. Only 30 percent of PEC officials had no political affiliation.

2.2 Voter's Access to the Registration Process

The voter registration process was conducted from 21 July to 16 August 2001. Invoking a lack of resources, NEC designed the registration process in such a way that registration officials were grouped into mobile teams. These teams were to move to different places in a commune, staying three days in each place, for a registration period lasting 15 days in total.

Opposition parties and civil society organizations criticized this process, claiming that it was too complicated for voters living and working in

remote areas to reach the location of the nearest RSO team. Because voter registration teams were mobile, a genuine registration process would require effective dissemination of registration information and of timetables to inform the people about the upcoming visits of RSO teams. However, NEC did not have the capacity to do so and thus had to rely exclusively on local authorities to inform the public.

As electoral authorities were overwhelmingly dominated by CPP, people identified as opposition supporters claimed that they received incomplete and confusing registration information. It was also difficult for them to find the location of RSO teams, which kept moving from one village to another.

2.3 Transparency of the Voter Registration Process

Local election monitoring organizations, including COMFREL, had their observer accreditation cards delayed by the NGO Coordinating Committee and NEC. As a result, the first five days of the voter registration process went unobserved and there were substantial concerns among local election monitoring organizations about the possibility for election fraud to take place in preparing the voters' rolls.

Some irregularities were reported by voters directly to ANFREL long-term observers when they were deployed on 24 December 2001 in Kratie, Kampong Cham, Svay Rieng, Kampot, Koh Kong, Pursat, Battambang, Pailin and Preah Vihear. They reported that village chiefs and commune chiefs known to have affiliation with CPP stood outside registration centers, checking identification cards of voters before letting them go inside to register their names. Voters told ANFREL long-term observers that they felt intimidated by such a behavior.

2.4 Residency Certificate

The commune council election law stipulates that voters can only register in the commune where they were originally registered as residents. This regulation affected a significant number of the voting population who migrated from their home to other cities in search of better living conditions. This scenario was very common across Cambodia. Those requesting to be registered as voters where they were currently working had to fight against heavy red tape. This was



especially frequent in urban areas, where large bribes were required for a residency certificate to be transferred without farfetched delays. Moreover, there was an important political factor involved in this issue. CPP was reluctant about allowing NEC to issue new residency certificates to displaced voters, especially in big cities, in fear that SRP would be able to

capture more votes from urban workers and dwellers. Moreover, urban citizens complained that because of the mobility of voter registration teams, they were not given enough time to reach their hometown to register as voters. On this ground, the issue of residency certificate became politicized and controversial as SRP claimed that its supporters were systematically discouraged from participating in the commune council elections.

COMFREL and other local election monitoring organizations claimed that the design of such a confusing, voter-unfriendly registration system was the main factor leading to this disappointing voter registration turnout.

Voter registration figures seemed to confirm that such a rigid stance regarding residency certificates had a dissuasive effect. By the time electoral rolls were finalized, end of August 2001, only 83.06 percent of the total 6.2 millions eligible voters managed to register their names for the commune council elections. Approximately one million of eligible voters missed the opportunity to choose their local commune leaders. Voter registration turnout for the commune council elections significantly dropped by 10 percent from the 1998 elections. This statistic contrasted sharply with the results of a survey conducted in 2000 by the Center for Advance Study and the Asia Foundation. In this survey, 97 percent of the respondents said with great enthusiasm that they would participate in the commune council elections.

2.5 Relations Between Cambodian Election Monitoring Organizations and Electoral Officials

COMFREL and other local election monitoring organizations found that there were efforts by NEC to control their activities while NEC was not able to create public confidence about its own independence from interests of political parties. Apart from that, there were complaints about bureaucratic rigidity on the side of NEC in interpreting the roles of local election monitoring organizations. According to article 152 of the commune council election law, these organizations were limited to observe voter's rolls updating, voter registration, ballot casting and ballot counting. They were also allowed to educate voters on the purpose and process of elections, in cooperation with NEC. However, these legal mandates did not give details about the roles of civil society organizations in improving good governance, democracy, human rights, the rule of law and social justice through the conducts of elections.

The provisions made in chapter 9 of the commune council election law, specifically articles 150 to 158, triggered a series of protests from local election monitoring organizations. These provisions gave power to NEC for setting up the NGO Coordinating Committee (NGO-CC), the law requiring members of NGO-CC to be recognized by the Ministry of

Interior nine months before the election day. This clause created serious doubts about the neutrality and independence of NGO-CC.

The commune council elections signified unprecedented efforts of Cambodian people in establishing a new system of democratic grassroots government capable of delivering efficiency, accountability, transparency, fairness and morality in the conduct of election administration.



PEC training at Kampong Speu office

On this note, ANFREL publicly stated that the work of local election monitoring organizations must not be unduly and unlawfully obstructed. Indeed, it would be undemocratic if members of accredited election monitoring organizations were put into an environment in which they could not function effectively, independently and safely to ensure the integrity, credibility and transparency of the polls. There were more than 30,000 Cambodian election observers registered with NEC. Unfortunately, there were reports that COMFREL and other accredited election monitoring organizations experienced problems in dealing with the authority, especially with NGO-CC, NEC and local administration officials.



Comfrel's head office distributed training documents and posters to all province coordinators.

NGO-CC was reportedly uncooperative regarding the issuance of observers' accreditation cards. Accredited Cambodian election

monitoring organizations complained that the procedures to obtain accreditation cards for their observers were unnecessarily complicated, confusing, slow and expensive.

It also appeared that PEC in each province used different criteria and standards when issuing accreditation cards to observers of accredited election monitoring organizations.

Moreover, confusion among local government officials about the roles of accredited election monitoring organizations often led to the obstruction of their monitoring and voter education activities.

2.6 Election-Related Violence

Cambodia held its first local elections in more than three decades on 3 February 2002, an important step towards decentralization of political power. However, this bright prospect brought by the commune council elections was overshadowed by violence and intimidation, particularly in the months preceding the polls.

The Cambodia Office of the United Nations High Commissioner for Human Rights (COHCHR) and domestic human rights organizations found that intimidation varied from area to area but was high during candidate and voter registration and during the 12 weeks preceding polling day.



Family members of "Toul Sean", SRP female candidate no.15 in Kork Ping commune who was killed during an alleged robbery on the 5th Jan.02, in Svay Chrum district. 9 out of the 15 SRP candidates in that commune actually came from this same village of Don Leap.

The worst affected regions were the western border areas of Kampot and Kompong Cham. Despite the severity of the problems in these areas, individuals and institutions closely involved with law enforcement lacked neutrality to fairly address these issues. International and domestic human rights organizations repeatedly urged the Cambodian government to thoroughly examine election-related crimes because little had been done to investigate these cases as well as to arrest and bring culprits to court. NEC, responsible for overseeing the fair conduct of elections, was also strongly criticized for failing to enforce election laws and to investigate violations of these laws.



On the first day of the campaign, between 2000 and 3000 CPP supporters participated in a rally in Battambang district. Several supporters were given petrol and 3000 Riel



FUNCINPEC Campaign

Chapter 3: Pre-Election Day Observation

24 December 2001 – 1 February 2002

3.1 Political Violence and Intimidation

The commune council elections were expected to be an important step towards decentralization of political power and democratization in Cambodia. However, the pre-campaign period was overshadowed by violence and intimidation, particularly in the months preceding the polls. Reports of pre-election violence and irregularities varied from area to area.

COHCHR as well as other human rights and election monitoring organizations pointed out that the level of violence increased in the run-up to the commune council elections, with 11 political murders reported since November 2001 and three recorded in the first week of January 2002.

Reports of non-deadly violence and intimidation also came from all over the country, particularly in constituencies where CPP had not won a majority in the 1998 general elections, or in constituencies where supporters of FUNCINPEC and SRP were at least twice as numerous as CPP. By September 2001, the Cambodian Human Rights Action Committee, a coalition of 18 domestic civil society organizations, documented 82 cases of non-deadly political violence since January 2001. By the end of 2001, COMFREL recorded more than 100 cases of election-related intimidation, including armed intimidation, physical harassment, death threat and destruction of property.

There was no obvious evidence of election-related violence and intimidation being ordered by CPP leadership or carried out systematically as a political tactic against rival parties in the commune council elections. Nevertheless, circumstantial evidence suggested that CPP used the commune council elections to demonstrate its strength

against FUNCINPEC and SRP, using the polls as a means of violently strengthening the already existing political monopoly.



*Meeting of the
security committee
at PEC office.*

Political violence and intimidation constituted one of the most serious obstacles to the holding of democratic elections. ANFREL made it clear to all contesting political parties that electoral victory as a result of “political terrorism” was not acceptable. ANFREL also urged the Cambodian government and law enforcement agencies to thoroughly examine election-related crimes since little had been done to investigate these cases as well as to arrest and bring culprits to court. NEC was also strongly criticized for its failure to investigate violations of election laws as well as to enforce these laws during this period.

ANFREL eventually declared that NEC, lacking manpower and determination, was unable and unwilling to demonstrate vigilance and impartiality in stopping violence and in prosecuting those responsible for electoral abuses.

3.1.1 Political Murders

Compared to the 380 murders in the 1993 general elections and the 40 murders in the 1998 general elections, the 2002 commune council elections might appear much more peaceful: only 17 murders were found by international and domestic human rights and election monitoring organizations to be politically-related to electoral contests.

Nevertheless, ANFREL stresses that such a quantitative analysis is too superficial to serve as a benchmark for the attainment of a political environment sufficiently entrusted with security and stability. Relatively fewer cases of political killing did not mean that parties had no intention to create a climate of fear among voters and candidates, to a level where they might not be able to participate in the electoral process freely and safely. In other words, fewer observable violent incidents took place but the intention to use fear to influence and control political behaviors was still present.

ANFREL noted that political killings targeted high profile candidates and activists, especially those affiliated with FUNCINPEC and SRP. Out of the 17 election-related murders, six cases took place between January and October 2001. Six cases happened between November and December 2001, while three cases were found in early January 2002, shortly before the official start of the election campaign on 18 January 2002. The remaining two cases happened within two weeks before the election day. Most victims, 88 percent, were members or affiliated to FUNCINPEC or SRP. This indicated that political killings escalated during the last three months prior to the election day, but were relatively rare towards the official start of the election campaign period.



A South Korean observer interviewed a voter in Oddar Meanchey province, near the Thai border.

Victims of political murders were mostly men. However, ANFREL took account of the killing of three female candidates of SRP in Svay Rieng and Kampot. These three killings happened within two days, in the final month of the election campaign period. In addition to the negative impact on the issue of security and safety of people's participation in the electoral process, these cases created fears specifically among the female population.

Three weeks ahead of election day, on 15 January 2002, the killing of a female SRP candidate in Don Leap village, Svay Chum district of Svay Rieng, significantly shattered the sense of safety in the community, reported a long-term observer of ANFREL. This fear was clearly visible among SRP supporters, who established a strong presence against CPP, in Don Leap village. Nevertheless, the police quickly dismissed this case as a politically motivated murder but instead filed it as a case of armed robbery. In fact, COMFREL reported a number of suspicious armed robbery cases in Prey Veng and Kampong Thom.

ANFREL stated that indiscriminate political killings were replaced by a new technique of campaigns of terror, where specific victims were targeted under the disguise of armed robbery killings. As people in villages and communes usually know all local political figures in their village, the killing of community leaders and political activists appeared to create great fear among the population.



On-the-field investigation of the allegation of forced vote-buying in Pre Ang Kunh commune, Ong Sala village. The lady told the observer that after the village chief gave several cans of rice, he then forced all the people to vote for CPP. "Remember who donated the rice to you. You must vote for CPP. If not, the ghost will hunt you down."

3.1.2 Intimidation and Thumbprint Collection

The issue of election-related intimidation appeared to receive less public attention than political murders although it constituted the most common form of pre-electoral violence.

Reports about intimidation were mostly documented before the official start of the election campaign period. Serious intimidation clustered in northwestern areas of the country and in a sporadically in Kampong Cham.

In former Khmer Rouge strongholds, ANFREL paid special attention to the issue of an even ground for electoral contests between CPP and rival political parties. After former Khmer Rouge forces and authorities were integrated with those of the CPP-dominated government in 1997, it became apparent that CPP could successfully exert its influence and presence in areas once controlled by its arched enemy. The ceremony to mark the invasion of Vietnamese forces, which removed Khmer Rouge from power and installed the State of Cambodia, was held in great pomp before the election day. Former Khmer Rouge authorities reappointed by CPP to serve in administration offices, as district chiefs, commune chiefs, village chiefs, as well as in security and law enforcement units, increasingly shift their loyalty to CPP.

It was these local officials which were mostly accused of being involved in intimidating actions against FUNCINPEC and SRP. A number of cases were reported by ANFREL long-term observers deployed in Battambang and Pailin, along the Cambodian-Thai border.



Anfrel's LTO in Kratie talked to Prince Ranaridh when his party visited the province.

Most reports of election-related intimidation in Battambang were documented in four border districts, namely Sampao Lun, Phnom Proek, Kamrieng and Samlot, from the voter registration period until the official start of the election campaign period.

COHCHR sent a fact-finding mission to Samlot district to investigate violent incidents from 23 to 26 January 2002. ANFREL long-term observer accompanied this mission and shared the same conclusion that FUNCINPEC and SRP were targeted by the ongoing political terrorism. Local leaders of SRP openly told ANFREL observers and staffs of COHCHR that they were so scared to conduct any campaign activity that they decided to remain low profile. Eventually SRP headquarters in Phnom Penh had to admit that Samlot's environment did not allow the party to campaign effectively and safely. Sam Rainsy concluded that there was no chance for SRP to win in this district as a result of "fear factors".⁵

National Assembly seats for Pailin were controlled by SRP. For the commune council elections, this constituency was widely predicted to be one of the hot spots in terms of political rivalry and election-related violence. Since July 2001, reports of political intimidation began to flow from this former Khmer Rouge stronghold, especially in Sala Krao district. Most cases were connected to commune chiefs or members of local security units. ANFREL long-term observers could document 14



Animated discussion with the chairman of PEC, Mei Makk, on the situation in Pailin. He said that problems faced by SRP to set up its signboards have been solved. He gave the following advice to SRP activists: "if you go to other people's house, you should follow other people's rules. The law cannot always be strictly followed. You must also show consideration for local authorities by informing them."

⁵ Interview with Hut Sakphoa SRP secretary-general for Pailin municipality on

cases of election-related violence in Pailin. Most victims were affiliated with SRP, while the rest of them belonged to FUNCINPEC. Despite rampant political intimidation, there was no report of election-related killings in this municipality.

The political situation in former Khmer Rouge strongholds during the commune council elections was further complicated by the crackdown on members of Cambodian Freedom Fighters (CFF). Samlot district in Battambang was indicated by CPP to be a major hideout of CFF. Indiscriminate crackdowns were carried out by the police and the military without clear evidence against the suspects, most of them being members of FUNCINPEC and SRP. ANFREL long-term observers in Battambang found that 25 FUNCINPEC members were arrested and detained by the end of December 2001.

In Pailin, five people were accused of having connection with CFF and were arrested. Four of them were key members of SRP, including the chief and his deputy of SRP municipal office. The other one was affiliated with FUNCINPEC. All of them were sentenced to 15 to 20 years of imprisonment. This crackdown, apart from the ongoing political intimidation, almost totally paralyzed SRP in Pailin because its members decided to jump ship for fear of being arrested.

Many incidents of political intimidation in former Khmer Rouge strongholds also arose as a result of disputes over party signboards, especially in December 2001 and January 2002 when FUNCINPEC and CPP activists attempted to set up party signboards in areas controlled by CPP. In Battambang and Pailin, CPP activists and local officials pulled down SRP signboards in some areas. In these cases, SRP activists were often threatened not to try to put up their party signboards again.

