



គុម្រីរដ្ឋាត COMFREL

# The Committee for Free and Fair Elections in Cambodia

## **Final Assessment and Report** on 2007 Commune Council Elections

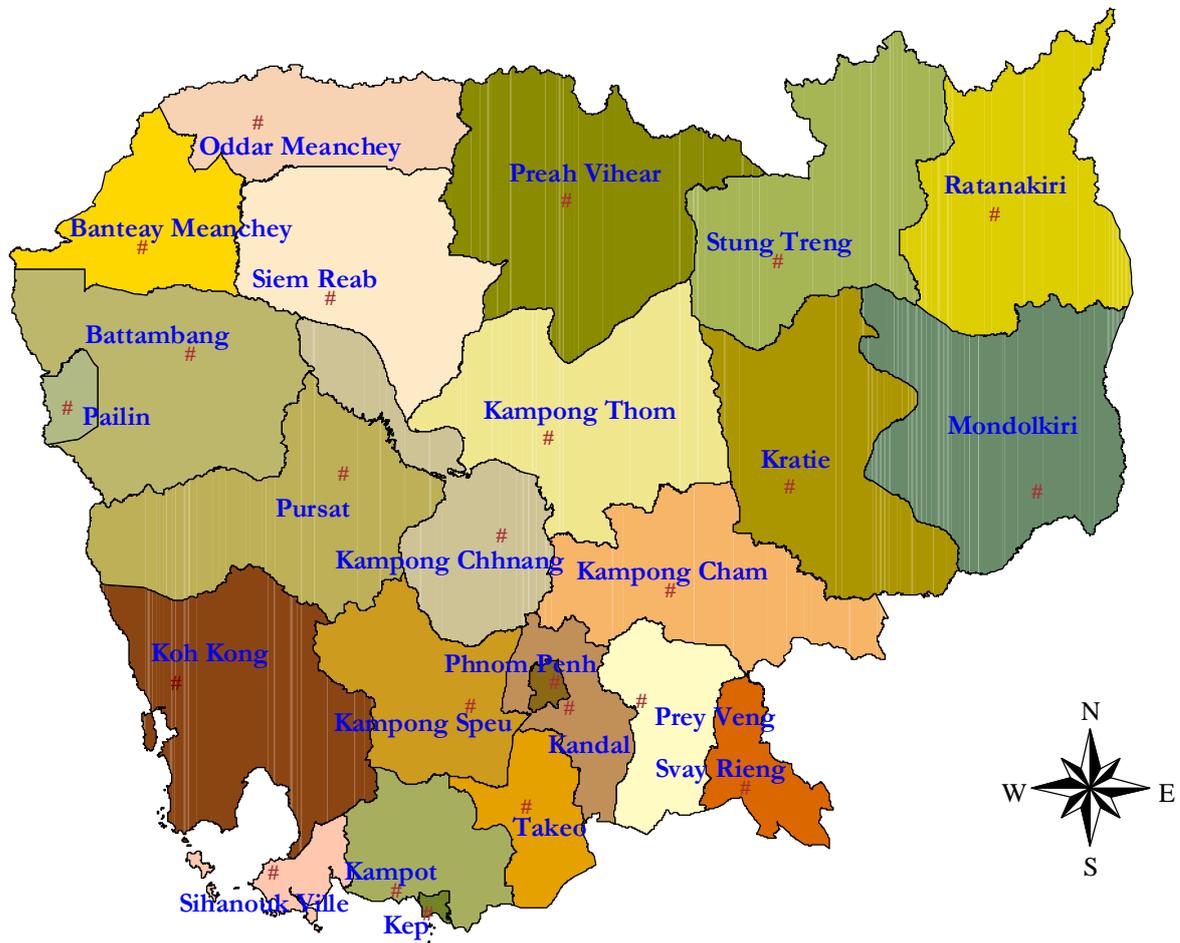


April 1<sup>st</sup>, 2007

# Final Assessment and Report

On

## 2007 Commune Council Elections



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Note:

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

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

## Acronyms

ADHOC	Cambodian Human Rights & Development Association
ANFREL	Asian Network for Free Elections
CEC	Commune Election Commission
CCPCR	Cambodian Centre for the Protection of Children's Rights
CDP	Cambodian Defenders Project
CHRAC	Cambodian Human Rights Action Committee
COMFREL	Committee on Free and Fair Elections in Cambodia
COPCEL	Conflict Prevention in Cambodian Elections
CPP	Cambodian People's Party
CSD	Center for Social Development
CTN	Cambodian Television Network
CWCC	Cambodian Women's Crisis Centre
DFID	UK Department for International Development
EC	European Commission
EMO	Election Monitoring Organization
FUNCINPEC or FCP	Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique et Coopératif or National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia
HROTP	Human Rights Organization for Transparency and Peace
IRI	International Republican Institute
JICA	Japan International Cooperation Agency
KKKHRA	Khmer Kampuchea Krom Human Rights Association
KYA	Khmer Youth Association
LAC	Legal Aid of Cambodia
LEMNA	Law on the Election of the Members of the National Assembly
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
MoI	Ministry of Interior
MoInfo	Ministry of Information
NA	National Assembly
NDI	National Democratic Institute
NEC	National Election Committee
NGO	Non-Governmental Organization
NICFEC	Neutral and Impartial Committee for Free and Fair Elections in Cambodia
NRP	Norodom Ranariddh Party
NPA	Norwegian People's Aid
PDP	People Development and Peace Center
PEC	Provincial Election Commission
PEFOC, J	People's Forum on Cambodia-Japan
PM	Prime Minister
RFA	Radio Free Asia
RFI	Radio France International
RGC	Royal Government of Cambodia
SEDOC	Socio-Economic Development Organization of Cambodia
SRP	Sam Rainsy Party
TAF	The Asia Foundation
TVK	Cambodian National Television
UK	United Kingdom
UNCOHCHR	United Nations Cambodia Office of the High Commissioner for Human Rights
UNDP	United Nations Development Program
UNTAC	United Nations Transitional Authority in Cambodia
US	United States
USAID	United States Agency for International Development
WMC	Women's Media Centre of Cambodia
VIN	Voter Information Notice
VOA	Voice of America
VoC	Voice of Civil Society
YCC	Youth Council of Cambodia

## **Foreword**

The Committee for Free and Fair Elections in Cambodia (COMFREL) is pleased to present the Final Assessment and Report on 2007 Commune Council Elections. This report is a compilation of the overall assessment, summary of findings, press statements, and reports published prior to, immediately following and within weeks of the polls as well as an analysis of the election results.

The report is based on observations of the conditions that prevailed during the pre-election period starting from voter registration and voter lists revision in October 2006 until the post election period of the transition of power from the 1<sup>st</sup> to 2<sup>nd</sup> mandate commune councils in May 2007.

We wish to extend our thanks for the courtesy and cooperation extended to us by the National Election Committee and Election Authorities at all levels.

COMFREL wishes to thank and to pay tribute to its domestic and international observer colleagues, especially donors such as OXFAM NOVIB, USAID (US Agency for International Development) through NDI (National Democratic Institute), Forum Syd, Oxfam HK, Trocaire, Japanese Embassy, United Nations Development Fund for Women (UNIFEM), the European Commission (EC), NPA (Norwegian People's Aid), and One World Action, for support and participation in the shared task of working towards democracy in Cambodia.

We take this opportunity to thank foreign observers who joined us in this meaningful election observation mission. We thank them for generously giving their time and energy to assist in our monitoring exercise. Our warm thanks to all the local partner organizations, NICFEC, YCC who join cooperation and mutual assistance.

COMFREL is deeply grateful to our board member organizations and the local partner organizations who made the observation exercise possible and voluntarily participated in election activities. A substantial part of the support and participation of our provincial/municipal, district/khan, commune/sangkat, village activists was on a purely voluntary basis. If not for the deep commitment of these outstanding organizations and individuals our monitoring task would not have proved to have been so successful.

Finally, we wish to thank the media organizations, political parties and groups as well as others who recognized and supported the efforts of COMFREL to contribute towards a free and fair election.

Special thanks to the core team on this report made up of the following members: Mr. MAR Sophal, Mr. KIM Chhorn, Mr. KOY Chandarith, Ms. SONKET Sereileak, Mr. KORN Savang, Ms. KIENG Piseth, Mr. OUK Sophat, Mr. BLANG Boeurth, Mr. HOA Daluch, Mr. SOK Pitour, Mr. MANN Kimleng, Mr. SIN Tithseiha, Mr. TAING Sokha under the supervision of Mr. KOUL Panha, Executive Director. The report was edited by Ms. Roo GRIFFITHS and John LOWRIE.