On the other side of the country, Kampong Cham witnessed widespread political violence in many forms. Five of the total 17 murder cases reported during the commune council elections took place in this

province three months before the election day. The eastern region of Cambodia's biggest and most populated province, with 1,335 commune council seats at stake, was identified as problematic areas by international and domestic election monitoring organizations, particularly in Tam Ber, Koh Sotin, Krouch Chhmar, Memot, Ou Reang Ov, Ponhea Kraek, Srey Santhor and Tboung Khmum districts.

In Tbong Khmum district, out of the total 22 candidates filed by FUNCINPEC, one was murdered and five were harassed. For example, their cattle were stolen and their houses were robbed by armed men. There were almost 20 cases of this kind reported by FUNCINPEC candidates, activists and members. As a result of mounting fear, most FUNCINPEC candidates in Kampong Cham province decided not to stay at their homes until after the election day. Some of them took refuge in FUNCINPEC provincial office, while others stayed in their rice fields. FUNCINPEC leaders believed that this problem, if went undeterred, could significantly reduce the chance for their party or SRP to compete against CPP.⁶ Apart from being the biggest province that would allow any political party to gain significant power at local and national levels, they also pointed out that Kampong Cham was symbolically important to CPP. It was the birthplace of Prime Minister Hun Sen and his wife as well as Senate President Chea Sim and other top leaders of CPP.

One of the most serious cases of political intimidation was reported by ANFREL long-term observer in Battambang. Six armed military officers openly threatened voters not to participate in FUNCINPEC campaign rally in O Sam Reil commune, Samlot district. In Kan Chor commune, Chhlong district of Kratie province, two armed military officers warned SRP activists not to campaign against CPP, otherwise they might "disappear".

⁶ Interview with Neak Bunchhay, FUNCINPEC campaign director in Phnom Penh on 31 January 2001.

In Svay Rieng, an ANFREL long-term observer reported that on 20 January 2002, CPP activists warned the people in Bo Kro San village, Pre Ang Kunh commune of Chantreah district, not to participate in FUNCINPEC campaign rally. FUNCINPEC signboards were also vandalized.

In addition to outright verbal and physical intimidation, ANFREL was concerned by the practice of CPP activists in cooperation with local officials to collect thumbprints from voters in different parts of the country. Voters were also forced to give sworn allegiance to support CPP otherwise they would face tragic consequences. ANFREL and other domestic and international monitoring organizations noticed that the collection of thumbprints happened on an extensive scale and created an atmosphere whereby voters might not be able to express their political wills freely without fear.

In Kampong Cham, Kratie and Prey Veng, ANFREL observers reported that local officials worked with CPP activists to collect thumbprints so as to ensure that CPP would have complete control over balloting. In Pursat, CPP activists in every commune conducted the collection of thumbprints. Nevertheless, they explained to ANFREL long-term observers that this practice was only to count the number of CPP supporters, to ensure that party members would be loyal only to CPP.⁷ In reality, ANFREL long-term observers discovered that not all of the people asked to give their thumbprints were CPP supporters. Even worse, as reported by ANFREL long-term observer in Kratie, local officials often threatened voters by saying that they would have to leave the village if they refused to cooperate with CPP activists, by giving their thumbprints and sworn allegiance to support CPP. For example, in Kasem commune of Snoul district in Kratie, ANFREL long-term observer reported on 18 January 2002 that incumbent commune chiefs and CPP candidates, with the assistance of the deputy police chief of Kasem commune, went from door to door to collect thumbprints. It was

⁷ Interview with Paus Sait, CPP provincial chief in Pursat on 23 – 26 January 2002.

also reported that they expected to receive rewards for each 30 thumbprints collected in the commune. When this incident was reported to PEC on the following day, PEC told all CPP activists to stop collecting thumbprints immediately.⁸

Another form of intimidation came as a result of the government order banning the sale of a book published by SRP in August 2001. The ban was based on an undefined claim that this book would create instability in Cambodia. Although SRP agreed to stop distributing the books, ANFREL observers in Battambang reported that the police raided local offices of SRP, searching for and confiscating the books. In some cases, local authorities burned the confiscated books in public. SRP filed a lawsuit against the government.

Throughout the country, COMFREL documented 14 cases of physical abuses and 46 cases of direct and indirect intimidation against candidates and activists of political parties to make them fear for their lives and assets.⁹

After the second week of January 2002, violent incidents and intimidation declined throughout the country. Even in Kampong Cham, which was known to be the most agitated place, election-related intimidation appeared to be less prevalent than before. Nevertheless, there was only an exception in former Khmer Rouge strongholds in Battambang as intimidation was still reported after the official start of the election campaign.

In general, such a pattern of election-related intimidation suggested that these incidents were not caused by the lack of understanding of election regulations.

⁸ *Interview with Vorn Chhurnly, Kratie deputy governor and FUNCINPEC provincial chief in Kratie on 19 January 2002.*

⁹ *COMFREL Campaign Assessment Report (24 January 2002).*

ANFREL analyzed that intimidation campaigns reflected a calculated anticipation that people would surrender to threats directed at key political figures in each community, especially those influential and popular members of FUNCINPEC and SRP. As it was reported that perpetrators of political intimidation against FUNCINPEC and SRP supporters and candidates were mostly military personnel or members of local administrative authorities and local police officers, the neutrality of state machinery in the commune council elections was critically questioned. This suspicion was further confirmed by the position adopted by electoral and law enforcement agencies, which hastily dismissed complaints from FUNCINPEC and SRP about intimidation committed by officials from local authorities against their supporters and candidates. These complaints were instead classified as personal quarrels without documenting the incidents in details.

3.2 Vote Buying

As most people in Cambodia still live in poverty, voters' behaviors were much likely to be influenced by their needs for basic commodities and services. This situation in fact constituted a fertile ground for rampant vote buying. ANFREL found vote buying was a common practice in every province. It was also the most commonly found violation of election regulations. Vote buying cut across the society and involved almost everybody – political parties, candidates, canvassers and voters.

Given the culture of political hegemony created effectively by CPP and the lack of political separation between the dominant party and the state, it was also found that government officials



Commodities are ready to be distributed

took part in various forms of vote buying so as to influence voters' decisions in favor of CPP and against other political parties. Such a

connection between CPP and government officials made it difficult, and in some cases dangerous, for anyone to try to report vote buying incidents to the authorities in hope that legal actions would be taken against perpetrators.

COMFREL reported 50 cases of vote buying in cash and in kind.¹⁰ Direct vote buying included the hand out of cash, food supplies, clothes, utensils and livestock by party activists. Vote buying often took place under the condition that voters must give sworn allegiance. Many voters said that they wanted elections to happen as often as possible as they would enjoy a flow of cash and campaign gifts. For the commune council elections, patterns of vote buying became more difficult to detect and deter because party activists chose to deliver their promises only after their candidates actually won the polls. Similarly, loans up to 800,000 riel were provided to voters under an agreement to terminate repayment clauses if certain candidates were elected. This practice found in Battambang and Pailin was known as "green harvesting".¹¹ Both practices were effective to ensure satisfactory results out of the vote buying campaign.

Expressions of generosity as a mean to win votes could also be seen as vote buying. Lavish banquets, parties and entertainment activities were held in many villages before and after the official start of the campaign period. During religious festivals and major events in the community, party activists from CPP, FUNCINPEC and SRP often distributed rice, sarongs, vitamins, party hats, T-shirts or gasoline to voters. When Prince Ranariddh opened a FUNCINPEC office in Kratie, party activists distributed cash and rice to the people. This incident happened only few days before the official start of election campaign period.

The existing CPP-created political hegemony made it almost impossible to separate the dominant party from the state. Government officials were

¹⁰ *Ibid.*

¹¹ "Green harvesting" is a relatively new vote buying technique in Cambodia, but it is more common in neighboring Thailand.

part of the entrenched political hegemony and obliged to serve the dominant party, CPP. ANFREL received numerous complaints about the involvement of government officials at all levels, in vote buying practices. One the most serious concerns came from the alleged implementation of development projects by CPP ministers, governors, and local officials as a mean to influence voters' decisions at the polls. This included, but was not limited to, the construction and maintenance of public facilities as well as the provision of scholarships and healthcare. At the same time, they also told every community that if CPP did not win, voters' chance to benefit from these development projects would very likely be denied. Such a threat was specifically formulated in areas affected by natural disasters and famine. SRP claimed that their supporters were denied access to humanitarian assistance provided by the government and the Cambodian Red Cross, chaired by Prime Minister Hun Sen's wife.¹²

3.3 Unequal Access to the Media

In the period leading up to the commune council elections, COMFREL found that printed media generally provided a greater variety of news than electronic media.¹³ Printed media in Cambodia were not to be politicized. An interesting aspect regarding print media was that some newspaper in CPP camp, which had relatively big circulation, refused to receive funding from



Preah Vihear: LTO observed some confusion in the campaign schedule.

¹² Interview with Sam Rainsy in Phnom Penh on 1 February 2002

¹³ There were 16 Khmer-language newspapers published regularly. Of these, 11 were considered to be pro-government, four were considered to support SRP, one was considered to support FUNCINPEC and one was considered to be anti-monarchy. In addition, there was one French-language daily newspaper, one English-language daily newspaper and two English weekly newspapers.

FUNCINPEC and SRP. Nevertheless, as printed media were largely circulated in Phnom Penh, it was difficult to study the impact of news and articles published in printed media on voter's decision at the polls. Also it was important to note that, there was no clear instance of government intimidation or retribution against pro-FUNCINPEC and pro-SRP newspapers.

Serious problems were found in electronic media coverage, both television and radio, because they were accessible throughout the country and important in forming political preference among the illiterate voters in Cambodia.

COMFREL monitored the coverage of three television stations and three radio stations between 4 January and 3 February 2002 in Phnom Penh as well as in Pursat, Battambang, Siem Reap, Kampong Cham and Sihanouk Ville, seven days per week. The findings indicated that in January 2002, almost 90 percent of the time allocated for political news covered CPP activities. News about CPP, including news about Prime Minister Hun Sen and CPP ministers, were openly positive, usually putting emphasis on CPP's contribution to Cambodia's stability, peace and development. FUNCINPEC was given less than 10 percent of airtime, while SRP members were not shown on television during the news hours (but the name SRP was sometimes mentioned).

FUNCINPEC, SRP, civil society organizations and international development agencies which provided support to the commune council elections complained about the unequal access to electronic media among contesting political parties and the use of state-broadcast in favor of CPP. However, NEC failed to intervene and exercise its power to ensure an even ground for electoral contests.¹⁴ Worse, NEC went ahead with a controversial decision to cancel airtime slots specifically allocated for contesting political parties to debate and present their

¹⁴ *The Media Monitoring Subcommittee created by NEC was rather irrelevant to this issue as it focused on the content of voter education material produced by civil society organizations.*

platforms to the people. This decision was widely seen as another serious blow to political parties that already lacked access to electronic media. It also denied voters from receiving balanced information about contesting political parties.

3.4 Partiality of Electoral Authorities

In Cambodia, government officers were part of an entrenched patronage network and they were obliged to serve their patrons to secure victory at the polls. This was one of the major causes of dishonest handling of the electoral process. Unfortunately, NEC and electoral authorities at lower levels were not immune to this problem. International and domestic election monitoring organizations criticized the lack of transparency and neutrality in the appointment of electoral officials at national, provincial and commune levels.

At the national level, the majority of NEC members were affiliated with CPP and the rest of them had connection with FUNCINPEC. SRP was only recently allowed to be part of NEC. At the local level, COMFREL conducted a survey in June 2001 and found that the political composition of PEC and CEC in 2002 was not different from previous elections in 1998. CPP was still predominantly in charge of the electoral mechanism.



ANFREL found that electoral officials drawn from members of the bureaucracy were often acquainted to CPP candidates and activists. They were subject to

political influence, so that their decisions and actions were biased in favor of CPP and against FUNCINPEC and SRP. Some of them, for fear of retaliation, chose not to take action when receiving complaints about electoral abuses committed by CPP candidates and supporters. On the

other hand, they were not reluctant to enforce electoral regulations against FUNCINPEC and SRP.

One of the most common arbitrary enforcement of electoral regulations by NEC and CEC consisted in preventing FUNCINPEC and SRP from using portraits of the king and the queen in campaign rallies and campaign material. In the meantime, CPP was allowed to display the portrait of the king and the queen in rallies and campaign material and presented the party as a staunch supporter of Cambodia's monarchy. FUNCINPEC in Kratie complained that it suffered the most from this problem, being a royalist-born party.

However, it must be noted that some campaign techniques used by FUNCINPEC could easily mislead voters that the party received support from the King, especially the show of King Sihanouk's video tape speech in FUNCINPEC campaign rally. This practice was stopped by PEC.

An ANFREL long-term observer received information that the CEC chief in Bo Skor commune, Cham Kar Leu district in Kampong Cham, threatened SRP activists to immediately stop using loudspeakers and distributing leaflets publicizing comments of Sam Rainsy against Prime Minister Hun Sen and CPP.



PM. Hun Sen, the leader of CPP party.

Of course, this conduct of SRP activists could be seen as character assassination and ought to be stopped by NEC in the same way as when it ordered to stop the distribution of printed campaign material, tape cassettes and video tapes of SRP strongly denouncing CPP as a corrupt and communist party. However, it was inappropriate and even illegal for the CEC chief to give a do-or-die ultimatum to SRP activists. SRP activists complained about this issue to PEC but no action was taken by PEC.



*LTO
investigation
at Phonea
Krek district
police station.*

In general, ANFREL long-term observers in Kratie, Kampong Cham, Svay Rieng, Kampot, Koh Kong, Pursat, Battambang, Preah Vihear and Pailin reported that PEC and CEC remained inactive and not interested in upholding electoral regulations fairly and independently. Such a lack of control opened the way for unscrupulous political actors to act with impunity and effectively undermined people's faith in the electoral process.

It must be noted that PEC and CEC were generally more serious about "settling" than "solving" electoral disputes. This was done through the holding of roundtable meetings between electoral authorities, domestic election monitoring organizations, international funding agencies and other stakeholders in the commune council elections. In these roundtable meetings, election disputes were brought up and reconciled by PEC and CEC. Nevertheless, it appeared that decisions of PEC and CEC regarding these electoral disputes were often made in favor of CPP, while serious complaints about violence and intimidation against FUNCINPEC or SRP candidates and supporters were quickly dismissed as personal issues. Attitudes and actions of electoral officials in roundtable meetings were also found to be dominating and not open for effective two-way communication.

Another characteristic unfavorable to the promotion of democratic elections was the culture of denial. Officials served at different levels of electoral authorities and law enforcement units operated with a

bureaucratic mentality, so that the absence of problem was generally interpreted as an indication of good work. Officials therefore denied recognizing problems described by contesting political parties or election monitoring organizations for fear that they might look “incompetent” in front of their superiors.

3.5 Partiality of Law Enforcement and Security Authorities

The neutrality and efficiency of the National Police and the Royal Cambodian Armed Forces (RCAF) in ensuring a safe political environment during elections was critically questioned by ANFREL as well as other domestic and international monitoring organizations. Monitoring organizations were indeed concerned by the fact that election-related violence and abuses went almost undeterred and undetected by law enforcement and security authorities, from the declaration of the commune council elections until the polls were over.

Similarly to other components of state machinery in Cambodia, law enforcement and security authorities were highly politicized. After the coup in 1997, CPP established a firm control over the National Police and RCAF. In fact, it was known that CPP was determined to use law enforcement and security authorities to secure victory at the polls. Many complaints were filed throughout the country against police and military officers having engaged into political violence and intimidation, most notably in Battambang and Svay Rieng. ANFREL was also concerned by reports describing that some police and military officers had taken leave from their position to run as candidates for CPP in the commune council elections. Abuses of power and state resources were widely reported in Battambang and Pailin. At the same time, ANFREL long-term observers found that police and security officers in Battambang and Pailin were told by their superiors not to support or stand as candidates for FUNCINPEC or SRP, otherwise their salaries would be cut and they would face disciplinary action.

3.6 Voter Education

NEC and other organizations worked hard to raise public awareness about the elections and the voting procedures. Posters, leaflets and banners were distributed across the country.

NEC specifically focused its voter education programs on the technicality of electoral procedures, without making significant effort to encourage voters to make an informed choice. Given the unequal access to the media among contesting political parties, it was difficult to expect that voters would have sufficient information to make a good decision at polling booths.

Efforts of domestic election monitoring organizations to conduct parallel voter education programs to rectify this flaw was prohibited in some provinces, such as Ratanakiri and Sihanoukville. Nevertheless, CEC generally interpreted article 10 of the commune council election law in such a way that CEC did not have power or responsibility to conduct voter education and therefore allowed civil society organizations to conduct such education.

Since CPP dominated more than 90 percent of electronic media, it was also difficult for domestic election monitoring organizations to get their messages heard on television or radio.

Situation became worse when NEC decided to cancel airtime slots specifically allocated for contesting political parties to debate and present their platforms to the people. This decision was widely seen as another serious blow to political parties that already lacked access to electronic media. This decision also denied voters from receiving balanced information about contesting political parties. Despite strong protests from FUNCINPEC, SRP and every election monitoring organization, NEC remained inflexible and claimed to base this decision on the commune council election law. NEC claimed that it had no role to ensure equal access to the media for contesting political parties and claimed that by canceling roundtable debates, voters would be better able to make an informed choice. NEC also claimed that roundtable

debates could possibly further fuel rivalry among contesting political parties.

COMFREL reported that Radio FM 97.5 refused to broadcast voter education programs. Nevertheless, COMFREL was able to distribute 10,000 booklets, 380,000 voter guides and other printed voter education material throughout the country.

NICFEC resorted to a combination between traditional performance and political messages. A nationwide tour of NICFEC election-related performance appeared to be very popular, meeting an audience of approximately 2,000 to 3,000 in each place.



NICFEC Performance

3.7 Readiness of Polling Station Officials

ANFREL as well as other domestic and international election monitoring organizations were concerned by the fact that NEC did not have sufficient time to recruit electoral officials at the polling station level, which was started on 18 January 2002. Nevertheless, NEC managed to fill all necessary positions for 12,500 polling stations throughout the country. These newly recruited polling station officials only received training for two days, on 29 and 30 January 2002. This timeframe was obviously too short to allow polling station officials to master all of the operations needed to be performed on the election day. Nevertheless, NEC tried to assure ANFREL that polling station officials were not completely unfamiliar with the process and that most of them had some experience from previous general elections.

3.8 Campaign Strategies and Situation

On 28 January 2002, in the last week before the election day, ANFREL released a press statement stating that candidates were still failing to address local issues in their campaign. ANFREL found that campaigns were run as if for general elections. Candidates from CPP, FUNCINPEC, SRP and smaller parties did not focus sufficiently on local issues or make concrete proposals for local development in their commune constituencies. In the few cases where local issues were addressed, mostly in urban areas, it tended to be done in very vague and broad terms. Candidates promised more jobs, better roads, electricity and health care, but remained silent as to how they would fulfill those promises.



The commune council elections were seen as an important step towards the decentralization of power. But in practice, at least in observing campaign strategies and patterns, ANFREL found that a too large proportion of campaign material promoted central policies of contesting political parties and focused heavily on leadership popularity.

As a matter of fact, key members of CPP, FUNCINPEC and SRP all left Phnom Penh to campaign for their candidates throughout the country almost on a daily basis. It seemed like parties were using the commune council elections as a rehearsal for the next general elections scheduled to be held in 2003. As a result, voters sometimes openly showed apathy to campaign speeches. ANFREL long-term observer in Svay Rieng observed one of those incidents during an appearance of Sam Rainsy at Svay Rieng market on 23 January 2003. Although the speech touched

on “sensitive” and popular issues about Vietnamese immigrants and alleged corruption in the CPP-dominated government, hardly any clapping was heard after Sam Rainsy finished his 15 minute-speech.

At commune and village levels, contesting political parties relied mostly on mobile campaigns consisting in a parade made of a small team of supporters and vehicles mounted with loudspeakers. This parade would go around the village for several times before stopping overnight at the key candidate’s house in the commune. Usually, campaign messages were pre-recorded. The only exception was when key members of the party came from Phnom Penh for a field trip and decided to deliver live speeches. This campaign technique was used most effectively and frequently by CPP, with very high participation from people in the community. However, FUNCINPEC and SRP complained that the high turnout in CPP campaign rallies was a result of coercion committed by local officials belonging to CPP. SRP, to a lesser extent, also voiced similar accusations against FUNCINPEC.

Campaign-related parties were mainly organized by CPP and FUNCINPEC. Parties with food, music and sometimes dancing were usually held in the house of a candidate for one day and would then move to another candidate’s house in that commune. CPP local leaders often told people not to attend parties organized by rival political parties and voters generally chose to be careful and to try not to act against those warnings.

People in the community were paid in cash or in kind to participate in campaign parades and rallies. ANFREL long-term observers reported that CPP supporters in Battambang received 3,000 riel and one liter of fuel each at a rally held on 18 July 2002. Opinions of other political parties about this incident were surprisingly similar. They all thought that it was inappropriate to give cash and gifts as incentives to voters, but the behavior of CPP was forgivable because other parties also did the same. It was therefore unnecessary to complain about this incident to CEC or PEC.

COMFREL observed activities of small political parties and found them to be very quiet. Only KDP appeared to be politically active in a few provinces.

Although PEC and CEC failed to respond to many complaints and to take action to end irregularities, they were still effective in coordinating campaigning schedules for contesting political party so as to avoid confrontation and provocation. In some places, PEC and CEC allowed all political parties to campaign at the same time but in different places. In other places, PEC and CEC chose to allow only one political party at a time to campaign, according to pre-determined schedules.

CHAPTER 4: Election Day Observation

3 February 2002

One week prior to the election day, a strong team of 60 short-term observers from 17 countries was deployed in Cambodia. On the election day, 3 February, ANFREL long-term and short-term observers visited 24 provinces to monitor voting and counting in more than 400 polling stations.

In general, ANFREL was pleased to witness a peaceful election day exempt from serious instances of violence or intimidation. However, the conduct of elections could not be reduced to a single voting day.



It must be considered as a process that comprises voter registration, campaigning, as well as the transition period until new officials take office. In addition, there were still too many technical irregularities. Most of them were minor incidents, but they all suggested

that training for polling station officials and voter education might not have been adequate. These incidents also indicated that some regulations might need to be clarified. Isolated cases of more serious irregularities were also observed. These incidents were generally caused by a lack of understanding of electoral regulations or by a lack of commitment to democratic values.

4.1 Political Atmosphere

After a pre-election period dominated by violence and intimidation, the election day turned out to be a rather peaceful one, with barely no incident reported.

Atmosphere at polling stations across the country was very positive and no incidence of violence or serious intimidation was recorded. The

ambience was sometimes festive and people were clearly excited to exercise their right to vote. ANFREL was impressed by this enthusiasm shown by the people of Cambodia. They came early to vote and in large number. In many places, most people had already cast their vote before noon.

Unruly crowds of voters at polling stations early in the morning did create some tension and confusion. The single polling station officer responsible for security was often unable to control such agitation. In at least one polling station in Phnom Penh, there were confrontations between impatient voters trying to get in to vote. In other stations, some voters discouraged by the waiting simply gave up and returned home without voting. Simple measures could and should be introduced to prevent such situation.

4.2 Administration of Polling Stations

Polling station officials and electoral authorities should be commended for having conducted the balloting and vote counting processes in a well-organized manner and in accordance with electoral regulations. Nevertheless, ANFREL found some technical irregularities. These irregularities happened only in few instances and were limited in small areas. As a result, ANFREL believe that these irregularities did not significantly affect the validity of the electoral process on 3 February 2002.



Buddhist monks came to cast their votes early in the morning

Polling stations were generally well-organized and set up in accordance with electoral law. In all but one very remote area of Koh Kong, polling stations received the necessary election material. Unlike the 1998 general elections, polling booths were not placed near open windows or walkways where they could easily be overlooked. Polling station officials were generally competent and fulfilled their duties in a conscientious manner.

Domestic observers were present in every polling station we visited, mainly from COMFREL. These organizations should be commended for having successfully recruited and trained a country-wide network of volunteers.



POLLING DAY
3rd February, 2002

Party agents were present in almost all polling stations. There were usually three agents, one from each of the three major political parties. Party agents were most often vigilant in ensuring that correct procedures were followed inside the polling station.

Some technical irregularities were recorded, but generally these irregularities did not significantly affect the validity of electoral process on the election day.

The most serious technical violation observed consisted in some people voting in contravention of the law, but it only happened in a small number of polling stations. In Pailin, eight voters whose names could not be found on the list were allowed to vote, and one voter was allowed to vote without a registration card. In both cases, the presiding officers explained that all party agents had agreed to do so.

At least two polling stations had moved their locations just before polling day, possibly leading to confusion on the part of voters. In some constituencies, polling stations were slow to open due to difficulties faced by polling station staff in setting up the ballot box. In Battambang, Banteay Meanchey and Ratanakiri, some ballot boxes were not continuously sealed throughout the entire voting process. In these cases, polling station officials also did not check voters' index fingers before allowing them to vote.

It was generally found that inconsistent standards for determining the validity of ballot papers were applied from one polling station to another. In some polling stations, the multi-stage counting process stipulated by NEC was not strictly followed. During the actual count,



*Xanana and
Phnom Penh team
observed
a Polling Station
at a temple in
Phnom Penh.*

some polling station chairmen were seen displaying ballot papers too fast to ensure verification by party agents and observers.

4.3 Serious Irregularities

ANFREL was concerned by the number of unauthorized people observed in or around polling stations. They generally did not seem to be interfering with the electoral process, but given the history of political intimidation in Cambodia, the sole presence of such people may have influenced voters' decision, in some cases.

The most serious case of such intimidating presence in a polling station was reported in Odar Meanchey. The chief of Tropieng Prasat district, wearing a CPP party agent badge, was found sitting behind the polling booth and instructing people how to vote. This behavior seriously violated the secrecy of balloting.



PRESS CONFERENCE

In two polling stations in Battambang and Takeo provinces, police officers with firearms were found within the security perimeter of polling stations. In Stung Treng province, police officers wearing the uniform were present inside and at the door of a number of polling stations.

In many polling stations, candidates as well as village and commune chiefs were observed loitering inside the security perimeter of polling stations. In a smaller number of cases, such people were observed standing at the door of the station. Finally, in some stations, more than one party agent of a particular party was found in a polling station at the same time.

CHAPTER 5: Post-Election Day Observation

4 February – 30 April 2002

5.1 Results of the Commune Council Elections and the Functioning of Commune Councils

Political Party	Votes	Percentage
CPP	2,647,849	60.89
FUNCINPEC	955,200	21.96
SRP	736,454	16.94
Other political parties	9,061	0.21
Total	4,348,564	100.00

Although CPP secured a landslide victory at the commune council elections on 3 February 2002, the polls did have a significant impact on the political landscape at the grassroots level. The political hegemony of CPP, who used to dominate commune administration, has been significantly challenged by the presence of elected commune council representatives from FUNCINPEC and SRP.

Only in 149 communes, or 9 percent of Cambodia's 1,621 communes, was CPP still in a position to preserve the one-party system with neither FUNCINPEC nor SRP able to win any seat.¹⁵ For the remaining 1,472 communes, or 91 percent of the grassroots administration, the balance of power changed dramatically. CPP was obliged to form a coalition administration with either FUNCINPEC or SRP for the first time.

Except in the 13 communes having elected SRP chiefs and in the 10 communes having elected FUNCINPEC chiefs, commune chief positions were attributed to CPP because the party collected the largest number of votes. Nevertheless, in 831 communes (51 percent of the

¹⁵ Most of these 149 CPP-controlled communes were small and remote. COMFREL and other domestic monitoring organizations raised concerns about incidences of intimidation possibly perpetrated before the election day.

total), the first deputy chief in charge of finance was either from FUNCINPEC or SRP. Moreover, in 1,467 communes (90 percent of the total), the second deputy chief in charge of the police was also either from FUNCINPEC or SRP.

In accordance with the conventional wisdom that new faces bring new ideas, the emerging pluralism in commune administration generates hopes for democratization in Cambodia. Elected commune chiefs cannot remove any elected member from its position. Moreover, any decision made by the elected commune chief must be supported by the majority of commune council members. For the first time in Cambodia's political history, a real power-sharing scheme and a system of checks and balances have been introduced at the grassroots.

However, it appeared that the Ministry of Interior and the National Committee to Support Communes (NCSC) implemented a policy against the decentralization of power to the commune level. Even before 3 February 2002, civil society organizations found that CPP was beginning to adopt a self-defense behavior against the changing of power balance. Decrees, sub-decrees, declarations and regulations were quickly issued by the government to restrict the power of the newly elected commune councils. The controversial draft of the sub-decree on decentralization of power to commune councils was widely discussed and civil society organizations were particularly concerned about the following clauses:

- Commune councils could contact and cooperate with other institutions, including non-governmental organizations, only through the Ministry of Interior. (Article 42)¹⁶

¹⁶ *Relations between commune councils and the government in Phnom Penh were to be handled by provincial and municipal governors as stated in the declaration on the delegation of power to provincial and municipal governors to support commune councils. COMFREL argued that the central government in Phnom Penh and the Ministry of Interior should in fact encourage more direct interaction between commune councils and people in the locality as well as civil society organizations. Equally important, commune administration was local administration. In this sense, decisions made locally should be respected*

- The central government in Phnom Penh would control all decisions and activities of commune councils, and could intervene in decisions and activities of commune councils. (Article 47)
- The Ministry of Interior would act as a tribunal in the settlement of disputes between commune councils and other institutions. (Article 46)¹⁷

In cooperation with COMFREL, ANFREL observed the installation of commune councils and found another systematic attempt to maintain the top-down command line between the Ministry of Interior and commune councils. All commune councils dominated by CPP delayed or prolonged the adoption of internal regulations to the extent that they missed the 30 day-deadline. As a result, internal regulations drafted by the Ministry of Interior were automatically put into effect.

In addition to problems with the central government in Phnom Penh, the introduction of power decentralization at the commune level faced difficulties created by local politics. Most elected commune chiefs still adhered to traditional practices and refused to delegate power to other members of commune councils, especially those from rival political parties. Tensions and confrontation in the daily administration of commune councils were common. Within most commune councils, political partisanship was so obvious that some commune chiefs decided to work with their old staffs instead of with other elected members of commune councils.

There were also difficulties in terms of financial resources, human resources and basic infrastructure to ensure the effective and smooth

by the central government in Phnom Penh. There should also be a channel to direct people's participation in the decision-making process of commune councils. Finally, decisions of commune councils must be recorded and publicized to ensure transparency.

¹⁷ *This provision was unconstitutional because the judiciary would handle all lawsuits, including administrative lawsuits.*

functioning of commune councils. In the past, most commune administration was located in local CPP offices. After 3 February, elected commune chiefs from FUNCINPEC and SRP found that they were denied access to those offices. Former commune chiefs claimed that their offices belonged to CPP and simply refused to allow members of rival political parties to enter.