**THUN Saray**

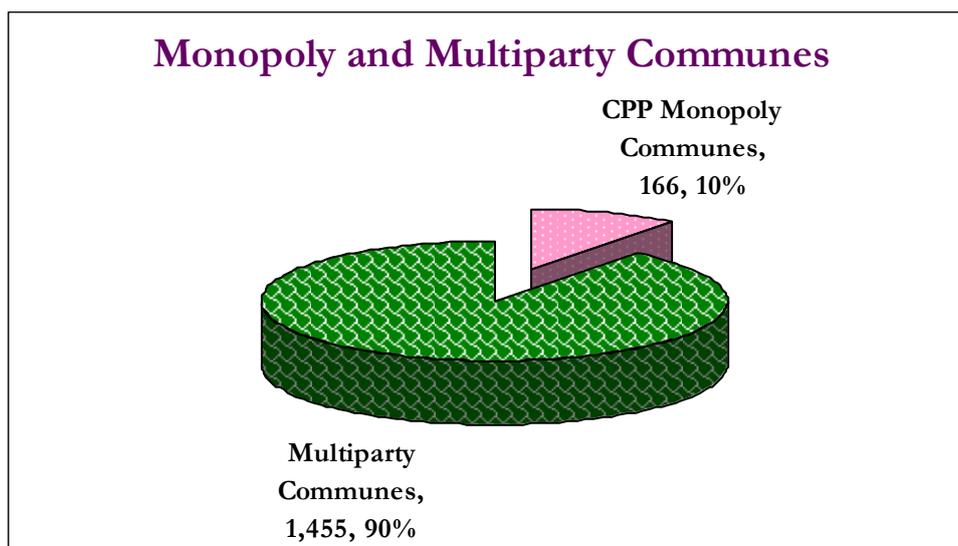
**First Representative of COMFREL**

## 1. Overall Assessment

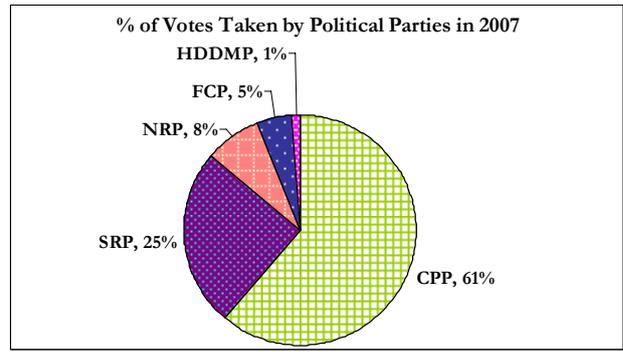
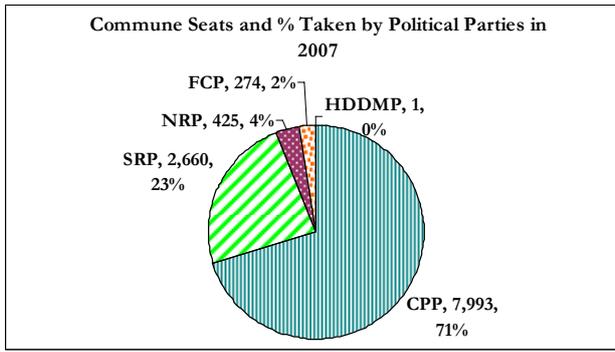
### 1.1 Summary of principal findings

The Committee for Free and Fair Elections in Cambodia (COMFREL), as an election-monitoring organization and having previously observed the 1998 and 2003 National Assembly Elections and the 2002 first commune council elections, has closely observed the 2007 second commune council elections from the earliest preparations up to the present time. **COMFREL has played a leading role on behalf of civil society through advocacy, lobbying and education activities in order to promote the highest standards at all levels in the conduct of the elections.** At the end of this election period, COMFREL's own assessment is as follows:

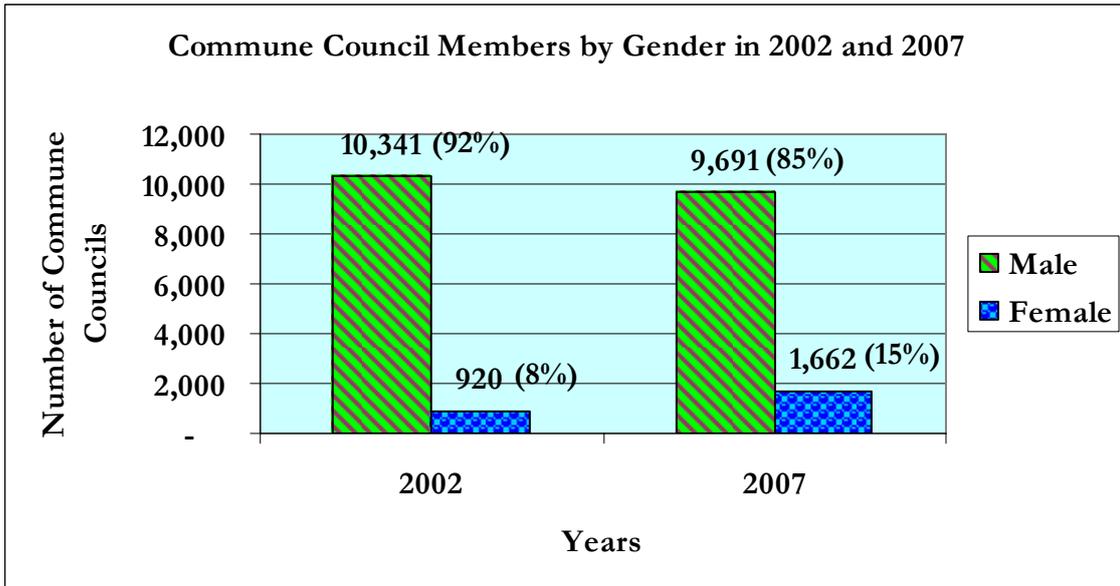
- COMFREL notes that the 2007 commune council elections took place as scheduled, offering further confirmation of Cambodia's steps towards **strengthening democracy at local level, especially the decentralization process and democratic governance.** Furthermore, the pre-election atmosphere in terms of the participation of political parties was **better than in 2002.** However, continued reliance on party-based systems of representation and **lack of choice** for voters remain matters of concern.<sup>1</sup>
- COMFREL **recognizes some creditable increase in political space.** Around **90%** of the 1,621 communes/sangkats have councilors from a variety of parties, both ruling and opposition parties. **A monopoly exists still in 166 communes,** where the CPP took all the commune council seats, as compared with **148** in 2002. Just 28 of the 1,621 commune chiefs are SRP and two FUNCINPEC. The Cambodian People's Party (CPP) received 61% of the vote, equal to 7,993 commune councilors. The Sam Rainsy Party (SRP) obtained 25% of the vote, equal to 2,660 commune councilors. The Norodom Ranariddh Party (NRP) saw 8% of the vote, equal to 425 commune councilors. FUNCINPEC obtained 5% of the vote, equal to 274 commune councilors. The remaining one is belong to HDDMP with less than 1% of the vote. **However, local government should not be solely for national political parties and will remain weak if there is no permission given to independent individual members to stand or to local community associations to field their own candidates.**



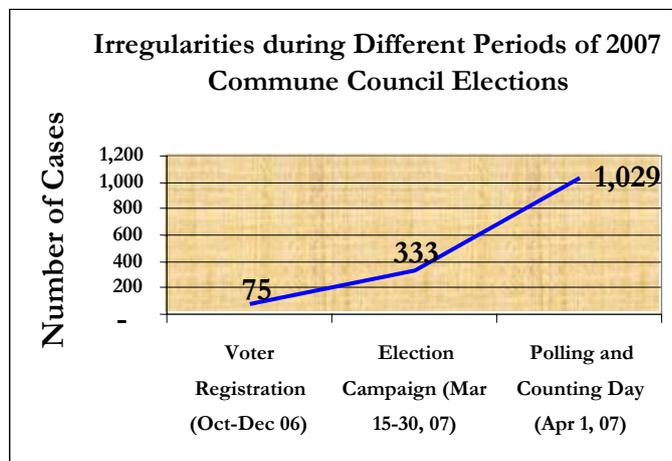
<sup>1</sup> COMFREL has lobbied for the party-based system to be changed to allow for independent members, for elected members to hold direct responsibility towards the constituents they represent, and for parties to have the discretion to dismiss elected members for political differences.



- One positive outcome of the commune council elections has been the modest increase in participation of women.** 1,662 (14.64%) of the 11,353 commune councilors are women, as compared with 920 (8%) of the 11,261 commune councilors in 2002. (Please refer to Annex 6: Numbers of Female Commune Council Members). As in the last elections, almost all commune chiefs are men, 34 women in 2002 but at least now there are 67 in 2007. However, **there is still a marked lack of gender equity.** There are a few more women than men in Cambodian society, which translates into a significantly larger female majority in rural areas owing to male migration to the cities and higher levels of mortality for males through conflict.



- COMFREL conducted a careful evaluation of the situation regarding irregularities and intimidation in critical periods. This demonstrated that **standards set by COMFREL and NICFEC** (Neutral and Impartial Committee for Free and Fair Elections in Cambodia) **were not achieved.**<sup>2</sup> It must be concluded that these failings affect the freedom and fairness of the election process. (Please see Annex 8: Summary of Information by Province/town.)



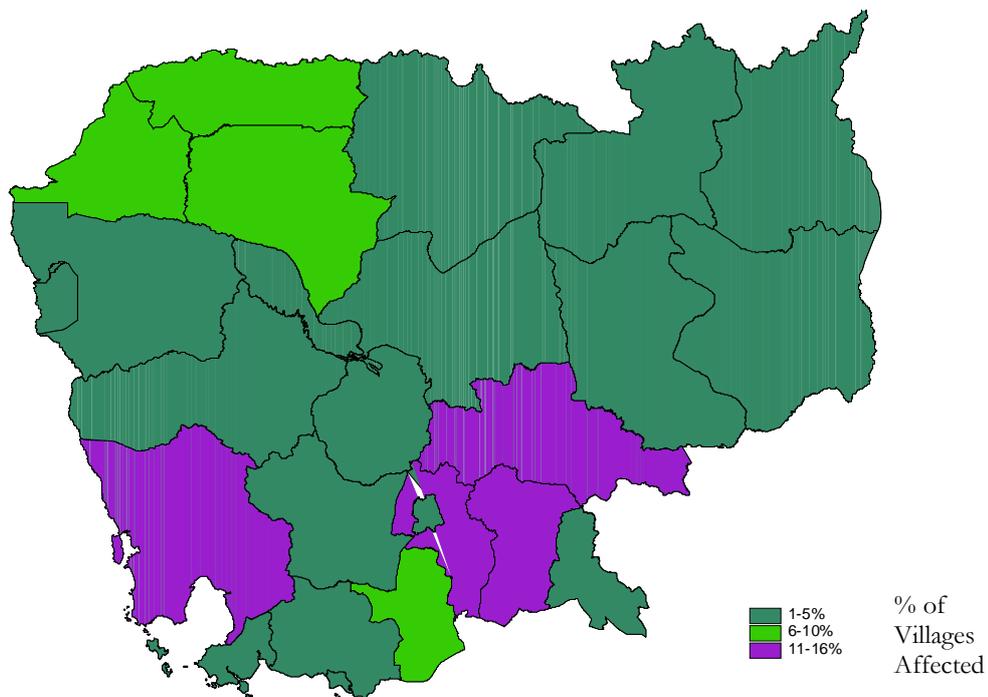
<sup>2</sup> Please see Annex 1: COMFREL and NICFEC standards are based on common international standards.

- COMFREL is encouraged by the overall reduction in the number of killings, injuries and very serious election irregularities as compared with the 2002 local elections,<sup>3</sup> but is very concerned that such incidents still persist, that requests and warnings by leaders to stop killing are not heeded, and that inadequate investigation and lack of attention to due process foster a climate of impunity. There were nine reported cases of killing with discernible political factors (see Section 3 for details).

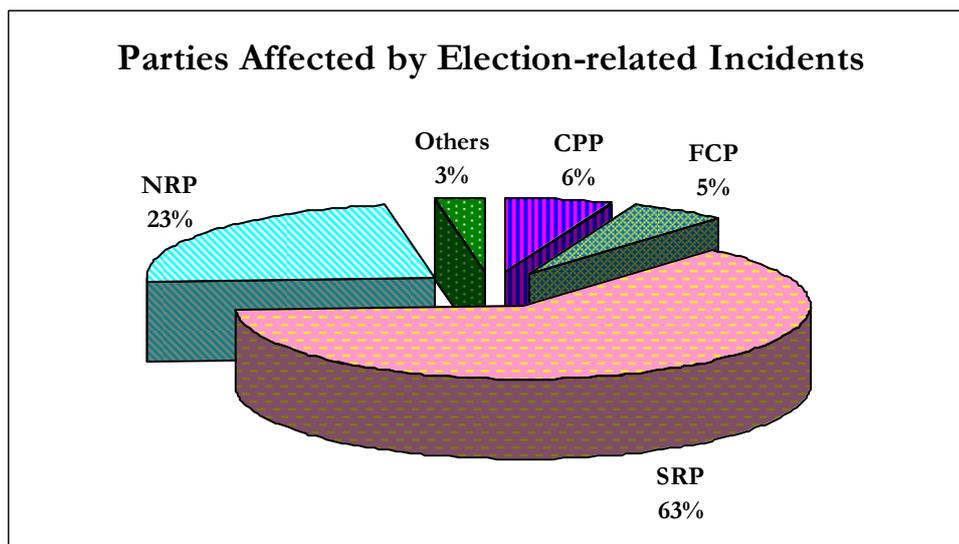


- COMFREL notes that serious election-related violations continued to persist and were observed to have escalated after the start of the official campaign period on March 16, 2007. A total of 333 cases of irregularity were observed, mostly in Kampong Cham, Kandal, Koh Kong, and Prey Veng followed by Banteay Meanchey, Takeo, Siem Reap and Oddar Meanchey.

**Provinces/Cities Affected by Intimidation/Threat**

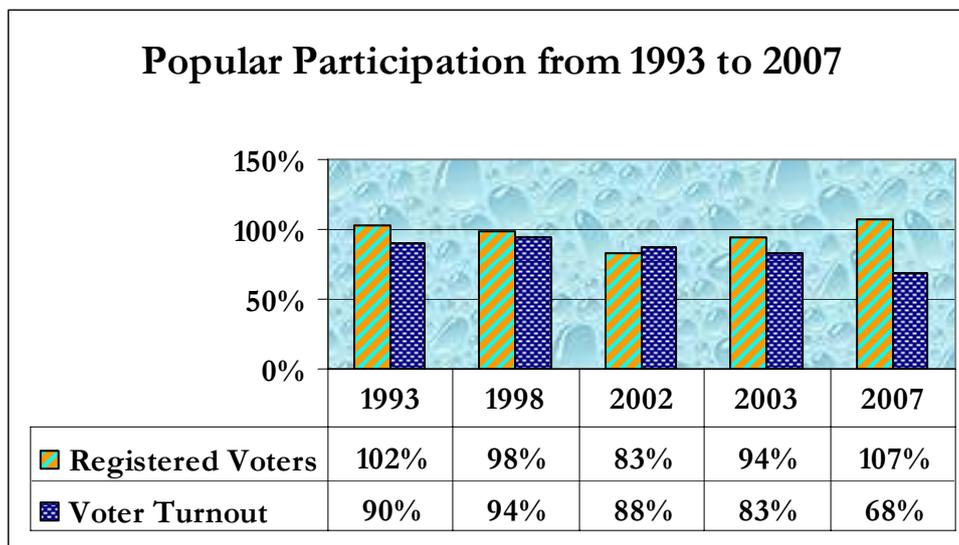


<sup>3</sup> The number of cases of killing (nine) in the 2007 elections represented a decrease from the February 2002 local elections (18) conducted nationally in all 1,621 communes.



- Members of non-ruling parties, especially the SRP, are most likely to be victims of election-related incidents. The NRP is second most likely.
- **COMFREL is pleased to note a relative improvement in media access, especially towards the main opposition party (SRP), to the governing coalition partner party (FUNCINPEC) and, to a varying extent, the smaller parties.** However, the CPP continues to enjoy a strong advantage in official election-related media outputs and general news coverage in both the electronic and printed media.
- **COMFREL compliments the National Election Committee (NEC) in 2007, as it did in 2002 and 2003, for improvements in election arrangements as well as for taking more account** of COMFREL's representations and acting in response to these to some extent. However, the composition of the body (and of the Provincial and Commune Election Commissions (PECs and CECs) means that it is not devoid of political bias, and powers of enforcement of laws and codes of conduct remain weak. Similarly, PEC and CEC performances remained inconsistent in 2007. **The various complaints mechanisms and procedures did not work to the satisfaction of all participants – virtually no complaints were upheld or corrective action taken.**
- Late last year, COMFREL observed the voter registration process. The high turnout appeared encouraging (see Annex 2: Turnout for Voter Registration – NEC). However, a COMFREL survey shows compelling evidence to suggest a high degree of inaccuracy in the electoral registers. **“Ghost” voters, as many as 10% of the total, were found on voter lists, and 18% of voters’ ID documents did not match the voter lists.** The actual number of registered voters could well be 10% lower than that shown by official numbers (by around 671,388 voters): the actual figure may have been only around 6,042,491. (See COMFREL's Report on Auditing the 2005 Voter Lists and Section 5.1).
- COMFREL notes that polling and counting were as peaceful as in the previous elections.
- **COMFREL must, however, express serious concern about the markedly lower turnout than in the previous elections.** According to COMFREL's findings, almost 68% of the registered voters (7.8 million including the ghost voters) cast their ballot across the country. Voting was down by more than 20% as compared with the 2002 elections, when more than 87% of voters voted. COMFREL and other election stakeholders are most concerned about the fact that more than two million eligible voters did not vote. **This figure could mark a new phenomenon in Cambodia's democracy, that of “voter apathy”, which should worry**

politicians. Lower turnout may be caused by the fact that some voters thought or were told wrongly that they would lose their right to vote if they did not receive the voter information notice (VIN); some voters were not given clear explanations or misunderstood their right to vote in relation to the VIN; and some voters went to the polling station to vote but faced difficulties there, such as not knowing where the polling station was or discrepancies between information on the ID and that on the voters list etc. In this election, voters were not allowed to use a voter's card, which caused difficulties for some voters (who did not have ID documents). Such incidents, regrettably, included deliberate intimidation as well as mistakes by the administration.