5.2 Post-Election Intimidation, Violence, Irregularities and Complain

Because vote count was done at polling stations, it was therefore possible to immediately identify the voting behavior in each locality. Taking into account the context of political hegemony and fear created by CPP at commune and village levels, ANFREL received numerous reports regarding voters' concerns about possible retaliation in areas where CPP candidates failed to capture seats in commune councils. Since general elections in 1993, CPP used "carrot and stick" strategies to pocket voters' support throughout the country. Communities loyal to CPP would usually be rewarded with development projects and humanitarian assistance, while "dissident communities" which supported FUNCINPEC or SRP would often find it more difficult to receive similar support from government agencies. An elected CPP commune chief in Pring Thom commune, Chum Kasan district of Preah Vihear, publicly threatened villagers not to vote for SRP in the upcoming 2003 general elections otherwise their villages "would not get anything from the central government in Phnom Penh". SRP claimed that government-sponsored development projects were halted since 4 February 2002 in every village where SRP had won commune council elections. For example, electric supply in one village of Kampong Cham was reportedly cut by local authorities after electoral results showed that CPP had been defeated by only one vote¹⁸. In April 2002, this village was still without electric supply.

¹⁸ Reported by ANFREL observer who interviewed Mr. Kao Mao, SRP new deputy commune chief of Trek Tla commune, Phnom Penh, on March 29, 2002.

More serious cases of political intimidation were found in Kampong Speu two months after the elections. Newly elected commune chiefs and some commune council members of Preah Nipean commune, Kong Pisey district were threatened to resign or be killed¹⁹. It appeared that supporters and activists of SRP were specifically subject to post-election intimidation. On 6 March 2002, a female member of SRP in Keo Phos village, Chrauy Svay commune, Sre Ambel district, Koh Kong was threatened of death from a military officer if she did not remove the SRP sign from her house immediately.

There were not many serious incidents of post-election lethal violence. In fact, only one serious incident was reported by ANFREL long-term observer in Kampong Cham. On 4 March 2002, an SRP candidate in Ancheum commune, Tbaung Khmum district was shot and seriously injured by a gunman.

Regarding other electoral irregularities throughout the country, COMFREL reported that 55 complaints were filed at polling stations, of which 42 were solved and 13 were further submitted to CEC. The most common complaints, which led to the conduct of re-elections or re-counts, were about the verification of valid ballots. In Kampong Speu, PEC called for re-counts to be conducted in six polling stations. On similar grounds, re-counts were conducted in four polling stations in Phnom Penh and in one polling station in Takeo. As a result of these re-counts, SRP was declared to be the leading political party and entitled to serve as an elected commune chief in one commune in Kampong Speu. At the same time, NEC conducted re-elections in six polling stations in Prey Veng and in one station in Banteay Meanchey province.

A number of complaints submitted to NEC for re-count of ballots in Kampong Speu, Kampong Cham and Phnom Penh were rejected on the ground that SRP failed to provide sufficient evidence. In other cases, complaints of SRP were dismissed because NEC saw that the alleged vote gap was negligible and would not change electoral results.

¹⁹ Reported in a press release of COMFREL entitled "The performance and functioning of the commune councils", issued on April 11, 2002.

COMFREL reported that several complaints regarding electoral abuses were still not resolved at the end of February 2002. While NEC appeared to act strictly in accordance with electoral regulations on issues of the validity of ballots, NEC was less vigilant on the issues of vote buying. COMFREL released a report on 22 February 2002, accusing NEC of failing to give a clear definition of vote buying so as to avoid punishing perpetrators.

Such a position adopted by NEC was seen by COMFREL and other civil society organizations as being influenced by political interests of CPP. The integrity of NEC was seriously questioned and demands for NEC reforms began to gain more weight in Cambodia.

However, popular demands for the reform of NEC were strongly opposed by CPP. Prime Minister Hun Sen stated during the Biannual Foreign Investors Conference in Phnom Penh on 28 February 2002, an event which was broadcasted on television, radio and printed media, that he would not look into requests made by any group having joined SRP or voicing demands through opposition parties. It then became clear that CPP would try by every means to ensure that NEC would continue to serve the party's political interests.

In March 2002, Lao Mong Hay, a prominent democracy activist and former director of the Khmer Institute of Democracy (KID), suggested CPP to set up a caretaker government to ensure the neutrality of state authorities in organizing elections. Prime Minister Hun Sen responded immediately to Lao Mong Hay by saying that his idea looked similar to a coup.²⁰ As a result, Lao Mong Hay had to seek refuge outside Cambodia for some time.

²⁰ Prime Minister Hun Sen's comment was quoted in every newspaper on 28 March 2002.

CHAPTER 6: ANFREL Follow-Up Activities

3 – 4 July 2002

In cooperation with COMFREL and other democracy advocacy organizations, ANFREL conducted a regional seminar on "Election Reforms in Cambodia" on 3 and 4 July 2002 in Phnom Penh.

This seminar brought together approximately 70 participants, including experts from Thailand, the Philippines, Bangladesh, Sri Lanka as well as local resource persons from NEC, the Ministry of Interior, CPP, FUNCINPEC, SRP and representatives from Cambodian civil society organizations and the media. Representatives of foreign embassies and international development agencies also attended the seminar.

As a result of this seminar, two press statements were released urging the government, the legislative, political parties, civil society organizations and other relevant institutions to



immediately conduct a national forum to discuss practical approaches to reform NEC and various aspects of the electoral process. Apart from the technical quality of the electoral process, ANFREL stressed the need to create an electoral environment that would make Cambodian voters and candidates feel confident and safe to participate in the exercise of democracy. Equal access to the media and the quality of voter education programs were identified as important factors to ensure voters' informed choice at the polls.

On 13 August 2002, another half-day roundtable discussion on "Reforms of NEC" was jointly held by ANFREL, COMFREL and NICFEC in Phnom Penh. The meeting focused on reactions of 18 political parties registered with the Ministry of Interior as well as civil society organizations and the media on the drafted amendment made to the election law, especially on sections regarding the selection procedures of members of NEC and NEC structures. Most of the 70

participants to this roundtable discussion agreed to raise the following four points:

- NEC must be an independent, neutral and non-partisan body, both in terms of organizational structure and individual members.
- The selection procedures for members of NEC must be transparent and merit-based; there should be a recruiting committee to nominate prospective candidates to become NEC members.
- The functioning of NEC must be transparent, independent and subject to public scrutiny; there should be a monitoring committee to follow up the performance of NEC.
- The plan to reform NEC must be done in regular and meaningful consultation with the public; the civil society sector should be able to submit recommendations on the reform of NEC to the government, the legislative and political parties.



On 21 August 2002, the National Assembly adopted the drafted amendment on the election law. The National Assembly passed a draft amendment for the composition of NEC to be reduced from eleven to five members. One of the main criteria for NEC membership was to be a "Khmer dignitary with political capacity, work experience and honesty". These Khmer dignitaries shall be appointed by the Ministry of Interior, officially nominated by royal decree, accepted by the Council of Ministers and approved by the National Assembly with an absolute majority of votes. The amendment, which empowered the Ministry of Interior in appointing NEC members, was strongly criticized by COMFREL and other civil society organizations. This change could easily create another loop of political interference in the selection of

electoral officials, given the culture of hegemony created by CPP over the Ministry of Interior.

There was a positive development as commune councilors were proposed to conduct voter registration and to prepare voter lists for each commune. This amendment seemed to make local communities able to participate more directly in these important steps of the electoral process. Yet on the other hand, there were concerns about the existing political partisanship at the local level, as a fierce power contest had been witnessed between the three major parties, during commune council elections. Without an effective and independent monitoring mechanism, the preparation of voter lists could be done in a biased manner by political parties. They could try to create electoral advantage, in the same way the voter registration process was criticized during the previous general elections and commune council elections.

COMFREL and other civil society organizations were also active in addressing other aspects of electoral reform, such as the neutrality and efficiency of electoral officials at the local level; the participation of women in the electoral process as candidates and voters; the reliability, efficiency, fairness and transparency of procedures to prevent and settle electoral disputes; the reliability, efficiency, fairness and transparency of procedures to address electoral abuses and violence; and the reliability, efficiency, fairness and transparency of procedures to monitor and control electoral expenses of political parties and candidates.

CHAPTER 7: Conclusions and Recommendations

The 2002 commune council elections constitute an important step in establishing democracy in Cambodia, but there are significant concerns that must be addressed before the next general elections.

- 1) Violence, intimidation and killing as well as corrupt campaign practices continue to be a significant feature of Cambodian elections.
 - In the run-up to the election day, 21 candidates and party activists and one domestic observer were killed in circumstances suggesting political motives. In addition, intimidation of candidates and voters was widespread. Methods of intimidation included damage to property, physical attacks, and verbal threats. More subtle but by no means less influential was the taking of thumb-prints and the collection of voter registration cards. All major political parties distributed cash and gifts in an effort to bind voters into an obligation to vote for them. Taken together, these abuses may have seriously undermined the ability of parties to campaign freely and the ability of people to vote according to their will.
- 2) The electoral officials at all levels and the law enforcement agencies have not done enough to uphold election law by prosecuting those responsible for violence, intimidation, and other electoral abuses.
 - Despite widespread reports of misconduct in the pre-election period, few of the many cases brought to the Election Committees at all levels have resulted in disciplinary action and criminal prosecution. Investigations of political killings and acts of violence also have serious shortcomings, as law enforcement officials are not willing to use their power in cases related to electoral abuses and political violence. The effect is to perpetuate a culture of impunity and to undermine the confidence of candidates and voters in the democratic process.

3) Abuse of the monopoly of power at all levels and weakness of legal codes to prevent the ruling party from influencing voter choice.

- Officials at all levels of the administration as well as officers of the armed forces and the police have used their power to promote party interests and undermine voters' freedom of choice. At the highest level, key members of CPP have skillfully claimed sole credit for successful government policy. At the grassroots level, village and commune authorities organized meetings prior to the elections to "educate" the people on which party they should vote for.
- Some civil servants and security officers, together with CPP agents, extracted thumb-printed pledges of support from voters and recorded the serial number of voter registration cards with the implication that they would be able to track individual ballot. This problem is a serious threat to the concept of vote secrecy, universally held as the foundation of democratic elections.

4) The international standards for free and fair elections related to the equal access of parties and candidates to the media have not been met. The media have also failed to fulfill their mission in informing the Cambodian population on the elections.

- While activities of the government and CPP have dominated the newscasts in electronic media, very limited access has been given to FUNCINPEC and SRP. Newspapers might have offered a greater diversity of views but their impact on the voting public was limited due to low literacy rates. Both electronic and printed media usually ignored small parties. For the people of Cambodia, it was unfortunate that NEC restrictively interpreted the election law in such a way that it did not have the duty to ensure the coverage of electoral campaigns in the media. Given the limited publicity of the campaigns and platforms of political parties and candidates on television and radio, decisions of NEC to prohibit the broadcasting of the scheduled roundtable debates further reduced the chance for voters to make an informed choice at the polls.

- 5) Technical irregularities, though generally inconsequential, provided the opportunity for cheating and electoral abuses.
- Polling station officials were sometimes lax in checking voters for ink prior to voting although voter cards were checked and the registered marked to prevent double voting. Generally, inconsistent standards for determining the validity of ballot papers were applied from one polling station to another. Unauthorized people were seen in or around many polling stations. In most cases, such people included candidates, political party agents and local officials. Usually, they did not appear to be interfering with the electoral process, but given the history of political intimidation committed by those associated with state powers, the visible presence of such people might influence voter decision. Failure to follow procedures may also undermine the confidence of voters and candidates in the electoral process, especially after Election Committees are found unable to settle complaints promptly, impartially, and transparently.

In the long run, the commune council elections will be judged on the difference they make to the lives of ordinary Cambodian people. What ultimately matters is the extent to which the new commune councils serve the interests of the people they represent.

ANFREL calls on all political parties to work constructively in the newly elected commune councils, to place the interests of their constituents above those of their party, and to demonstrate to their constituents that they are worthy of their vote.

In order for the newly elected commune councils to make a significant impact on the Cambodian political landscape, it is imperative that the government of Cambodia clarifies the powers and responsibilities of the new commune councils as quickly as possible. Sincere and sufficient support to ensure the practicability and efficiency in the functioning of

commune councils must be provided by the government without political prejudice.

For further improvement of electoral process in Cambodia, ANFREL makes the following recommendations based on the observation of the commune council elections.

1) Violence and intimidation must be eliminated from the Cambodian political landscape.

- ANFREL cannot accept candidates or political parties that resort to violence, condone it, or are ambivalent about it. To stop the vicious cycle of protracted violence in Cambodia's electoral politics, ANFREL strongly urges all political parties to respect people's aspiration for peace and democracy. Leaders of all political parties must take decisive legal and disciplinary actions against their candidates and supporters who engage in all forms of political thuggery.
- After decades of civil wars and political conflicts, elections signify the unprecedented effort of the Cambodian people to establish a system of democratic government. To ensure peaceful, free, and fair electoral contests, NEC and local electoral officials must exercise their powers and take pro-active measures to uphold election law. Complaints about political violence and other electoral abuses must be investigated and settled promptly, impartially, and transparently. At the same time, law enforcement agencies must show the strongest vigilance and commitment to exercise their powers in these cases. Those responsible for political violence and electoral abuses must be brought to justice and prosecuted. Only this will end a culture of violence and impunity.
- Elections are people's democratic exercise. Cambodian people should vote to reject violence and reject politicians who use or condone violence.

- In place of violence, NEC, the Government of Cambodia, civil society organizations and the media must work harder to promote a new political culture in Cambodia based on the principles of tolerance, fair play, mutual respect and good citizenship.

2) The integrity of the electoral process requires administration by impartial NEC and local electoral officials. Actions must be taken to ensure that elections in Cambodia are administered by a neutral body.

- NEC is undergoing reform and there should be an open debate on the best way forward to make it an effective institution capable of preventing violence and electoral abuses, resolving complaints, and conducting its duties in a neutral and impartial manner. ANFREL calls for a new law to replace the articles establishing NEC in the 1997 election law, setting out specific provisions for the independence of NEC as a neutral, non-partisan body responsible for the management of national, commune and other elections in Cambodia. Specifically, to ensure non-partisanship, political parties should be prevented from becoming electoral officials at all levels. NEC should also strictly enforce the principle of transparency and impartiality in the selection of election officials at provincial and commune levels.
- At present, NEC and its subsidiary electoral officials have both administrative and court functions. ANFREL proposes for the creation of an independent election court to handle violations of election law promptly, impartially, and transparently.
- If the reform of NEC and the creation of an independent election court is not successful, ultimately Cambodia should consider extending the principle of caretaker authorities to national level to ensure a neutral political environment in the run-up to the polls, as practiced in Bangladesh and other countries.

3) The need to review and strengthen election law and related regulations.

- The current election law is silent, ambivalent or weak in a number of issues. Before the next general elections in 2003, a review needs to be carried out with the participation of civil society organizations and the public in general. One of the key considerations is a new electoral system that allows for a mixed system of direct election of candidates and proportional representation. According to consultations and surveys across the country by civil society organizations, people at grassroots level overwhelmingly favor a system of direct elections because it gives a better political representation for them in public office. This system would also be more effective in holding the winning candidates accountable to their constituents.
- ANFREL is concerned at the number of unauthorized local officials and members of the armed forces observed in or around polling stations on 3 February 2002. Given the history of political intimidation and a culture of one party-rule in Cambodia, such people may have influenced voter decision in some cases. NEC and the government of Cambodia should introduce measures to effectively prevent unauthorized local officials and security officers from entering into the perimeter of polling stations on the election day.
- NEC should take a lesson from the commune council elections and introduce new measures to tackle electoral abuses that happen outside the official campaign period, especially vote buying both in cash and in kind.
- More checks and balances must be introduced on the role of civil servants and security officers in election campaigns. Serious actions should be taken by NEC and the government of Cambodia to prevent officials at all levels of the administration, as well as officers of the armed forces and the police, from

using their power to promote party interests and undermine voter freedom of choice.