Overall, COMFREL believes that the 2007 commune council elections were conducted in an **improved manner in technical aspects** compared with the previous elections, but that there is scope for more improvement. This opinion is shared by several election monitoring organizations. However, **COMFREL is disappointed that the NEC did not take clear action and was slow to investigate and satisfactorily solve political party complaints. Election institutions could have functioned in 2007 in a way which would have restored their reputation after the problems of 1998, 2002 and 2003. This opportunity was lost.** They did not generate more confidence and trust, or even sufficient confidence and trust, as far as the major election stakeholders were concerned, most notably the non-ruling political parties. This was especially so for the NEC and its PECs and CECs, as a result of staff composition and their performance.

This is a shame, as there were hopeful signs in 2007. For example, COMFREL found one enhanced indication of Cambodia's development towards democratization - the demonstrable dynamism of political parties in the main urban centers in terms of promoting their political platform. Greater restraint characterized the 2002 elections, and remained a factor for 2007 in rural areas, where **the electorate is less well educated and more under the influence of local authorities.** This welcome progress in urban areas is all the more marked as it has occurred despite instances of irregularity, political intimidation, vote buying and widespread violations, as described in this report.

COMFREL, as the oldest and largest domestic election monitoring organization, restates its undertaking on behalf of the people of Cambodia through its network of 11,230 observers to remain vigilant, professional, impartial and unwavering in seeking to provide comprehensive and authoritative reports on the full electoral process. **COMFREL will now devote its energies and planning to Cambodia's next elections** – the 2008 General Election, with essential activities between now and then to encourage, monitor and promote civic education that will advance democratization processes. **This work will go on until we can say that Cambodia has fully free, fair, and credible elections that reflect the people's will and whose verdict is accepted and respected by all the political parties.**

This report sets out in detail COMFREL's main findings over the entire election period, with comment on events up to May 2007. The report analyses the issues and gives COMFREL's assessment, showing that, while there have been improvements in many aspects of the conduct of the elections, these on their own are still insufficient. **Serious doubts remain about the integrity of the electoral process and therefore, at the end of the day, it is not yet possible to say categorically that final results truly reflect the people's verdict.** COMFREL notes that while **CPP** took 61% of the official vote, even if that figure is accepted as genuine, it still enabled it to claim **98%** of the Commune Council Chief positions, a distortion that reflects a fundamental fault in the system.

**Finally therefore, COMFREL concludes, taking everything into account, that the Cambodian 2007 Elections did not meet international standards to be described as "free, fair and credible".**

## **1.2 Introduction**

Cambodia's 2007 Commune Council Elections were much more than the country's second set of local government elections in modern times. They were the latest step in Cambodia's transition towards a true democracy.

They were also **the next critical phase in the decentralization of powers from government ministries.** The lead-up to the elections, their conduct, and the immediate aftermath must all be viewed in this wider context, as well as in terms of their main purpose. That purpose, as it is wherever there are elected local authorities, is to provide local electorates with the form of local government that reflects their choices; is responsive to their needs, provides the best standards of public service possible and manages local resources effectively. In most advanced democracies, **local governments act as an additional check and balance to central government** giving the opportunity to citizens to vote for powers at local level to be entrusted to people and parties other than the national governing party or parties.

This report outlines COMFREL's observations and findings on the 2007 Commune Council Elections as an act of democracy in itself and in the wider context of **Cambodia's reforms away from centralized power and towards local citizen empowerment.** Regrettably while it concludes that positive progress has been made, **there are still fundamental weaknesses and biases endemic** in the process that means any verdict from such polls is inevitably tainted. **The fact that 98% of 1,621 Commune Council Chief positions are now headed by CPP loyalists in a party with heavily centralized leadership indicates little, if any, transfer of power to local officials more accountable directly to their constituents.**

## **1.3 Background and context**

For readers unfamiliar with Cambodia, the following is a brief summary of the situation leading up to these elections.

Cambodia's 1993 Constitution, formulated after the Paris Peace Accords of 1991 provides for one directed elected legislative chamber, the National Assembly (NA), for which there have been elections in 1993, 1998, and 2003. Since 1998, a second chamber the Senate has been created with members voted in by a constituency that consists of National Assembly Members and Commune Councilors. The country is divided in to 24 provinces or municipalities and 185 districts which are run by government appointed officials. The only other elected bodies are the 1,621 Commune Councils, first formed in 2002, that are intended to be distinct local government units with their own powers and functions. They replaced one tier of central government control below districts, i.e., at commune level. However central government retains responsibility for the appointment of commune council clerks and much control over the appointment of village chiefs, the lowest tier of government. Decentralization

reform is a major ongoing exercise. **Shortage of finance and limited human resource capacity are two major constraints.**

Commune Councils are intended to develop in a way that allows them control over a wide range of local services either legally delegated to them or through agency arrangements. Which services, when and how are under active consideration but at present, security and natural resources are two of the areas reserved for central control. Commune Councils do have administrative responsibilities for civic registration of citizens, and since 2004, they have been assigned duties by the NEC for electoral registration purposes.

There has not been a consistent nationwide pattern of development since 2002 of Commune Councils. Some have had more support than others from international donors and agencies. Many continued to operate not as councils where all elected members meet to consider key decisions, but similar to the previous system where all or most power is vested in the Commune Council Chief. This post, in the new system, is automatically occupied by the candidate receiving the most votes.

A Commune Council consists of between 5 and 11 elected members depending on its size. However the same national party-based system of representation as for the NA has been adopted. This restricts choice only to legally-registered political parties that have met NEC requirements to field candidates. The political parties post lists of candidates in order of priority. The votes cast per party then determine how many of their candidates are elected. There is no scope for independent candidates or representatives of community associations that are registered as political parties. Although the 2002 and 2007 polls were intended to be local elections, they were conducted largely on a national basis, as re-endorsement or rejection of CPP and FUNCINPEC as ruling parties.

It is against this complex background that electors went to the polls on April 1, 2007.

## **1.4 Executive summary**

This summary covers four periods. It is followed by what other experts have said on the elections, a comment on women's and youths' participation, and the overall conclusion.

### **Run-up to the pre-election period**

Preparations for the 2007 Commune Council Elections were really in the making from the last 2002 elections and the 2003 National Assembly elections. The NEC has been making the changes in its administrative arrangements and the Ministry of Interior (MoI) with the inter-ministerial Committee Supporting the Communes and its own department of Local Administration have been active in promulgating changes as part of Deconcentration and Decentralization reforms. Several significant developments directly impacted on Commune Councils. New responsibilities were given to Councilors to vote for Senate Members, and appoint or re-appoint village chiefs rather than conduct village-based elections. Given the CPP's dominance of the communes after 2002, it was inevitable that their control would be consolidated by these changes. At the same time, opportunities were missed to introduce new democratic systems and checks and balances at national and local level.

The most significant structural change at the NEC was in its re-composition from its original five members, all of whom were intended to be strictly non-partisan, to nine, which then admitted party affiliated nominees "in accordance with representation in the National Assembly. This change at least eliminated the previous pretension of neutrality when it was clear that most members were associated with the CPP, and it did mean that both FUNCINPEC and SRP members would be recognized although in a small minority. However, COMFREL still believes that all principal state institutions including the Constitutional Council, Supreme Council, and NEC should transcend party politics.

The period was traumatic for both the official opposition, the SRP, and for the CPP's coalition partner party, FUNCINPEC. Senior members of the SRP faced litigation and accusations of spying and

organizing a counter-force to the Royal Cambodian Armed Forces. This, along with allegations of defamation and court cases filed, restricted its leadership. These restrictions were only partly lifted after a compact between the Prime Minister HUN Sen and SRP Leader, SAM Rainsy.

The FUNCINPEC internal struggle was far more traumatic. A leadership fight led to its long-time leader, Prince Ranariddh, being deposed.

Politics in Cambodia continued to take its heavy toll on opposition activists, with several paying the ultimate price with their lives. For example, from October 1<sup>st</sup>, 2006 to April 30<sup>th</sup>, 2007, there were at least 9 cases of murder of members, activists and supporters of political parties: the SRP 6, the CPP 2, and the Norodom Ranariddh Party (NRP) one. One victim was a woman. As with most previous cases, investigations proved to be inconclusive with only one perpetrator brought to justice.

Although the elections were officially scheduled for April 1, 2007, in reality campaigning and preparations were well underway at the start of the calendar year if not before. CPP, as could be expected, were the best organized of the parties. They began processes to obtain “more popular” candidates rather than simply re-selecting their same people.

COMFREL’s role during this period was to monitor and comment on contemporary developments relating to elections and democratization and to promote constructive improvements in election administration arrangements. Monitoring was conducted on a nationwide basis. In general it showed a mixture of progress in some areas but stalled progress in important relevant areas such as the Anti-Corruption Law. COMFREL has produced and published a separate report on how the Royal Government has fared against its 2003 election manifesto promises.<sup>4</sup>

COMFREL’s direct dialogue with the NEC, the MoI, and our joint lobbying with other NGOs did show much welcomed positive responses in relation to important issues where it was felt improvement was needed before the 2006 and 2007 elections. Some were accepted. Others rejected. COMFREL believes that opportunities have been lost to bring Cambodia’s election processes up to best standards and so avert repetition of many of the problems that has afflicted previous elections. A chapter is devoted to these representations in Chapter 2 Legal Framework below.

### **Pre-election period and related political environment**

**The 2007 pre-election period was more secure than in previous elections** in terms of the ability of parties and election monitoring organizations (such as COMFREL) being able to go about their task. The government and authorities are to be given credit for this. However regrettable serious incidents did take place, coloring the atmosphere, and if Cambodia is to deserve the accolade of genuine free and fair elections, they have to be removed permanently as feature of its election scene. Indeed this is one test to be satisfied, along with one more - a peaceful and orderly handover of power – as absolute prerequisites for this accolade.

Sadly nine killings of known political activists and **127** instances of serious violence or intimidation documented, accompanied by what is now the usual lack of investigation and due process by authorities. Most incidents by far affected the opposition although coalition partner FUNCINPEC and even the senior ruling party CPP were affected.

Other forms of coercion were practiced mainly by CPP loyalists. They intended to ensure citizens voted for them through methods that invoked religious or other strong fidelities. Ceremonies were held with rituals involving giving of oaths, holy water, thumbprints etc. “Rewards” or “vote-buying” often appeared in the form of monetary and non-monetary gifts. The electorate as a whole was often warned by the leadership of the **CPP that its loss of power would bring dire consequences for them.** They

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<sup>4</sup> To see these reports please go to [www.comfrel.org](http://www.comfrel.org)

were told of a **return to conflict and cancellation of development in their communities. Instilling unfounded fears is not a legitimate election campaign method.**

The pre-election period, as the scene for a fair contest between competing parties, was marred by events that prevented prominent leaders from taking full part in preparations and activities. These, whether inadvertent or not, benefited the CPP. Dropping of defamation charges, releasing people convicted or detailed, and an uneasy personal compact with Prime Minister HUN Sen did allow SAM Rainsy to return to Cambodia and resume activities. Prince Ranariddh of FUNCINPEC was embroiled in a leadership contest and dispute over the sale of the party headquarter building. (He had, by this time, relinquished his post of President of the NA and therefore had no formal position in government.) Litigation over the dispute kept him from returning to Cambodia. He became the head of in effect another new opposition party, the NRP, that campaigned without him.

### **Voter and candidate registration and official campaigning**

COMFREL acknowledges that the NEC **“put in a great deal of effort”** with “many positive outcomes” in the voter registration process with a highly commendable figure of newly registered voters of 1,245,752, some 160,260 ineligible voters deleted, and an overall national electorate of 7,799,371, the highest ever. However there were critical design and administrative shortcomings that are set out in full detail in Section 5.1 Voter Registration below. COMFREL carried out an audit of the 2005 voting list from June to August 2006 in 300 rural communes that showed as many as 25.3% of citizens may have been deprived of their inherent right to vote in the elections. Furthermore, bias at all levels in the system, including restrictions on civil society activities, meant that it would have been likely that most of those excluded would not be CPP supporters.

COMFREL readily appreciates the idea of the NEC’s to issue voter information notices (VIN) to help registered voter be aware of the election and their personal data. The process of their distribution, however, proved not match the same high ideals due to reliance on village chiefs who were observed to be biased and use it to pursue party political activities.

The registration of political party candidates was achieved much more smoothly but not perfectly. 12 parties were registered. Only CPP fielded candidates in all 1,621 communes with COMFREL observing common active support for them, throughout the various administrative processes handled by staff loyal to the CPP. It found “party agents had limited procedural understanding and “CEC officials did not communicate clearly regarding the documents or photos necessary for application”. One sad observation was the lack of interest on the part of the general public to the NEC notices announcing the official lists, and this may reflect their disconnection with the process. The process is of course based on party lists, and their choices of naming candidates in order of priority rather than a selection of individuals that are more instantly recognizable in local communities.

Although the election campaign was underway and tolerated much earlier than the official period, COMFREL is highly appreciative of the efforts of the NEC, authorities, and political parties in trying to create **an election environment without serious violence**. Notably, COMFREL concluded that “the 15 days of the election campaign period was an improvement on that surrounding the 2002 commune council election campaign”. However there was still a clear bias in media, both state and private, in favor of the CPP despite two innovations for these elections that did offset some the imbalance. There were also widespread violations of threats, intimidation, and other incentives intended to coerce or persuade people to voter in a particular way, rather than an emphasis on parties appealing to the electorate through describing the virtues of new policies that would improve their lives. In particular:

- The CPP spent a great deal of money, undisclosed and impossible to calculate, on printing, of items such as T-shirts, hats, flags, leaflets, candidate photos mostly in high-definition color.

- The SRP, NRP and FUNCINPEC were next in line in terms of amount of printed items, while the other eight political parties appear to have fewer resources for their campaigns.
- There was manifest unequal access to mass media, especially TV during the pre-election campaign period. TV broadcasting during this period was observed to show bias in favor of the CPP in terms of political coverage by as much as 80-90%; but:
- There was improved access to media for the 15-day campaign because of two welcome innovations for these elections - the introduction of new programs covering the campaign and the elections, such as “Political Parties’ Platforms Broadcasting” and “Equity News”.

COMFREL maintains its request to the NEC to discharge its legal obligations to collect political parties’ account books in order to review campaign income and expenditure. If this is not done, there continues to be a clear lack of transparency in the election process.

### **Cooling-off period, polling/counting day**

A surprising move marked the start of this period, with the NEC and Government announcing the **banning of SMS text messages** in order to prevent this form of communication being used for late campaigning. COMFREL’s own system of communication relied on SMS for reporting infractions and so was duly severely disrupted. Representations failed to overcome the ban. Despite this, numerous incidents of political activity were observed and reported, indicating that the legal requirement to desist from campaigning is not respected. Election authorities failed to take any action at the time or afterwards.

**Polling Day was peaceful and more orderly than previous polls due to improved human resource capacity and lower turnout.** The official and Election Monitoring Organization (EMO) voting tallies corresponded well, denoting good accuracy on the day. Many administrative failings and irregularities though were observed with pro-CPP authorities often infringing within the exclusion area of polling stations.

The Vote Count was less orderly, COMFREL observers often reporting that “the polling station staff members did not understand about **the validity or invalidity of ballots**”.

The complaint procedures did not work well. Authorities did not investigate reported incidents promptly, thoroughly or transparently. Few led to clear corrective action.

The CPP emerged clearly as the winning party, with just below 61% of the vote, SRP gained 25.2%, NRP 8.1%, and FCP 5.36%. The most significant outcome is that 61% majority translates in to a 98% majority of 1,591 commune chief positions. The most worrying sign though is in the very low turnout of just 68% of the 7.8 million registered voters, a drastic reduction from previous elections which cannot be dismissed lightly as voter apathy. This means that overall 2.5 million eligible voters did not vote. A COMFREL survey showed that **18% of potential voters who did not vote went to the polling stations but faced obstructions.** Potentially more significant for Cambodia’s future democracy, stability, and social cohesion, is that turnout was lowest in areas where the Khmer Rouge was once dominant or where indigenous people form majorities of electorates.

For electorates in 166 communes, they have no choice with a return to sole single party control as the CPP took all commune council seats. This was 18 more than in 2002.

Finally, although CPP took 98% of the commune chief positions, the few gains of the other parties appear to be clearly resented. It is too early to assess if new controlling elected Councilors are facing obstructions, although this is appearing to be the case, but more immediately deaths, attempted killings, other serious crimes, and intimidation have all been reported where local electorates may have been identified to have been disloyal to the CPP. At the time of writing, some CPP officials in those areas are also being replaced due to the poor results.

## **1.5 The gender and youth perspectives**

The 2007 Commune elections showed a welcome increase in the numbers of women elected as Commune Councilors at 14.64% as in the first mandate of 9%. Just 4% of Commune Chief positions are now held by women.

However this falls far short of parity, and even further below true representation in rural areas where due to migration and past conflict, women form significantly larger majorities in electorates. COMFREL commends all parties for affirmative action to attract women, as well as NGOs that have undertaken activities towards the same end. However, if Cambodia's democratization has one failing above all others, it is in its disappointing performance in giving women due responsibility and an authentic voice. COMFREL will urge that more creative solutions are found; either quota systems or provisions that admit extra women Councilors nominated just by women voters within councils where they are in a clear minority from the official general public polls.

Young women are even harder to engage in civic affairs due to a strong cultural tradition that restricts their freedom outside the home. Whereas young men do not have such restrictions, many young Cambodians as with youth the world over, manifest little interest in electoral processes. A COMFREL survey showed that often their names are entered on voter lists by parents, rather than a personal desire to be there. Disconnection of young voters from democratic processes is bound to be a concern in any country but in Cambodia it is potentially more ominous. It is a fact - given the social upheaval of recent years, the decimation of the education system, etc. - that older generations have been denied education and access to knowledge that many of these young people now have. As such they are better placed to make rational and reasoned choices. The electoral process can only benefit from and be improved in legitimacy by a more sophisticated electorate. COMFREL, with the NEC and other civil society partners, will aim to work with the formal/informal and public/private education providers in order to ensure that young people everywhere are given every chance to know of their rights and to take part.