4) The technical capacity of NEC and local electoral officials and polling station officials must be raised in time for the next general elections.

- ANFREL observed that there were still too many technical irregularities in the commune council elections. Most of these were minor incidents, but they suggest that training for polling station officials and education for voters may not have been adequate, and that some regulations need to be clarified. ANFREL calls on NEC to address these issues immediately. Otherwise, some of these minor irregularities could become serious in the national elections and may potentially lead to disputes or undermine voter confidence in the integrity of the electoral process.

5) The necessity for civil society organizations to institute independent monitoring mechanisms, thereby playing an active role in promoting a free and fair electoral environment.

- The role of civil society organizations in monitoring the commune council elections has been restricted by the provision in the commune election law that prevents election observers from filing any complaint about the electoral process. The commune election law also stipulates that NGO-CC is organized by NEC. The vague roles of NGO-CC stipulated in the law allows for manipulation that could compromise the independence of civil society organizations in monitoring elections. These roles constrain activities through complicated procedures and exert some measures of control over the monitoring and education activities conducted by civil society organizations. ANFREL urges NEC and the government of Cambodia to guarantee that the draft of procedures and regulations for the next national elections ensures easy procedures and safeguards the rights of civil society

organizations to conduct independent monitoring and implement civic and voter education programs safely and effectively.

6) More concerted efforts to implement civic and voter education programs are needed.

- The people of Cambodia are entitled to a more meaningful democracy where elections focus on issues, not money or intimidation. NEC, the government of Cambodia, civil society organization and the media should implement civic and voter education programs emphasizing the secrecy of the vote and individual freedom to select a representative to serve in public office.
- Given low literacy rates in Cambodia, the chance for voters to make an informed choice has been reduced by the limited publicity of the campaigns and of the platforms of political parties and candidates on television and radio. It should be the main responsibility of NEC to ensure fair and constructive media coverage of electoral campaigns.
- Women constitute more than 50 percent of the total voting population in Cambodia, and 12,055 of the 75,244 candidates for the Commune Council elections were women. The numbers may look impressive, but they do not tell the whole story. Given the traditionally subordinate status of women in the society, all political parties have faced difficulties in convincing male candidates to step aside for women. Disturbing security situations have further discouraged a number of women from involving actively in the elections. More effective broad-based awareness and education programs to promote and support women representation and participation should be conducted by NEC, the government of Cambodia, civil society organizations and the media.

CHRONOLOGY OF POLITICAL EVENTS

- 1946** Cambodia's first election
- 1947** Cambodia's second election
- 1951** Cambodia's final elections under French rule.
- 1953** King Norodom Sihanouk gains Cambodia's independence from France
- 1955** Sihanouk abdicates from the throne in order to enter elections as Prince Sihanouk wins elections, launching the reign of Reastr Sangkum Niyum.
- 1970** Prince Sihanouk deposed in coup d'état.
- 1972** Lon Nol wins democratic elections that feature severe repression of opposition candidates and ballot-tampering
- 17 April 1975** The Khmer Rouge guerrilla movement topples the Lon Nol regime
- March 1976** Elections held endorsing Democratic Kampuchea regime
- 7 January 1979** Vietnamese army enters Phnom Penh, ending the Khmer Rouge rule. The Vietnamese establish new government including Heng Samrin as president, and Hun Sen as foreign minister.
- 1979-89** The government fights civil war against Khmer Rouge, which later allies with the royalist army of Prince Sihanouk and nationalist front of former Prime Minister Son Sann
- 1981** Elections are held
- 1981** Prince Sihanouk founds FUNCINPEC
- 1987** Sihanouk meets for the first time with Hun Sen, Prime Minister.
- 1988** First Paris peace talk begin
- 1989** Vietnam withdraws, State of Cambodia formed
- 1991** Paris Peace Accords signed by officials of the State of Cambodia (later CPP), the Khmer Rouge, Funcinpec (now headed by Prince Norodom Ranariddh), and KPNLF (then BLDP): UN agrees to implement accords.
- 1992** UN Transitional Authority in Cambodia deploy some 16,000 UN troops. Khmer Rouge pulls out of the peace process within months.
- May 1993** UN administered elections see 90% turnout, Funcinpec declared winner with 45% of vote. CPP wins 38%, BLDP 4%. CPP disagrees with the results.

June 1993 Secessionist movement led by CPP officials in four provinces threatens renewed civil war. Prince Sihanouk persuades Funcinpec to share power with CPP in a national reconciliation government, which restores monarchy and declares Sihanouk the King. Prince Ranariddh and Hun Sen are first and second Prime Ministers, respectively.

Early, 1996 Funcinpec-CPP coalition begins to weaken

Aug, 1996 The Khmer Rouge begins to fracture when a top cadre, Ieng Sary splits with those loyal to Pol Pot.

Nov. 1996 CPP and Funcinpec troops in Battambang clash

Feb. 1997 CPP and Funcinpec troops in Battambang clash again

Mar. 1997 At least 16 people are killed when four grenades are thrown into a rally outside the National Assembly led by, former minister, Sam Rainsy

26 May, 1997 Weapons addressed to Prince Ranariddh are seized in Sihanouk Ville. CPP claims import procedure illegal and an act of aggression, the Prince says arms were needed to protect against CPP attack.

17 June 1997 Bodyguard units of National Police Chief Hok Lundy (CPP) and Interior Secretary of State Ho Sok (Funcinpec) battles in Phnom Penh. Funcinpec General Nhiek Bun Chhay confirms defection negotiations with Khmer Rouge hardliner in Anlong Veng.

30 June 1997 Hun Sen accuses Funcinpec of bringing Khmer Rouge infiltrators into Phnom Penh and threatens use of force to expel them. Funcinpec denies the allegations.

5-6 July 1997 Large scale fighting breaks out in Phnom Penh when Hun Sen-loyal army force move on Funcinpec base near Pochentong airport. Funcinpec defeated in battle, Nhiek Bun Chhay flees capital. Hun Sen goes on national television defending action against "anarchic forces". Prince Ranariddh, out of the country, accuses Hun Sen of staging an illegal coup d'etat.

8 July 1997 Hundreds of foreigners evacuated from the country by Thai military aircraft. It is unclear whether the coup will develop into a full civil war. The coup leaves King Sihanouk marginalized for the second time in his reign. He is abroad in Beijing and Prince Ranariddh flees to France. Hun Sen tells Royalist party members to choose a new first prime minister and say he will hold elections, as planned, next year.

25 July 1997 Khmer Rouge leader Pol Pot is denounced by his former comrades and is sentenced to house arrest for life.

6 Aug. 1997 Prince Ranariddh formally deposed in National Assembly when Foreign Minister Ung Hout is elected to replace him.

Dec. 1997 The Union of Cambodian Democrats, the four main opposition parties threaten to boycott elections unless seven conditions are met, including a trial of those believed guilty of human rights abuses following the coup.

Jan. 1998 Hun Sen struggles to consolidate political and military power but fails to win international legitimacy after continued criticism of human rights abuses. Opposition politicians who fled after the coup regroup. The election promised for May is postponed to July 26.

Feb. 1998 King Sihanouk offers to pardon his son if he is put on trial, but Ranariddh refuses the offer, saying that this would imply he admits guilt. Fighting continues between Hun Sen's troops and forces loyal to Prince Ranariddh.

4 Mar. 1998 Prince Ranariddh convicted on weapons smuggling charges.

18 Mar. 1998 Prince Ranariddh convicted by Military Court of colluding with Khmer Rouge. Sentenced to 30 years in prison.

21 Mar. 1998 King Sihanouk amnesties Prince Ranariddh, with Hun Sen's approval, under Japan-brokered peace deal that will allow the Prince to return and compete in elections.

30 Mar. 1998 Prince Ranariddh return to Phnom Penh for the first time since he was ousted.

Apr., 1998 King Sihanouk returns to Cambodia from China. He stays in his small palace in Siem Reap. More than 3,000 fighters and their families defect to the government. Pol Pot dies of an apparent heart attack on April 15, 1998

May, 1998 After CPP parliamentarians defeat an electoral amendment calling for votes in July's election to be counted at district level rather than at village polling stations, opposition politicians boycott parliamentary sessions. With the National Assembly paralyzed by the boycott, Hun Sen telephoned Prince Ranariddh to offer a compromise of votes being counted at commune level in return for ending the boycott.

June 1998 Prince Ranariddh registered to vote in upcoming elections, pulling back from his threat to withdraw from election.

June 1998 Sam Rainsy, the former finance minister turned opposition leader registered in Kampong Cham province.

June 1998 Cambodia was scheduled to become an ASEAN member last year, but its entry was put off indefinitely because of the regional grouping's concerns about political instability in the country.

1998 National Election Commission (NEC) announced officially the 39 parties eligible to participate in the election including Funcinpec

June, 1998 Nearly 90 percent of eligible voters had registered.

1998 King Sihanouk appealed to Cambodians not to fear intimidation in voting next month, as Hun Sen renewed his commitment to a free and fair election.

June, 1998 The ASEAN Troika join other Friends of Cambodia-Australian, Canada, US, the EU, and Japan in a broader review of the Cambodian situation in a Bangkok meeting. Japan is to give three million dollars to help fund elections. UNDP to buy transport and administrative materials for the polls. The latest donation lifted Japan's grants to more than \$9.5 millions.

June, 1998 Sven Linder, a former Swedish ambassador to China and the EU's chief election observer pronounced
EU's satisfaction with the voter registration process.
COMFREL noted "the prevailing absence of violence", "no killing took place in relation to voter registration" and the high proportion of eligible voters, 98.3 percent who signed up to cast ballots."

June 1998 Voters have more than 39 political parties to choose from, 19 more than in UN-brokered elections in 1993. There will be 122 parliamentary seats up for grabs in the election.

July 1998 The National Democrat Institute (NDI) and International Republican Institute (IRI) said the pre-election assessment found "systematic and widespread political intimidation and violence have affected the ability of opposition parties to fairly compete in the campaign."

July 1998 Some unknown organizations have registered 20,000 of their members as local observers, taking the total number of local observers to 40,000. The three recognized NGOs as identified by the JIOG are the Committee for Free and Fair Election (COMFREL), the coalition for Free and Fair Elections (COFFREL), and the Neutral and Impartial Committee for Free Election in Cambodia (NICFEC).

26 July 1998 ELECTION DAY “In general, the electoral process was good, no big problems but some small ones,” said Thun Saray, director of COMFREL. Politician estimated that the turnout could total 80-90 percent, in many areas 70-80 percent of eligible voters cast their ballots in the first few hours.

July 1998 The election and vote counting were conducted in a “free and fair” manner, the UN-coordinated Joint International Observers Group (JIOG) said late at night. They urged all parties “to accept and honor the results of the elections without any attempt to undermine the original outcome.”

July 1998 The Asian Networks for Free Elections (ANFREL), led by Gen. Saiyud Kerdphol, released a list of 15 “major concerns” relating to violence and polling irregularities.

Aug 1998 Hun Sen said, “if Funcinpec and Sam Rainsy parties do not agree to attend parliament, the situation will become really bad and will lead to government and parliamentary crisis”. The preliminary result returns show CPP on top, projected to win 64 of the 122 seats, a majority but not the two-thirds necessary to form a government of its own. Funcinpec is projected to win 43 seats and the Sam Rainsy party, 15, according to the projections which both parties claim are based on an illegally adopted seat allotment formula.

Aug 1998 Samraing Kamsan, a spokesman of NEC said NEC has received more than 300 complaints from opposition parties but found no fraud, only slight technical errors.

Aug 1998 The Sam Rainsy party said the death of Pung Sokhom, one of its activists, was a political murder designed to look like a traffic accident.

Aug 1998 The street march through the capital which the opposition claims will draw 10,000 supporters, followed a deadly grenade attack on a sit-in outside the headquarters of the NEC. Amnesty International said “The Cambodian authorities must uphold the right of Cambodian people to peaceful assembly”.

Aug 1998 Up to 15,000 people demonstrated in the capital, making it the largest such protest in Cambodia in decades.

Sep. 1998 The National Election Commission (NEC) announced the final results of election, one day after the Constitutional Council (CC) ended the appeals process by deciding against any more vote recounts. The final tally showed that the Cambodian People’s Party (CPP) had won 2,030,802 votes or 41.2 percent of the registered votes, followed by Funcinpec with 1,554,374

votes or 31.5 percent, and the Sam Rainsy Party (SRP) with 699,653 votes or 14.2 percent.

Sep. 1998 After a meeting with King Norodom Sihanouk in Siem Reap, Hun Sen announced that the King has agreed to allow the current government to continue temporarily if coalition negotiations are not completed by September 24.

Sep. 1998 ASEAN reaffirmed its support for a positive assessment of the Joint International Observation Group (JIOG) describing the nature of the July's elections as "free and fair to an extent that enables it to reflect the will of the Cambodian people".

Sep. 1998 During the morning meeting between Funcinpec, the SRP and the Ministry of Interior, the UN Secretary General's special representative successfully persuade the director general of administration of the Ministry of Interior Prum Sokha to announce that there would be no deadline for sit-in protest.

Sep. 1998 After meeting King Norodom Sihanouk, Prince Ranariddh announced that Funcinpec would not boycott the convention of a new National Assembly to protest alleged election frauds. He said the National Assembly would be convened by the King in Siem Reap and afterward the parliamentarians would go to Angkor Wat to be sworn in.

Sep. 1998 The summit in Siem Reap under the auspices of King Norodom Sihanouk led to an agreement between the CPP, Funcinpec and the SRP that September 24 session of the newly formed National Assembly would be only ceremonial and no proposal for a coalition government would be discussed.

Sep. 1998 Members of the CPP, Funcinpec and the SRP met in the first round of working group negotiation. However, the negotiation failed to put the newly opened National Assembly into action.

Sep. 1998 King Norodom Sihanouk announced his possible departure from Cambodia to pressure the working group negotiation to reach agreement on the formation a new government.

Nov. 1998 A preliminary agreement was reached, ending a three-month long deadlock. Hun Sen and Ranariddh signed a treaty, leaving the sole premiership to Hun Sen and the house speaker ship to Ranariddh. Outgoing speaker Chea Sim will be chairman of the Senate, to be created through amending the Constitution. Both will nominate one deputy prime minister. Hun Sen's CPP

got the key economic ministries, including Finance and Commerce, as well as Agriculture and the Foreign Ministry. Funcinpec got the Ministries of Justice, Information, Rural Development, Education, Health, Culture and Religion. The two key Ministry of Interior and Defense will be shared by the two parties. And the Parliament was convened.

July/Aug.2000 Ministry of Interior drafts proposed commune council election legislation.

January, 2001 Parliament agrees and signs commune council legislation.

February 2001 Senate agrees to legislation.

March, 2001 Passed by constitutional council

19 March,2001 King Sihanouk signs commune council legislation into law.

July, 2001 A Funcinpec commune election candidate was shot by an unknown assailant in his Sampoy Meas home in Pursat province.

July, 2001 Increasingly, within voter registration period from 21 July 2001 till 8 August 2001, Comfrel's own network has reported about 9 cases of destruction and tearing down of political party signboards, verbal threats, prohibition of political party activities and killing attempt. These incidents happened in Kampong Cham (4), Kampot (4) and Rattanakiri (1) provinces. This figure does exclude widespread incidents of interference by local authority including police, commune and village chiefs and military in voter registration stations in many provinces.

July, 2001 A report from human rights investigators has declared the shooting death of Sam Rainsy Party member Uch Horn a political act, a finding that makes him the first victim of political violence this year.