## **1.6 What others say**

COMFREL does not work in isolation. It works very closely with other election monitoring organizations in Cambodia and the region, and keeps in touch with the international community that has a continuing role and responsibility in relation to Cambodia's Democracy, as provided for by the 1991 Paris Peace Accords. **COMFREL also seeks to ensure that it obtains and takes full account of both pro and anti-government voices.** It is inevitable, given its mission and drive for professionalism, that the findings will tend to favor opposition, but if ever there is a transfer of power from CPP, COMFREL fully expects that the same tendency will continue against the incumbent party of power whichever party it is.

Most observers comment similarly to COMFREL but for balance, the statement of the CPP on their victory in the elections is included here.

### **US Embassy, April 25, 2007**

*"The lower voter turnout on April 1, however, is cause for concern, and the Embassy urges the NEC to review the reasons for lowered participation, streamline and simplify the voter registration process and remove any technical barriers that are identified. Reports of continued problems with voter lists are worrisome, and warrant NEC review and recommendations for resolving this long-standing issue. Embassy monitors noted that many local authorities did not observe the perimeter restrictions outlined in the election law, and their presence at many polling stations throughout the day, as well as during the vote count, did not promote a fully free environment."*

**European Community, May 2, 2005**

*“Elections mark progress for democracy in Cambodia but also raise concerns”*

- *The 2007 Commune Elections have marked progress in the consolidation of democracy in Cambodia. However, there are concerns regarding the conduct of the pre-election period.*
- *It is encouraging that Cambodians are now able to elect their local representatives, and the preparations for election day and administration of the poll have largely been very well conducted.*
- *The overall pattern on election day was of a well administered process with voters participating peacefully and in large numbers, with problems limited to isolated incidents. The presence of party agents and observers in all polling stations ensured the transparency of the process, and the good technical preparations for the election in the face of substantial logistical challenges and the good conduct of officials and voters on Election Day represent a strong base for future elections. Further, the large number of registered candidates and elected Council Members, and the large-scale participation of civil society in all aspects of the process is a positive factor for the strengthening of grass-roots democracy in Cambodia.*
- *However, some of the practices observed during these elections might limit the democratic possibilities in Cambodia. During the pre-election period there were deaths of some candidates and party activists, intimidation of candidates and voters, inadequate enforcement of the rule of the law, restrictive interpretations of campaign regulations and inadequate and biased media coverage. As a result, the election campaign did not offer parties a fully free environment or equal opportunity and aspects of the pre-election period therefore fell short of international standards.*

**Center for Social Development (CSD), April 6, 2007** (a respected domestic election observer and voter educator since 1993)

*“CSD had 100 observers stationed across fifteen provinces and municipalities along with five other mobile observers across the country. Despite the peaceful atmosphere of Election Day, we witnessed and noted irregularities regarding the election process generally and particularly in many polling stations. The agents of polling station offices (“PSO”) did not understand the voting process and they sometimes didn’t want to cooperate with voters in finding their names and order numbers. The names and date of birth of voters on voting list were different from information cards and sometimes regrettably confused, that makes complication and discouragement to voters.”*

**National Democratic Institute (NDI), April 3, 2007,**

Tarikul Ghani, Director of Program *“Cambodia has made marked progress in terms of its technical capacity to run elections. However, a lot more needs to be done to meet international standards.”*

**Finally, opposing political perspectives from the SRP (May 2, 2007)**

*“The SRP recognizes that the 2007 commune election proceeded relatively smoothly on the surface of election day. In particular, we are happy to note the decline in violence relative to the 1998, 2002 and 2003 elections. However, serious flaws in the administration of the full election process do lead us to call into question whether the will of the people was truly reflected in the election results”.*

**And the CPP (Samdech Chea Sim, President of the CPP, April 24, 2007)**

*“The second term commune and subdistrict council elections held on 1 April were successful, free and fair. Many Cambodian people whose names were on the voters’ lists voted at voting stations in each commune and subdistrict countrywide with common sense. Each voter expressed their will freely, equally, directly, and secretly, to select the representatives they like to continue to lead and develop the communes and subdistricts in the political atmosphere of neutrality, democracy, and safety. This is a great historical event for Cambodia in 2007, which reflects clearly the great national conscience of our people, and a strong step to strengthen the foundation of democracy at every locality.*

*For the CPP, I would like to announce clearly that we support the results of the second commune and subdistrict council elections countrywide that the NEC has officially announced. The results of the elections completely reflect the goodwill and the goals of the Cambodian people in all communes and subdistricts in the consistent improvement of development of communes and subdistricts, the strengthening of local administration, and the promotion of living*

*standards. We all must respect and protect the results of the elections, and continue our full efforts to achieve the implementation of the goals of the people.*

*The CPP would like to appreciate the work of the NEC, of provincial and town election committees, and of the commune and subdistrict election committees which arranged the elections smoothly at the scheduled time by adhering complete to independent, neutral, and transparent positions based on a strict implementation of laws, regulations, and election procedures. We also would like to appreciate the Royal Government, local authorities, and officials of all levels, who used all their ability to support the elections, so that the elections were held well and with security and safety before the elections, during the elections, and after the elections.”*

## **1.7 Overall conclusion: Cambodia’s “Winner Takes All” Democracy?**

The recurring theme from earliest observations to the aftermath of the 2007 Commune Elections is one of control and dominance of the CPP, with, at best, tolerance of opposing voices whether of political opponents, Civil Society, or interested international players. One of the most unusual observations was made by Supreme Patriarch Venerable Tep Vong on December 15, 2006. He likened the ruling CPP party as the “older or host party” and all the others as “newer or guest parties” that should “to limit their opposition.”<sup>5</sup> This observation on the political scene appeared to go against his own orders against Buddhist Monks taking part in politics - a view not shared by other Buddhist Scholars<sup>6</sup> - but it does probably and accurately reflect a widespread belief that the CPP is the natural or divine party of power. While such a misconception occurs, giving license to the CPP’s control and dominance of the electoral processes, perpetuating a “winner takes all” pattern in all institutions from national to local level, Cambodia will never earn the accolade of truly free, fair, and credible elections.

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<sup>5</sup> Phnom Penh Post, <http://www.phnompenhpost.com/TXT/letters/11526-1.htm>. Supreme Patriarch Venerable Tep Vong is known to be a CPP supporter and was once vice president of the People's Republic of Kampuchea (PRK)'s Khmer National Assembly. He has issued various orders to prevent monks taking part in political activities and voting (contrary to constitutional rights that apply to all citizens) and to restrictions on use of pagoda for public meetings.

<sup>6</sup> See for example, “Equanimity would be supremely great in partisan Patriarch” by Dr. LAO Mong Hay, Phnom Penh Post, <http://www.phnompenhpost.com/TXT/letters/11526-1.htm>

## 2. Legal Framework

Cambodia's election timetable takes place over five year cycles, with the commune council elections one year before the national ones. This gives a three year period in-between which COMFREL uses in order to lobby and make representations to the NEC and to the Government. The aim is to offer constructive changes to take place based on past experience or its assessment of new circumstances. The following recommendations and responses set out key issues of the 2004-6 pre-election period and provides an essential back-cloth to how the 2007 commune elections proceeded. Certainly COMFREL believes that if all of its recommendations had been accepted, the elections would have been better.



COMFREL-led civil society representatives meet with NEC to discuss election issues

The recommendation is set out, followed by the NEC's response, COMFREL's reasoning and future action if any.

Recommendation:

**Article 3.4.2.10:**

The Birth Certificate should be added to this article (to clarify the nationality for eligibility to vote).

NEC Response:

***This recommendation shall be accepted.***

Past poor citizenship registration details and migration could lead to voters denied registration and ineligible people being registered. An authentic official birth certificate is reliable evidence. However the system at all levels needs to be improved for equal standards to apply for citizens and communities to be officially recognized for all purposes that impact on eligibility and participation.

**Article 2.25.2:**

The NEC should facilitate and encourage Cambodian citizens living or residing abroad (Diplomatic corps, students, overseas workers, etc.) for voter registration, and their ballots should be counted for the commune council election.

NEC Response:

***This recommendation shall be accepted, but the eligibility to vote and polling procedure must refer to Election Law.***

Overseas and internal migration inevitably renders it impracticable for eligible citizens to vote in home communities, so disenfranchising a large proportion of the electorate. Many countries have systems to allow ballots to be cast at alternate polling stations, or by post, or through other authorized means. Cambodia has very high rates of internal migration. People go in search of land and jobs. The system should be designed to accommodate such people and in ways that ensure no bias for or against groups that associate with one party or another,

**Article 4.6.2:**

In case, the candidate list consists solely of members from just one political party in a commune, the ballot should be particularly designed to give voter choice as to whether they support or do not support that single party. In case the number of support vote for any candidate list is under the one-seat quota as stipulated in article 4.6.3.2, NEC should organize a re-election as provided in the NEC guideline.