July, 2001 A popular Funcinpec commune election candidate was shot and killed in front of his home in Kampong Chhang Tuesday night, the third candidate shot in the past three weeks. Mean Soy, 57, of Svay Chuk commune, Samaki Meanchey district, was climbing the stairs to his home in Trapeang Match village at about 8.30 pm Tuesday when he was fired on by two assailants.

August, 2001 Toch Voeun, 54, a Sam Rainsy party candidate for the commune elections, was gunned down at his home in Siem Reap's Ta Peam village on August 23. The killing –the third in two months – followed the setting up by Prime Minister Hun Sen of a special security committee to ensure the safety and security of all electoral candidates. The Cambodian Human Rights Action Committee (CHRAC), which represents 18 local NGOs, said in a monitoring report dated August 29 that in addition to the latest killing, at least 82 cases of political threats and intimidation had been reported since January.

September, 2001 Election monitoring organization (EMO) blamed numerous reasons for the lower than expected voter registration for the upcoming commune elections. They said that poor organization and a lack of time, resources and education, has combined with violations of election law and irregularities to produce lower registration than in previous election.

According to the National Election Committee (NEC), 83 percent of the 6 million eligible voters registered. This represented a 10 percent drop on registration in the 1998 election.

"It was difficult for some people to find out where they should register. Others that know (found that) when they arrived at the station, officials said there were not enough materials to register everyone," she said.

There have been several cases of violence linked to the commune election since eight members of the opposition

Sam Rainsy Party (SRP) have been killed, said Eng Chhay Eang, secretary general of the SRP. So have four members of Funcinpec said a source from that party.

September, 2001 A Sam Rainsy Party candidate for commune council in Kampong Cham province was killed Friday in what police are calling an armed robbery. Opposition party members say it was political killing, the fourth such homicide and the third of Sam Rainsy Party candidate in the past four months.

November, 2001 Another Sam Rainsy party candidate for the February, 2002 commune elections has been murdered. Sam Sophear, 30, was ambushed and severely beaten by five men in Battambang November 5. Sophear's brother, who was with him at the time, escaped and raised the alarm but was too late for the aspiring politician, who died in hospital four hours late.

The Svay Pr commune candidate was the fourth candidate to be murdered this year-three were from the SRP while the other was from Funcinpec.

November, 2001 Hang Puthea, executive director of the neutral and impartial Committee for Free and Fair Election in Cambodia (NICFEC), said there were cases of authorities going door to door, asking people for their name and their number on their voter identification card. In some instances, the voter identification card was seized.

January, 2002 The body of Vat Din, 55, candidate number 2 for Koh Preah commune (NEC Code 19008), Siem Bauk district, Strung Treng province, was found floating on the Mekong river.

January, 2002 Sam Rainsy party, Yim Sokha, National Assembly member, was killed on Monday in a traffic accident on Route 4 in Koh Kong province.

January, 2002 Three candidates killed during 3 day period.

A string of deadly shootings has left people dead, three of them are women seeking political office, officials said. UN report sharply criticized election violence a critical UN report says the government has failed to enforce both criminal and election laws that have been violated during a wave of killings and political intimidation tied to the Feb.3 Commune Council Elections.

Harassment by CPP claimed in Anlong Veng accusations of death threats and bribing of potential voters have been raised from commune and district officials.

18January – 1 Feb. “Campaign period”, Anfreil put its concern at political campaign climate which violence and intimidation of candidates and activists has seriously impeded their freedom to campaign effectively and safety.

Anfreil calls for an end to violence and intimidation as well as comment on CEC and PEC of not doing enough to uphold election law.

3 February, 2002 COMMUNE ELECTION DAY (for 1,621 Local Commune Councils)

(from NGO sources and Media reports)

by Nick Longworth

APPENDIX

*Appendix 1***Electoral Calendar of the 2002 Communal Council Elections**

- | | |
|---------------------------|---|
| ▪ April 30, 2001 | Appointment of NEC staff |
| ▪ May 31, 2001 | Appointment of PEC members |
| ▪ June 5, 2001 | Election of NGOCC members |
| ▪ June 19, 2001 | Appointment of PEC staff |
| ▪ July 5, 2001 | Appointment of CEC and RSO |
| ▪ July 6-10, 2001 | Change in the location of registration stations |
| ▪ July 11, 2001 | Publication and posting of registration stations' locations |
| ▪ July 21, 2001 | Beginning of voter registration and registration updates period |
| ▪ August 16, 2001 | End of voter registration and registration updates period |
| ▪ September 20-24, 2001 | Posting of preliminary voter list |
| ▪ October 13, 2001 | End of registration process |
| ▪ October 14, 2001 | Beginning of candidate registration |
| ▪ December 2, 2001 | End of candidate registration |
| ▪ January 18, 2002 | Beginning of electoral campaign |
| ▪ February 1, 2002 | End of electoral campaign |
| ▪ February 3, 2002 | Polling day |
| ▪ February 4-6, 2002 | Preliminary results announced by CEC |
| ▪ February 7-9, 2002 | Appeal to PEC |
| ▪ February 10-14, 2002 | PEC decision |
| ▪ February 11-14, 2002 | PEC post-preliminary results and seat allocations |
| ▪ February 15-16, 2002 | Appeal to NEC |
| ▪ February 19-22, 2002 | Official results |
| ▪ March 19-22, 2002 | Re-elections |

Appendix 2

Suspected Politically-Motivated Killings (As of January 2001)

No	Date	Province	Communes	Victim Gender M= Male F =Female	Party affilia tion	Position	Follow up
1	1/2/02	SVAY RIENG	Svay Teab district, Romeang Thkaol commune, Taleang village	Sao Savon (M)	NICFEC	observer	No arrests have been reported in this case
2	25/1/02	BANTEAY MEANCHEY	Preah Nethr Preah district, Teuk Chaur commune village	Phal Siev (M)	CPP	Two year old son of CPP candidate Loeng Ponlek	No arrests have been reported in this case
3	5/1/02	SVAY RIENG	Svay Chrum district, Kork Pring commune, Don Leap village	Touch Sean (F)	SRP	candidate	Phreap Samol, a policeman, was arrested on 12 January 2002. Two others suspects, Keo Thy and teng Savon, were arrested on 13 and 14 January 2002 respectively. All three were still being detained as of 15 March 2002.
4	4/1/02	KAMPOT	Chumkiri district, Chumpoyoan commune, Khley village	Long Kim Thon (F)	FUN	candidate	Net Noeut, a civilian, was arrested in January 2002. The suspect was still in detention as of 15 March 2002.
5	4/1/02	KAMPOT	Chumkiri district, Chumpoyoan commune, Khley village	Soun Kroeu (F)	FUN	activist	Net Noeut, a civilian, was arrested in January 2002. The suspect was still in detention as of 15 March 2002.

6	14/12/01	SIEM REAP	Pouk district, Teuk Vil commune, Sandan village	Ros Don (M)	FUN	candidate	Keut Kun, Sort Sat, and Chhav Chhoeun were sentenced by Siam Reap provincial court to 12 years imprisonment each on 22 February 2002. All three are appealing.
7	12/12/01	TAKEO	Prey Kabas district, Kampeng commune, Kampeng Kandal village	Om Chiekleng (M)	FUN	candidate	Vong Yon, a civilian, was arrested on 13 December, 2001
8	8/12/01	KAMPONG THOM	Stung Sen district, Tbong Kropeu commune, Kal Mek village	Ouk Sao (M)	SRP	activist	No arrests have been reported in this case
9	14/11/01	KAMPONG CHAM	Tbong Khmum district, Srolop commune, Veal Knach village	Phuong Sophath (M)	SRP	member	No arrests have been reported in this case
10	14/11/01	KAMPONG CHAM	Tbong Khmum district, Srolop commune, Tropaing Dom village	Toun Phally (M)	FUN	candidate	Youn Samorurn, a former militia chief was arrested in January 2002. Lang Sarin and Len Saveth, both policemen, were arrested on 5 March 2002. The three suspects remained in detention as of March 15, 2002.
11	5/11/01	BATTAMBA NG	Battambang district, Prek Preah Sdach commune, O' Kchany village	Sam Sophear (M)	SRP	candidate	Seven people were sentenced to prison terms on 1 February 2002. One of the seven, Abdul Karim, was sentenced to 15 years imprisonment in absentia but has not been apprehended.

12	21/9/01	KAMPONG CHAM	Chamkar Leu district, Chey-yo commune, O Pech village	Chhim Leang Sri (M)	SRP	prospective candidate	No arrests have been reported in this case
13	23/8/01	SIEM REAP	Chikreng district, Kampong Kdei commune, Ta Peam village	Touch Vooun (M)	SRP	prospective candidate	Police say the cause of death was an accident.
14	17/7/01	KAMPONG CHHNANG	Samaki Meanchey district, Svay Chek commune, Tropaing Mtes village	Meas Soy (M)	FUN	candidate	Phan Tung Hok, a soldier, was acquitted during trial on 27 November 2001. No new arrest has been made in connection with this case.
15	30/6/01	KAMPONG SPEU	Baseth district and commune, Sre Traok village	Uch Horn (M)	SRP	member	Sang Rin, a civilian, and Tes Vanchum, a policeman were sentenced to 15 years imprisonment for murder and 14 years imprisonment for complicity in murder respectively, on 12 October 2001. Tes Vanchum has appealed.
16	14/1/01	KAMPONG CHAM	Tbong Khmum district, Chiro II commune, Toul Vihear village	Chhay Than (M)	FUN	prospective candidate	No arrests have been reported in this case
17	3/1/01	KAMPONG CHAM	Dambe district, Teuk Chrov commune, Mesor village	Phuong Phann (M)	SRP	activist	Youn Tang Lay, a soldier, was arrested on 26 January 2002. The suspect was still in detention as of 15 March 2002. No date for a trial has been announced.

Appendix 3

Statements of ANFREL Election Observation Missions

December 30, 2001

Asian Biggest Poll Watch Network Starts Monitoring Activity in Cambodia

The Asian Network for Free Elections (ANFREL), the biggest regional network of non-governmental election monitoring, democracy advocacy and human rights organizations in Asia, has started its observation mission in Cambodia. In collaboration with 21 member organizations from 11 Asian countries, ANFREL has been active in deploying election observers to ensure the integrity, credibility and transparency of electoral process in Bangladesh, Cambodia, East Timor, the Philippines, India, Indonesia, Malaysia, Sri Lanka, Nepal, Japan, Hong Kong and Thailand since 1997.

For the upcoming Commune Council Election scheduled on 3 February 2002, the National Election Commission of Cambodia (NEC) welcomes ANFREL's decision to send international observers to witness Cambodia's transition toward a pluralistic decentralized system of government through the creation of democratically elected councils in each of the country's 1621 communes. Also marked as the historic event to celebrate its fourth anniversary of election observation activity in Asia, ANFREL's roles in the Commune Council Election is a continuation of its supports to the consolidation of democracy and good governance in Cambodia. After participating actively in the National Assembly Election in 1998, ANFREL continues to work with the Committee for Free and Fair Elections in Cambodia (COMFREL) as well as with other governmental and non-governmental organizations to promote and support people's participation and representation in democratic governance in all aspects and at all levels. In support of COMFREL, ANFREL deployed 9 long-term observers from Japan, Malaysia, Sri Lanka, Bangladesh and Thailand in sensitive constituencies in Preah Vihear, Battambang, Pailin, Odar Meanchey, Po Sat, Koh Kong, Kampong Cham, Kratie and Phnom Penh on 24 December 2001. A

strong team of 45 short-term international observers will also be deployed throughout the country one week before the polling day.

ANFREL's international observers will monitor the preparation of electoral process, the enforcement of election campaign regulations, the participation of people's organizations, the media and the voting public, the conduct of balloting and vote count as well as the surrounding political climate. After the polls, they will monitor the review of complaints, the declaration of election result and the installation of election winners. They will also document and report irregularity and violence to the Cambodian authority and the public both in Cambodia and in the international community.

The Commune Council Election will be Cambodia's first effort to realize its aspiration for liberal democracy through multi-party electoral contest and decentralization process. In this connection, ANFREL would like to stress that candidates and political parties that come to power by means of thuggery and cheating would not be acceptable by the people of Cambodia and the international community. Particularly with regard to reports about ten election-related killings of candidates and agents of the Sam Rainsy Party and the FUNCINPEC Party, ANFREL strongly urges all contesting candidates and political parties not to use violence. They should strictly observe the principles of tolerance, fair play, mutual respect, rule of law and good citizenship. Moreover, statement and message that may instigate hatred and public unrest should be avoided. The impartiality, decisiveness and fairness of the NEC and government agencies in the handling of electoral conflict, violation and irregularity will also be an essential factor that can make election result acceptable by all sides.

For more information, please contact ANFREL's Election Monitoring Program Coordination Ms. Somsri Berger in Phnom Penh tel. (855) 012-781457 or Mr. Sunai Phasuk tel. (855) 012-783534 (Phnom Penh, Cambodia) / (66) 01-6323052 (Bangkok, Thailand).

January 9, 2002

Domestic observers must be allowed to work effectively, independently and safely to monitor Cambodia's Commune Council Election

In cooperation with the Committee for Free and Fair Elections in Cambodia (COMFREL), the Asian Network for Free Elections (ANFREL) has started its long-term observation of the Commune Council Election.

This election signifies unprecedented efforts of Cambodian people in establishing a new system of grassroots government conducive to the protection of human rights and the formation of a democratic rule as well as capable of delivering efficiency, accountability, transparency, fairness and morality in the conduct of local administration.

In this connection, ANFREL sees the necessity to have independent mechanism representing Cambodia's civil society to play an active role in promoting a free and fair election environment. The work of domestic election observers must not be unduly and unlawfully obstructed. It would be undemocratic if members of these monitoring organizations are put into an environment in which they could not function effectively, independently and safely to ensure the integrity, credibility and transparency of the polls.

Unfortunately, current situations indicate that COMFREL and other accredited domestic monitoring organizations have experienced problems in dealing with the authority, especially the NGO Coordinating Committee for Commune Election Observation (NGOCC), the National Election Committee (NEC) and local administration officials.

The NGOCC, in particular, have reportedly been uncooperative in facilitating the issuing of observer's accreditation cards. COMFREL and other monitoring organizations complain that procedures to obtain

accreditation cards are unnecessarily complicated, confusing, slow and expensive.

Moreover, there are confusions among local government officials about the roles of domestic monitoring organizations. For example, members of COMFREL in Kep, Kratie and Bantey Meanchay reported that local government officials obstructed their monitoring and voter/civic education activities.

Apart from that, as election-related violence has gradually occurred in many parts of the country, ANFREL is also concerned about the safety of members of domestic monitoring organizations.

ANFREL strongly urges the NEC, the NGOCC and related government agencies to respect and guarantee the rights and safety of domestic monitoring organizations so that they could work effectively and independently to ensure the free and fair conduct of the Commune Council Election.

For more information, please contact ANFREL's Election Monitoring Program Coordination Ms. Somsri Berger tel. (855) 012-781457 (Phnom Penh, Cambodia) or ANFREL's Research and Information Program Coordinator Mr. Sunai Phasuk tel. (855) 012-783534 (Phnom Penh, Cambodia) / (66) 01-6323052 (Bangkok, Thailand).

January 16, 2002

ANFREL Pre-Campaign Observation Report

ANFREL is deeply concerned by the disturbing pattern of political violence and intimidation that has increased over the last few weeks as the start of the official campaign period draws near. ANFREL calls on the Royal Government of Cambodia to demonstrate its commitment to free, fair and peaceful Commune Council Elections

Asian Network for Free Elections (ANFREL), the biggest regional network of election monitoring and human rights organizations in Asia, is deeply concerned by the disturbing pattern of political violence and intimidation experienced in many areas of Cambodia over the last few months. Reports of election-related violence have increased over the last few weeks as the start of the official campaign period draws near. In this connection, ANFREL requests in the strongest terms that the Royal Government of Cambodia takes action to quickly, decisively and impartially address this serious situation and acts to prevent the spreading of violence and other violations of election laws during the campaign period and on the election day.

Over the last 12 months, local and international election-monitoring organizations have reported that at least 15 candidates and political activists were killed in suspicious circumstances related to the upcoming Commune Council Elections. All victims were members from either FUNCINPEC or the Sam Rainsy Party (SRP). The level of violence has increased in the run-up to the polls on 3 February 2002 with 9 deaths since November 2001, of which 3 were in the first week of January 2002. Other serious acts of violence and intimidation against political activists have been reported across the country. Political violence is affecting the surrounding atmosphere of election contests in almost every province, but is particularly severe in a handful of western, central and southeast provinces.

In support of the Committee for Free and Fair Elections in Cambodia (COMFREL), ANFREL has positioned 9 long-term observers from

Japan, Malaysia, Sri Lanka, Bangladesh, England and Thailand in sensitive constituencies in Preah Vihear, Battambang, Pailin, Kampot, Po Sat, Koh Kong, Kampong Cham, Kratie and Phnom Penh since December 2001. The focus of ANFREL observation includes: the situation of violence and corrupt practices, the preparation of electoral process by the National Election Committee (NEC) and related agencies, the enforcement of election laws and regulations, the participation of people's organizations, the media and the voting public and the political climate in general.

Apart from the killings of candidates and political activists from FUNCINPEC and SRP, ANFREL long-term observers report that:

- Politically motivated violence and intimidation in various forms are widespread and likely to poison the environment of the Commune Council Elections in the way that may seriously jeopardize the freeness and fairness of the polls. Intimidation of candidates and political activists from FUNCINPEC or SRP increased during voter registration and again during candidate registration. The frequency and severity of intimidation in the run up to the campaign period is high. Such political intimidation in some places is not new, but can be traced back to the nation-wide crackdown on the Cambodia Freedom Fighters (CFF) in 2000. Members of SRP, especially in some of the areas of Pailin and Battambang, have been accused of being CFF members and threatened with arrest by the local authorities and military personnel. Candidates from SRP in Samlot and Kamrieng districts of Battambang complained that there were too scared to undertake campaign activities. This may result in a "de facto one-horse race" in these districts. There are also reports that candidates and political activists from FUNCINPEC and SRP in Kiri Sakor and Sre Ambel districts of Koh Kong were attacked and intimidated by members of the ruling Cambodian People's Party (CPP).
- Local officials and political activists from CPP in Battambang, Koh Kong, Kratie and Kampong Cham have sought sworn-assurance from voters to vote CPP, sometimes documented with thumbprints

and voter registration numbers. Voters have also been informed that their ballots can be tracked. The perpetuation of this problem will seriously undermine the principle of secret ballot and voter's freedom of choice.

- CPP, FUNCINPEC and SRP have been involved in premature campaign activities, before the starting of the campaign period on 18 January 2002.
- All major parties have reportedly been involved in vote buying activities. Packets of cash in the amount of 5,000 riel, MSG, cloths and sarongs have been distributed by CPP to voters in Koh Kong. Similar activities were also allegedly committed by FUNCINPEC in Po Sat while SRP has been accused of giving vitamins to people in several provinces. Apart from vote buying in cash and in kind, there are many activities that can be interpreted as efforts to induce support from voters. Throughout the country, rice and relief packages from the government have been distributed to people allegedly to build up popularity of CPP in the Commune Council Elections. Political activists from CPP have cited openly of development projects of the government as examples of benefits that people will receive if they vote CPP.
- There appears to be a lack of commitment to uphold election laws and regulations. NEC has not enforced the Code of Ethics to govern the conduct of candidates and political activists as well as everyone else involved in the electoral process. As most CPP candidates have been selected from incumbent commune officials, it is unlikely to expect impartial practice by officials in the CPP-dominated administrative and security machinery. Local officials are not willing to use existing laws in cases related to political violence, intimidation or breaches of electoral law. Investigations into political killings and acts of violence have serious shortcomings and the alleged perpetrators have not been brought to justice. This is the root cause of a culture of impunity that will foster the perpetuation of violence in the Commune Council Elections.

In this connection, ANFREL stresses that candidates and political parties that come to power by means of thuggery and cheating would not be acceptable. ANFREL strongly urges all contesting candidates and political parties not to use violence. They should strictly observe the principles of tolerance, fair play, mutual respect, rule of law and good citizenship. The impartiality, decisiveness and fairness of the NEC and government agencies in the handling of election administration and in the upholding of law and order will be an essential factor that can make the Commune Council Elections free, fair and peaceful.

- The upcoming Commune Council Elections signify unprecedented efforts to establish a new system of democratic grassroots government capable of delivering efficiency, accountability, transparency, fairness and morality in the conduct of administration. Yet there is insufficient knowledge among voters about the significance of the Commune Council and the Commune Council Elections. In this regard, ANFREL sees that accredited local election monitoring organizations merit more support from the Royal Government of Cambodia, NEC and related agencies. It is necessary to have independent mechanism representing Cambodia's people to play an active role in raising voter awareness and in promoting a free and fair election environment. The work of these organizations must not be unduly and unlawfully obstructed. It will be undemocratic if members of accredited local election monitoring organizations are put into an environment in which they cannot function effectively, independently and safely.

For more information, please contact

ANFREL Research and Information Program Coordinator Mr. Sunai Phasuk

Tel. (66) 01-6323052 (in Thailand) / (855) 012-783534 (in Cambodia)

Email: sunai@forumasia.org

ANFREL Election Monitoring Program Coordination Ms. Somsri Berger

Tel. (66) 01-8105306 (in Thailand) / (855) 012-781457 (in Cambodia)

Email: anfrel@forumasia.org

28 January 2002

Short-Term International Observers Arrive in Cambodia

The Asian Network for Free Elections (ANFREL), the biggest regional network of non-governmental election monitoring in Asia, has started monitoring activity for Cambodia's Commune Council Elections on 24 December 2001 with 9 long-term observers deployed in Kratie, Kampong Cham, Svay Rieng, Kampot, Koh Kong, Posat, Battambang, Pailin and Preah Vihear.

Today, a strong team of 60 short-term observers from 17 countries has arrived to reinforce ANFREL's effort to ensure the integrity of the election process that will establish a decentralized system of government through the creation of democratically elected councils in each of Cambodia's 1,621 communes.

Under the leadership of General Saiyud Kerdphol ANFREL's chairman and Mr. Xanana Gusmao, East Timor's independence leader, ANFREL's international observers will monitor the preparation of election process; the enforcement of election laws and regulations; the participation of people's organizations, the media and the voting public; the conduct of balloting and vote count; and the surrounding political climate. After the polls, they will monitor the review of election complaints, the declaration of election result and the installation of election winners. They will also document and report irregularity and violence to the Cambodian authority and the public both in Cambodia and in the international community.

The Commune Council Elections will also mark the historic event to celebrate ANFREL's fourth anniversary of election observation activity in Asia that began with the observation of Cambodia's General Elections in 1998.

For 4 years, ANFREL has been active in deploying election observers to ensure the integrity, credibility and transparency of election process in

Bangladesh, Cambodia, East Timor, the Philippines, India, Indonesia, Malaysia, Sri Lanka, Nepal, Japan, Hong Kong and Thailand.

ANFREL's election monitoring activity in Cambodia's Commune Council Elections is in collaboration with the Committee for Free and Fair Elections in Cambodia (COMFREL) and the Coalition for Free and Fair Election (COFFEL).

For more information, please contact ANFREL's Election Monitoring Program Coordination Ms. Somsri Berger tel. (855) 012-781457 (Phnom Penh, Cambodia) or ANFREL's Research and Information Program Coordinator Mr. Sunai Phasuk tel. (855) 012-783534 (Phnom Penh, Cambodia) / (66) 01-6323052 (Bangkok, Thailand).

5 February 2002

**Cambodia Commune Council Elections:
ANFREL Preliminary Findings of Election Day**

On Sunday, the Cambodian people affirmed their commitment to democracy in Cambodia by voting for new commune authorities across the country.

The Asian Network for Free Elections (ANFREL), upon the invitation of the National Election Committee (NEC) and the Committee for Free and fair Elections in Cambodia (COMFREL), has been monitoring the election process in Cambodia since the end of last year. ANFREL deployed 7 long-term observers in sensitive provinces to monitor the environment in the run-up to the election. For the election day itself, a further 65 short term observers were deployed across Cambodia. Observers visited all 24 provinces and more than 400 polling stations to monitor the vote and the counting. The following assessment is based on our observations.

1. After the violence and intimidation that preceded the election, ANFREL is pleased that the day itself passed off peacefully and almost without incident.

- There was a positive atmosphere at polling stations across the country and no reports of violence or serious intimidation. The atmosphere was sometimes festive and people were clearly very excited to have the opportunity to exercise their vote.
- We were impressed by the enthusiasm shown by the people of Cambodia. They came early to vote and in large numbers. Frequently we found that by 9 or 10 a.m. most people had already

cast their vote.

- Unruly crowds of voters at polling stations early in the morning did create some tension and confusion, which the single polling station officer responsible for security was often unable to control. In at least one polling station in Phnom Penh there were confrontations between impatient voters trying to get in to vote. In other places we observed people simply giving up and returning home without voting. Simple measures could and should be introduced to control this situation.
- 2. The conduct of balloting and vote counting on the election day was generally well organized in accordance with regulations. Polling station officers and the election commissions should be commended for this.**
- Polling stations were generally well-organized and set up in accordance with electoral law and regulations. In all but one very remote area, polling stations received the necessary election material. Unlike in other countries, polling booths were not placed near open windows where they could be overlooked. Polling station officers were basically competent and fulfilled their duties in a conscientious manner, and they must be given credit - especially considering the limited training they received.
 - Domestic observers were present in every polling station we visited, mainly from COMFREL, COFFEL, and NICFEC. These Cambodian NGOs should be commended for their success in recruiting and training such a huge country-wide network of volunteers.

- Party agents were present in almost all polling stations. Usually there were 3 agents - one from each of the three largest parties. Party agents were often vigilant in ensuring that correct procedure was followed inside the polling station.

3. There were some technical irregularities but generally these did not significantly affect the validity of the process.

- The most serious technical violation ANFREL observed was voting by people in contravention of the election law in a small number of polling stations. In Pailin, 8 voters were allowed to vote whose names could not be found on the list, and 1 voter was allowed to vote without a registration card. In both cases, the presiding officers explained that all party agents had agreed to this.
- In most polling stations, voters' index fingers were not seriously checked before being allowed to vote.
- Generally, inconsistent standards for determining validity of ballot papers were applied from one polling station to another.
- In some places, polling stations were slow to open due to difficulties faced by polling station staff in setting up the ballot box.
- In some polling stations in Battambang, Banteay Meachey, and Ratanakiri provinces, ballot boxes were not continuously sealed throughout the entire voting process.
- In some polling stations, the multi-stage counting process stipulated by the NEC was not strictly followed.
- During the actual count, some polling station chairmen were observed displaying ballot papers too fast to ensure verification by party agents and observers.
- At least two polling stations had moved their locations just before polling day, possibly leading to confusion on the part of voters.

4. ANFREL is concerned at the number of unauthorized people observed in or around polling stations. Usually they did not appear to be interfering with the electoral process, but given the history of political intimidation in Cambodia, including in the runup to this election, such people may have influenced voters' decision in some cases.
- The most serious case was reported in Otdar Meanchey province, where the Tropieng Prasat District Chief (wearing a CPP party agent badge) sat behind the polling booth instructing people how to vote; this behavior seriously violated the secrecy of balloting.
 - In two polling stations in Battambang and Takeo provinces, police with firearms were found within the security perimeter of the polling station. In Stung Treng province, uniformed police were present inside and at the door of a number of polling stations.
 - In many polling stations, candidates and village and commune chiefs were observed loitering inside the security perimeter of polling stations. In a smaller number of cases, such people were observed standing at the door of the station.
 - In some cases, more than one party agent of a particular party was found in a polling station at the same time.

Concluding remarks

ANFREL is pleased to observe that the election day passed peacefully and without serious instances of violence or intimidation. But an election is not a single day of voting; it must be judged as a process that includes voter registration, campaigning, as well as the transition period until the new officials take office. Let us not forget the violence that preceded the election, the people killed, and the people harmed.

At the polls we observed that officials generally followed proper

procedures during the vote and the counting; however, there were still too many technical irregularities. Most of these were minor incidents, but they suggest that training for polling station officials and education for voters may not have been adequate and that some regulations need to be clarified. We call on the NEC to address these issues before the next election.

We observed isolated examples of more serious irregularities that imply either a lack of understanding or a lack of commitment to democratic values. ANFREL calls on the NEC to investigate and take action against those responsible. A clear demonstration of vigilance and impartiality by the NEC in this regard is essential to ensure the continued strengthening of the democratic system in Cambodia.

With these elections, Cambodia has taken another step towards establishing democracy in this country, but there remains much work to be done before the national elections next year. Democracy is not only what happens during the vote, nor even during the campaign. As ANFREL mission co-chair Xanana Gusmao observed, it is a process - of education, of building participation, and of building confidence.

We will continue to monitor developments after the election and assist the Cambodian people on their path to building a more democratic society.

ANFREL is the biggest regional network of non-governmental election monitoring organizations in Asia. It has started an observation mission in Cambodia since 24 December 2001. In collaboration with 21 member organizations from 11 Asian countries, ANFREL has been active in deploying election observers to ensure the integrity, credibility and transparency of electoral process in Bangladesh, Cambodia, East Timor, the Philippines, India, Indonesia, Malaysia, Sri Lanka, Nepal, Japan, Hong Kong and Thailand. The mission in Cambodia Commune Council Elections marks the 4th anniversary of ANFREL election monitoring activity.

*Appendix 4***Statements of ANFREL Post Election Follow-up**

(July 4, 2002)

PRESS RELEASE**RECOMMENDATION ON CAMBODIA ELECTORAL REFORMS**

The ongoing efforts to reform the election law is timely and commended. We, the regional participants to the Seminar on Election Reform in Cambodia would like to express our support and encouragement to the Election Monitoring Organizations (EMO) in this endeavor.

A. Priority to NEC Reform

To ensure free and fair elections, the Electoral Body (NEC, PEC, CEC and PSC) should be free and neutral; all other related organizations involved in the election process (such as judiciary, police force, military, government officials, NGO, media) should be free, impartial, non-partisan and neutral as well. However, the NEC should be the priority in the reforms to ensure public trust, effective administration of election and just persecution of election law violations. We believe that all sectors of the society like the lawyers' organizations, civil society and media should be included in the consultation and reform process.

B. NEC Composition to ensure Public Trust

The criteria for a genuine electoral body (NEC) should include the following: -

- i. The NEC members' should be non-partisan
- ii. The NEC member selection process should be transparent
 - To achieve this, there should be a selection committee comprised of representatives encompassing a wider social spectrum including NGOs, representatives of the Bar association, academics, media and political parties who will act as a screening body to receive application from the

- public, and to nominate twice the number of required NEC members as candidates for the parliament's consideration.
- To achieve a more democratic practice, consensus should be sought in the decision making process.
- iii. The continuity of the NEC leadership should be preserved. The NEC should have a permanent office, which is backed-up by a permanent and autonomous administrative office at least at provincial/ municipal level and not just run as an adhoc organization.
- iv. The NEC members should enjoy security of tenure

C. On NEC power

The NEC should have the power to regulate the equal access to media for all contesting body during the election period. From the experience of Thailand, Philippines, Sri Lanka and Bangladesh, such power is considered essential for an electoral body.