NEC Response:

*This recommendation shall not be accepted for the reason that:*

- *The commune council election law and its amendment stipulates only support vote.*
- *The one-seat quota is dividend of total valid votes and number of total seat in the constituency.*
- *The competitive parties shall become competitive voters.*

Ruling parties with strong control could exercise their powers to deter or make it impossible for opposition parties to field candidates. Absence of choice is a step back from democracy and a return to one party rule. All citizens should have the right to show approval or disapproval where only one choice is available. COMFREL will continue to campaign for this change.

**Article 7.6.3.4:**

Additional comments: The Commune/Sangkat Chief must issue the certification (Eligibility to vote of candidate and registration in commune) for the applicant within 72 hours of the demand registration.

NEC Response:

*This recommendation shall be accepted. (But only convert 72 hours to 3 days) in reference to NEC instruction number 284/06 dated on September 14, 2006, on the procedure of issuance of certification on eligibility and registration of candidate for the second mandate commune council election in 2007.*

Greater precision in registration processes should be an improvement, provided Commune/Sangkat Chiefs are impartial.

**Article 8.1.7:** (Additional comment):

Public locations eligible for the electoral campaign should included public market and streets.

*NEC Response: This recommendation shall be unacceptable for the reason that it will make a large campaign that could influence public security and social order.*

Party activists campaigning were prevented from doing so in markets and other public areas by authorities whose actions may have been politically motivated. COMFREL asserts the rights and freedom of all parties to take their message to voters, so any restrictions must be applied in accordance with objective criteria rather than “public security and order” which is too general and can be applied arbitrarily. It should be noted that outside the election arena, this is the usual reason given to prevent demonstrations and marches, restricting constitutional rights of freedom of assembly and expression.

**Article 8.4:**

The large number of voter mobilization should be defined as over ten voters.

NEC Response:

***This recommendation shall not be accepted for the reason that the detail clarification will make more gaps.***

The rules governing political parties providing transport to voters on election day are unclear but is allowed provided it is not huge. The actual number is not defined. COMFREL still believes that a precise upper figure would ensure fairness between the parties.

**Article 8.7:**

Those who are prohibited from electoral campaign involvement should include the officials of Cambodian Courts and officials appointed as village chief.

NEC Response:

***This recommendation shall be accepted.***

Officials are known to mix administrative and party responsibilities, with village chiefs who may be poorly educated unable to distinguish between the two roles that should be clearly separated. The NEC agreement is welcome but now needs to be enforced.

**Article 8.11.7 and 11.9.3:**

Activities intended to coerce voters and vote buying should be more clearly specified to outlaw:

- Goods and cash donations to voters,
- Transportation provided to the voter,
- Food given to citizens in the village,
- Seeking support from election authorities to convince voters to vote for or against any political party,
- Soliciting candidatures to reveal their choice of voting for a party or boycotting the poll, contrary to the secrecy of the ballot,
- Warnings that not voting for the ruling party will result in loss of public investment or services.

NEC Response:

***This recommendation shall be unacceptable for the reason that the detail clarification will make more gaps.***

Every election in Cambodia since 1993 has shown patterns of such infractions that are not confined just to the CPP. COMFREL, with respect to the NEC, does not accept that greater precision in what is allowed and not allowed would “make more gaps”. It will continue to lobby for such improvements and for effective enforcement when there are transgressions.

**Article 8.13.8:** (Additional comment)

The NEC shall only check voter education publication materials (posters, spots, etc.) of NGOs based on only a request from NGOs. (As opposed to earlier elections where the NEC had made prior clearance with them compulsory, a restriction that could have removed the constitutional right of freedom of expression.)

NEC Response:

***This recommendation shall be accepted.***

Previously the NEC sought to impose prior approval and enforce changes which amounted to censorship. COMFREL welcomes its change of stance warmly as an important step forward for civil society and freedom of expression.

**Article 8.14.4:**

The media access for electoral campaign for commune election should be the same as the national election campaign process.

NEC Response:

***This recommendation shall be accepted.***

COMFREL welcomes this too warmly as an important step forward for freedom of expression. However much more needs to be done to eliminate bias, as set out in the main body of the report below. The NEC needs to exercise a much more assertive national citizen education method that does not leave the task largely to NGOs dependent on donor-funding. This is not only to ensure that ordinary citizens know their own obligations and rights as voters but also what they now can expect of their Commune Councilors who have been assigned additional powers to act as the electoral constituency for members of the Senate and to supervise appointment of village chiefs. Both new powers introduce important new constitutional roles that transcend governmental and party political processes that only the NEC can preside over effectively.

**Article 9.3:** (Issuance of accreditation card for Cambodian Election Observers)

- The local registration should be done at National level (with NEC).
- The observer criteria checking and issuance of accreditation card should be done at Provincial level (with PEC) under qualitative management from NEC.

NEC Response:

***This recommendation shall not be accepted for the reason that the election law empowers the NEC to check and issue the accreditation card.***

Although there have been improvements, every election has shown the large size of the task and resultant administrative delay in issuing observer identities. COMFREL believes that once the NEC has recognized at national level bone fide organizations such as COMFREL, the task of issuing cards should be delegated to provincial level. If necessary the law should be amended.

**Article 9.3.8:**

The nationwide mobile observer should be accredited for 20 observers only.

NEC Response:

***The nationwide mobile observer shall be accredited for 5 observers (3 observers only accredited, in the Draft Guideline) for EMOs which deploy observers at least in 5 provinces.***

Although static observers in polling and counting stations are the main means by which COMFREL monitors elections, COMFREL has a responsibility to supervise and inspect them and to provide support when unusual or serious incidents occur. A figure of five is too small for this purpose. 20 is the absolute minimum for 24 provinces and municipalities.

**Article 10.6.14:** (Additional comment)

Any instructions of a polling station officer (PSO) to a voter should be voiced sufficiently audibly to be heard by political party agent and observers.

NEC Response:

***This recommendation shall be accepted.***

COMFREL welcomes this too warmly as an important step forward to ensure that there is no infringement on the rights of a voter. However, the NEC through the PECs and CECs must ensure

that it is honored fully and that party agents and observers are allowed to sit in a suitable location to see and hear.

**Article 11.1.2.4 and 11.2.9.3:**

Any difference in data during the vote counting and checking process should be considered as an irregularity.

NEC Response:

***This recommendation shall not be accepted. It could be the confusion of PSOs and ballot reserved printing.***

In election any imbalance in the numbers of voters on the electoral roll, in the ballot papers issued, and in votes cast and counted, must be a serious concern. COMFREL will continue to lobby the NEC to tighten up the regulations and to regard imbalances as irregularities that must be corrected.

**Article 11.11.1.5:** (Additional comment)

Any data rectification on the vote result must be done in the presence of political party agents and observers.

NEC Response:

***This recommendation shall be accepted, but only applicable to political party agents and observers who are present.***

COMFREL welcomes this too warmly as an important step forward to ensure that there is no infringement on the rights of a voter. However, the NEC through the PECs and CECs must ensure that it is honored fully and that party agents and observers are allowed to sit in a suitable location to see and hear.

**Article 12.3.3:** (Additional comments)

Complaint raised with and without duly supporting evidence shall be accepted for consideration and judgment.

NEC Response:

***This recommendation shall be accepted in principle.***

COMFREL welcomes this too as a contribution to improving the complaints systems so that they can operate more expeditiously and fairly. Furthermore bureaucratic obstacles such as requiring complaints to be registered in quadruplet should be removed while most rural citizens lack access to modern office equipment. Equally time limits set throughout the process must be realistic and reasonable to ensure that all have ample opportunity to process complaints, with authorities not able to exercise delaying tactics to bar complaints just on the grounds of being out of time.

**Article 16.6.5:** (Additional comment)

Only those infractions that are not stipulated in the penalty provision of the election law, can be resolved through compromise at local level between the complainant, other parties affected and officials.

NEC Response:

***This recommendation shall not be accepted.***

An unfortunate weakness pervading legal institutions in Cambodia is that extra-judicial settlements often end disputes through informal negotiations between parties<sup>7</sup> and with authorities. Most often due

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<sup>7</sup> "Parties" here refers to legal parties to a dispute, not political parties.

process does not take place with criminal proceedings halted. Without the suggestion put forward by COMFREL, this phenomenon happens in electoral arrangements. The NEC has supreme responsibility to ensure that infractions are stopped and proper legal recourse takes place against alleged offenders, without them escaping from justice through other means. COMFREL will pursue this issue more vigorously.

**Article 16.6.7:**

The hearing of complaints should take place in public. The complainant and respondent should be allowed to participate in the hearing.

NEC Response:

***Parties that do not consent with the compromise can submit an appeal to the PEC.***

This response does not answer the request, and taken literally would imply that such an appeal would need to be automatic to correct either a failure in the first case due to secrecy or lack of representation to one or more parties.

**Article 16.7:**

The NEC should establish a Special Jury, independent and with fully delegated powers, to punish the NEC, PECs, CECs who commit any illegality.