To ensure an effective dealing with all forms of election infractions, the electoral body (NEC) should be given full authority as far as the election procedures are concerned. This included the power to file a case in the court, power to postpone an election, to rule on candidate's qualification, to relocate any polling stations etc.

From our regional experiences, there is always a clear distinction between election related criminal cases and non-criminal cases. The criminal jurisdiction should be kept to the judiciary while the electoral body (NEC) will concentrate on decisions related to the conduct of elections.

In exercising the said power, the NEC should be accountable to the constitution, to the law and in final instance, to the people at large.

Released by

- 1) Mr. A.D. de Silva, former Deputy Chair, Election Commission of Sri Lanka

- 2) Mr. Asadduzaman, member of the Board of Directors of ANFREL and ODIHKAR (A Coalition for Human Rights), Bangladesh
- 3) Mr. Damaso G. MAGBUAL, member of the Board of Directors of ANFREL, and Deputy Secretary General for National Citizens Movement for Free Election (NAMFREL), Philippines
- 4) Dr. Gothom Arya, former Election Commissioner of Thailand
- 5) Ms. Laddawan Tantivitayapitak, Specialist for Department of Public Participation, the office of Election Commission of Thailand (ECT)

*Appendix 5***Schedule of ANFREL LTO and STO Missions**

24 December 2001	<ul style="list-style-type: none"> All LTOs arrive in Phnom Penh
13-15 January 2002	<ul style="list-style-type: none"> Half-term de-briefing for LTOs in Phnom Penh
28 January 2002	<ul style="list-style-type: none"> All STOs arrive in Phnom Penh
28-29 January 2002	<ul style="list-style-type: none"> Briefing and training sessions Press conference
30 January 2002	<ul style="list-style-type: none"> Deployment to the province to begin actual observation
31 January - 2 February 2002	<ul style="list-style-type: none"> Senior members and Phnom Penh teams visit domestic mentoring/democracy/human rights organizations, the National Election Committee (NEC), the police, the media and political parties
1 February 2002	<ul style="list-style-type: none"> Last day of election campaign
2 February 2002	<ul style="list-style-type: none"> Quiet day Mr. Xanana Gusmao arrive in Phnom Penh in the evening at 7:00pm.
3 February 2002	<ul style="list-style-type: none"> Polling day
4 February 2002	<ul style="list-style-type: none"> All STOs and LTOs return to Phnom Penh De-briefing (afternoon)
5 February 2002	<ul style="list-style-type: none"> Press conference (morning) ANFREL General Assembly (afternoon)
6 February 2002	<ul style="list-style-type: none"> All STOs depart Phnom Penh
15 February 2002	<ul style="list-style-type: none"> All LTOs depart Phnom Penh

Appendix 6
ANFREL Election Observers
List of Deployment

	City/ Province	Name of LTOs/STOs	Contact number of local coordinator
1	Phnom Penh	Gen. Saiyud Kerdphol (Thailand)	Mr. Kim Chhorn
		Mr. Xanana Gusmao (E. Timor)	#138, St. 122, Sangkat Tek Laak I Tel. 023 884150 012 942019
		Mr. Somchai Homlaor (Thailand)	
		Ms. Auxilium Olayer (Philippines)	
		Ms. Somsri H. Berger (Thailand)	
		Mr. Asaduzzaman (Bangladesh)	
		Mr. Sunai Phasuk (Thailand)	
		Ms. Eva Degli Albizi (Germany) Mr. Buddhadeb Chaudhuri (India) Ms. Nivana CHENG (Cambodia)	
2	Kandal	Mr. Damaso Magbual (Philippines) Ms. Bettina Solinger (Germany) Mr. Nick Longworth (USA) Ms. Nisa Chamsuwan (Thailand) Ms. Sri (Indonesia) Mr. Michiya Kumaoka (Japan)	Ms. Ny Sokha #133, Deo, Nat. Rd.2 Takhmao Tel 012 883054
3	Takeo	Ms. Darunee Puapongsakorn (Thailand) Mr. Santos Lamban (Philippines)	Mr. Men Makara tel. 016 867520
4	Kampong Speu	Ms. Saya Noda (Japan) Mr. Wimal Fernando (Sri Lanka) Ms. Florence Gonzalez (France)	Ms. Ouch Bo Tel. 025 987265 012 948690
5	Prey Veng	Mr. Denis Dressel (Germany) Mr. Marc Smith (USA)	Mr. Kea Sophal Rd. 280, Kamponglean, Tel. 043 944528
6	Kampong Thom	Ms. Mao Kurahashi (Japan) Mr. Rodolfo Ticao (Philippines)	
7	Koh Kong	Ms. Anna Lena Carlsson (Sweden) Mr. Park Sangbum (South Korea)	Mr. Neu Solina
8	Sihanouk Ville	Mr. Stephen Beeby (Australia) Mr. Kazuhiko Aiba (Japan)	Mr. Sam Sarin

9	Kampot	**Mr. Jethro Stern (United Kingdom) Mr. Kazuo Watanabe (Japan) Ms. Helena Klingvall (Sweden)	Ms. Try Chhoun Tel. 033 932658
10	Battambang	**Ms. Pornpen Khonghachonkiet (Thailand) Ms. Jutta Mochringer (Germany) Mr. Uesugi Yuji (Japan)	Mr. Yin Mengly Tel. 053 952829 012 970823
11	Pailin	Mr. Hiroshi Yamada (Japan) Mr. Koichi Oshima (Japan)	Mr. Suy Sovann
12	Keb	Ms. Susanee Maria Muller (Germany)	Mr. Try Chhoun
13	Pursat	**Mr. Kamal Perera (Sri Lanka) Mr. Tamaki Tomohiro (Japan)	Mr. Bin Saroeung
14	Kratie	**Md. Jahagir Kabir (Bangladesh) (Mr. Asaduzzaman will join later)	Mr. Im Samborina
15	Rattanakiri	Mr. Naoto Sakaguchi (Japan) Ms. Yoshida Mayumi (Japan)	Mr. Pen Bunna Tel. 075 974076
16	Preh Vihear	**Mr. Hideyuki Ando (Japan) Ms. Uchikoshi Yasuko (Japan)	Mr. Lorn Sithan Tel. 012 891627
17	Stung Treng	Mr. William Tedards (USA) Mr. Andrea Behm (Germany)	Mr. Leang Srue Tel. 974 973794 012 727158
18	Kampong Cham	**Ms. Lee Ying Ha (Malaysia) Ms. Morikawa Emi (Japan)	Mr. Neang Sovath Tel. 042 941326 012 866171
19	Kampong Chhnang	Ms. Joann Maglipon (Philippines)	Mr. Sam Chankea
20	Otdar Meanchey	Ms. Privan Limpanboon (Thailand) Mr. Nicholas Whitridge (Australia)	Mr. Srey Naren 012 801130
21	Banteay Meanchey	Ms. Yeara Park (South Korea) Ms. Betty Scheper (Netherlands)	Mr. Im Sophea Tel. 054 958867
22	Mondulkiri	Mr. Stuart Coghill (Australia)	Mr. Pen Sy/012 978289
23	Siem Reap	Mr. Kingsley Rodrigo (Sri Lanka) Mr. Gilbert Rodrigo (India)	Mr. Meas Thunchey Tel. 063 963402
24	Svay Rieng	**Mr. Kang long Nian (Malaysia) Ms. Young Ae Namue Lee (S.Korea)	Mr. Yin Sikhoun Tel. 044 945910

** Long Term Observer



ព្រះរាជាណាចក្រកម្ពុជា
KINGDOM OF CAMBODIA
ជាតិ សាសនា ព្រះមហាក្សត្រ
NATION RELIGION KING

គណៈកម្មាធិការជាតិរៀបចំការបោះឆ្នោត
NATIONAL ELECTION COMMITTEE
លេខ/No.: ០១.០១០/០២ គណប/NEC

ការបោះឆ្នោតនៅកម្ពុជាឆ្នាំ២០០២
CAMBODIA ELECTION 2002

លិខិតអនុញ្ញាត
LETTER OF ACCREDITATION
សម្រាប់អ្នកសង្កេតការណ៍
FOR OBSERVER

គណៈកម្មាធិការជាតិរៀបចំការបោះឆ្នោត សូមបញ្ជាក់ថាអង្គការ :
THE NATIONAL ELECTION COMMITTEE CERTIFIES THAT :

ASIAN NETWORK FOR FREE ELECTION "ANFREL" is
(អង្គការ / ប្រទេស Organization / Country)

មានលក្ខណសម្បត្តិ ពេញលេញ គ្រប់គ្រាន់ ជាសមាជិក នៃក្រុមសង្កេតការណ៍ ជាតិ ឬ អន្តរជាតិ
Qualified to be a member of the NATIONAL or INTERNATIONAL observer
ដែលបានអនុញ្ញាត ដោយគណៈកម្មាធិការជាតិរៀបចំការបោះឆ្នោត សំរាប់ប្រតិភូមិស្រុកមើលការបោះឆ្នោត
Teams accredited by the National Election Committee for the purpose of observer
នៅកម្ពុជា ឆ្នាំ ២០០១ - ២០០២ ។
Election in Cambodia 2001 - 2002.

- ភ្ជាប់បញ្ជីរាយនាមអ្នកសង្កេតការណ៍
ចំនួន ០១តារាង

ភ្នំពេញ, ថ្ងៃទី ២៤ ខែ ១១ ឆ្នាំ២០០២
Phnom Penh, 2002

គណៈកម្មាធិការជាតិរៀបចំការបោះឆ្នោត
National Election Committee



កម្ចីខេត្ត

គណៈកម្មការខេត្ត ក្រុង
រៀបចំការបោះឆ្នោត

កម្ពុជា ២០០២ - ៥៩

ឌី ឃែមប៊ូឌា ដេលី

The CAMBODIA DAILY

ថ្ងៃទី ១៦ ច្នាច័ធ្ា១៩៩១

ច្បាប់ចេញថ្ងៃច័ធ្ា ទិច ១៩៧៧៖ ឆ្នាំ ២០០២

ជំនឿនៃប្រែសំរួលពីភាសាអង់គ្លេស

ពត៌មានគុណប្រសុត និងអង្គុជាតិ

News Translated From English

ស្រាវជ្រាវចាប់ផ្តើមជា
មួយសារិះរាហូឡាន
នៃជនច្បួនគ្នា

LEON LAURA KING
THE ASSOCIATED PRESS

ហ្វានេស, អាហូហ្វានីស្តាន-
ដោយត្រូវបានធានាថាពារជា
នាហ្វានេស អ្នកដំបូងបង្អស់
អាហូហ្វានីស ឯសហរដ្ឋអាមេរិក
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សារិះរាហូឡាន ដោយ
សង្ឃឹមនឹងបញ្ជូនការប្រឡង
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ឡាន ដែលបានកំណត់ថាពារ
នៃប្រែសំរួលចេញពីភាសា
ភាសាគុណប្រសុតបង្អស់នាថ្ងៃ
ប្រទេស។



ស្រាវជ្រាវចាប់ផ្តើមនៃស្រាវជ្រាវ ខេត្តស្រាវជ្រាវ ក្នុងការស្រាវជ្រាវចាប់ផ្តើមនៃស្រាវជ្រាវ
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ទិវាថ្ងៃនៃការប្រឡងគ្នាជាតិ

THE NATION
Tuesday, January 29, 2002

Gusmao flying in for big poll

Deutsche Presse-Agentur PHNOM PENH

EAST TIMORESE independence leader Xanana Gusmao would come to Cambodia this week to oversee the country's landmark local elections, an election monitoring group said yesterday.
Gusmao, who is widely expected to win in his own country's national elections scheduled for April, will arrive in Cambodia on Saturday to lead the Asian Network for Free Elections (Anfrel), the regional Bangkok-based monitoring group said.
The former leader of East Timor's now-demobilised Falintil guerrilla group will help lead some 60 short-term Anfrel observers from 17 countries who arrived in the capital yesterday to observe the commune elections, representatives said.

"He's coming to lead our mission, but also to show his solidarity with Cambodia," said Auxilium Doling-Olayer, Anfrel's monitoring coordinator.

Anfrel representatives who have already been in the country joined a growing chorus of human rights and monitoring groups, diplomats and UN representatives yesterday in condemning the violence leading up to the elections on Sunday for more than 1,600 communes.

At least 17 election candidates and activists have been killed in the lead-up to the elections, the first time the power of local leaders will be challenged since before the violent Khmer Rouge regime of the late-1970s.

"For opposition parties, violence and intimidation of candidates and activists has seriously impeded their freedom to campaign," Anfrel analyst Sunai Phasuk said.

Candidates were failing to campaign on local issues, and only campaigning on the platforms of the parties to which they belong, often using recorded speeches and other provided materials.

January 7 - 13, 2002

BUSINESS NEWS

Yike, a campaign in full swing

NICFEC



•The Yike group, with Han Puthea in the centre wearing krama.

Song and dance to lure voters

The traditional Khmer dance-drama, Yike, is being used to lure voters to the polls on Feb. 3.

After 190 performances across the kingdom, each drawing crowds of up to 6,000 spectators, organisers say the play is working.

"People like song and dances, so we decided to use the stage to attract audiences," explained Hang Puthea.

"But the message in the song and dance is: go to the polls and vote for whoever you like, but go

and vote," added the executive director of the Neutral and Impartial Committee for Free and Fair Elections.

Hang Puthea said that the language used were simple and understood by the common people.

The shows are a mixture of classical Yike, semi classical and the popular version.

During the show, leaflets showing how to vote is distributed.

So far, 600,000 pieces have been handed out.

Hang Puthea claimed that up to 60% of the audiences have received the message, admitting the rest came for the free show.

But he does not bother, because the show also promoted traditional culture.

The non-governmental organisation had selected and trained nine groups, each with 20 members, to perform at nightly shows since October.

Before the first ever commune elections, 50 more shows will be staged in the larger provinces like Bantambang,

Kompong Chhn, Kandal, Takeo and Prey Veng.

The project is generously funded by the European Union, United Nations Development Programme, Asia Foundation, Forum Syd and the Japanese and United States embassies here.

Meanwhile, the Women's Prosperity Organisation has announced that it had trained more than 2,000 women to campaign for women candidates in the polls.

About 6,000 women candidates taking part in the polls, a segment of the strategic decentralisation programme to local participation in local governance.

Som Visal
Newspaper
Phnom Penh

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The Asian Network for Free Elections (ANFREL) was invited by the National Election Committee (NEC) and the Committee for Free and Fair Elections in Cambodia (COMFREL) to send international observers to monitor the Commune Council Elections. From 24 December 2001 to 15 February 2002, ANFREL deployed a strong team of 65 international observers in 24 provinces and covered more than 400 polling stations across the country's 1621 communes.

ANFREL concluded that Cambodia has taken an initial step towards establishing democracy, but there remained much work to be done. Although the balloting on 3 February 2002 passed peacefully and without serious instances of violence, ANFREL stressed in this report that the assessment of electoral process was not based on a single day of voting. Violence and corrupt campaign practices continued to be a significant feature of Cambodian electoral politics, particularly during the period that preceded the polling day. At the polls, ANFREL observed that officials generally followed proper procedures during the vote and the counting. However, there were still too many technical irregularities. Most of these were minor incidents, but they suggested that training for polling station officials and education for voters were not adequate and fully relevant.

Above all, a clear demonstration of efficiency, vigilance and impartiality by the NEC to ensure the integrity of electoral process was critically questioned. In this report, apart from the findings of observation missions, ANFREL also recommended measures to improve Cambodia's electoral process so that people's votes would be genuinely and meaningfully translated into democracy.