NEC Response:

This recommendation shall not be accepted.

COMFREL still believes strongly that any institution should not be able to act as prosecutor, judge, and jury as indeed is the mandate given to the NEC on election infractions. Ideally it should have just an executive role with electoral judicial powers held separately within the justice system. However if that is not possible, separation within the NEC structure such as a Special Jury, would be better than the present system. Also, there needs to be much greater precision in what may constitute electoral infractions, some of which are more than mere infractions of electoral laws and constitute crimes that should be processed through the main legal systems, i.e., beyond the powers vested in the NEC. Perpetrators should be subject to due process through both mechanisms, and criminal procedures that provide for extra-judicial solutions – as COMFREL comments on Recommendation for article 16.6.5 above – must not be used to circumvent the electoral laws, as discovered and reported for earlier elections.

**Article 16.9.4.9:**

Those who cause the ballot box to be opened contrary to regulations, both intentionally and unintentionally, shall be equally punished.

NEC Response:

***This recommendation shall not be accepted. The degree of penalty shall be based on whether the act was intentional or unintentional.***

COMFREL will still press for simplicity in the application of this rule given the obvious loophole provided when interpretation of “unintentional” takes place.

**Article 16.9.8:**

Where any fines levied are not paid or paid very late, the NEC should submit the case to the court.

**Article 16.9.9:**

The revenue from fines should be directly paid in to the national treasury.

NEC Response:

***These recommendations shall not be accepted.***

In the absence of a good reason for no action by the NEC, COMFREL will continue to press for these changes. Justice must be seen to be done expeditiously and transparently, with penalties being enacted and not left to be obscured by time or bureaucratic procedures.

**Article 16.10.1:**

All complaints should be submitted to the commune council chief or commune councilors responsible for voter registration.

NEC Response:

***This recommendation shall not be necessary. The title of “commune council” has overall responsibility and covers chief and councilors. The decision making process shall refer to the provision of commune administration law.***

COMFREL still believes that for transparency and accountability, complainants must be able to identify clearly the person to whom their complaint is addressed and who has specific responsibility for taking action on it.

**Article 16.11.2:**

The NEC should nominate 5 Councilors of Jury including one NEC chairman and four other members with due experience and professionalism in a legal field.

**Article 16.12.2.1:** (Additional comments)

The Council of Jury should seek lawful compromise before applying Article 17 of the Law on the Election of the Members of the National Assembly (LEMNA) and the NEC internal rule. The NEC should seek cooperation with Ministry of Justice to establish an election prosecution.

NEC Response:

***This recommendation shall not be accepted with the following reasons:***

- ***Even though the article 16.11.2 stipulated on component, functioning and power of the council of jury (at national level) in which the NEC chairman shall be the chairman of the council of jury, vice-chairman and member of the NEC shall be the member of the council of jury; the article 16.11.6 stipulated that the number and member of the council of jury shall be flexible (Uneven number: 3,5,7 etc.). Generally it is not required for all members of an institution with judicial powers to hold legal professional qualifications. More important for the NEC officials is high understanding and technical knowledge of the election laws and the NEC guidelines.***
- ***The decision-making must be based on legality and under the provision of article 17 of the LEMNA and the NEC internal rule.***
- ***The NEC has no right to initiate or to make any change to the legal framework or debate with the other institutions out of its remit or competency. The election law mentions the mandate and responsibility of the NEC for only designing, planning and organizing the election process.***
- ***For the reason that the penalty chapter of the election law does not stipulate the imprisonment punishment.***

COMFREL urges that further and wider legal counsel takes place on this very important issue. As stated for Recommendation for article 16.7 above, it believes strongly that any institution should not be able to act as prosecutor, judge, and jury as indeed is the mandate given to the NEC on election infractions. Ideally it should have just an executive role with electoral judicial powers held separately within the justice system. However if that is not possible, separation within the NEC structure such as a Special Jury, would be better than the present system.

COMFREL believes that any complex legal process in which lay people are involved requires them to have recourse to legal expertise, not just technical competence. This expertise has to be gained and accumulated but the present system only provides for jurors to be appointed on a case-by-case basis. One other vital element absent in the present system is proper investigation to establish facts and pertinent circumstances giving rise to the complaint. It is not sufficient to adjudicate just on the basis of documents submitted.

Furthermore not only does the NEC actually have a right as with all state institutions to identify and make recommendations on laws that affect the discharge of its functions, but that it has a particular obligation to do this, given the supremacy of its role in Cambodia's democracy and its state apparatus.

Recommendation:

The Voter Information Notice may be distributed to voters at any time up to polling day.

NEC Response:

***The Voter Information Notice distribution period has been scheduled. The more important task is the checking and rectifying the data on voter list.***

COMFREL still argues that important and relevant information should be provided to voters up to the last minute and not constrained by unnecessary administrative deadlines.

Recommendation:

The national observer should have the same rights as political party agents to raise complaints about irregularities.

NEC Response:

***The rights of national observer and political agent have been specified in election law. This recommendation would require the election law to be revised.***

COMFREL will continue to press for this important recognition of its accredited EMOs with a change in the law. Very often now they are better trained and have more knowledge than either party agents or polling/counting station officials, therefore their direct input can only advance the efficiency and credibility of the election process. For this reason, COMFREL would also argue that their presence at meetings of the NEC, PECs, and CECs, should now be compulsory.

### **3. Elections and the Related Political Environment**

**Cambodia in 2007 continued to suffer a political environment that is not fully conducive to truly free and fair elections.** Voters were still subject to pressures preventing them from making a choice either according to their conscience or on the basis of proper information. There is a persistent fear at every level of society of retribution from leaders, who can use their power to affect personal and family lives. Insufficient efforts have been made to eliminate this factor from the Cambodian election scenario.

However, COMFREL notes the improved and more politically security climate in comparison with previous elections. The number of cases of murder and violence of political activists has decreased compared with before but this still creates an environment of fear. Investigation and prosecution have not followed swiftly so reinforcing the background of impunity. Observations found that there were still strong verbal threats and pressure, especially from the ruling party (CPP). For instance, Samdech Prime Minister HUN Sen is on record as warning “if the CPP loses the election, thousands of projects will vanish or become unstable”.

There were nine killings of political activists and candidates (compared with 28 cases in 2003 and 18 cases in 2002). ***Intimidation towards activists and candidates of political parties during the election process was higher than usual between elections.***

There were more than 127 cases of intimidation/threats, such as cases of firing guns, death threats and harassment (compared with 281 cases in 2003 and 138 cases in 2002). However, the impact of the 2007 cases cannot yet be measured.

Opposition members who did not have full protection of security personnel received little or no help/assistance from local authorities, resulting in some cases in members of different parties to be forced in to moving away from their community and/or threatened to confiscate their land.

#### **3.1 Pre-election campaign environment**

There was an insecure environment in some provinces/cities. In the process of voter list revision and voter registration, COMFREL received reports of murder, threats, intimidation and violence targeting political party activists in some provinces/cities, such as Kampong Cham, Takeo and Prey Veng.

##### **Cases of killing or death of election activists**

Five SRP activists were murdered, two in Prey Veng, one in Kampong Cham, one in Preah Vihear, and another one in Battambang. One case was of Mr. THUNG Thear, 27, residing in Koang Kang commune, Ponhea Krek district, Kampong Cham province; and one was of Mr. RIN Borey, 21, residing in Ton Srov village, Kork Kong Khang Koet commune, Kagn Chreach district, Prey Veng province. (*For more please see Annex 9: Table of Killing Cases*).

Although officially evidence was inconclusive regarding whether these murder cases were politically motivated, Mr. THUN Saray, President of ADHOC (Cambodian Human Rights and Development Association), noted that “*violence towards the activists of political parties during the election process is higher than usual*”.

The victims of murder had been very active in the community and, during their last days, were involved in discussions with neighbors about the SRP and in working for the voter list revision and registration process, such as distributing Form 1018 as well as photographing voters for the registration form.

## **Violence**

In Kratie, a FUNCINPEC activist was the target of an unsuccessful assassination attempt. Three SRP activists were the victims of injury (two cases in Prey Veng and one in Kampong Cham). One case in Kampong Cham related to the tearing down of a FUNCINPEC signboard.

Related to intimidation cases, a number of people were forced to take an oath (by thumbprint or other means) by party-affiliated authorities to be a member of a political party, especially by village chiefs in some regions in Takeo province (CPP). One case related to the dropping of FUNCINPEC's tag in Veal Vong commune, Kampong Cham district, Kampong Cham province. An activist from the SRP, NHIN Savoeun (male, 35), was arrested in Rokar Por Pram commune, Tbong Khmom district, Kampong Cham province. There was also conflict between political parties over attracting support from grassroots activists. Provincial and district authorities from FUNCINPEC prohibited its "own" FUNCINPEC activists loyal to Prince Norodom Ranariddh in Siem Reap province from meeting with the Prince, threatening to remove any official who did so.<sup>8</sup>

Three cases of violence against political party activists were reported, two of which occurred in Prey Veng province. The names of the victims were: 1) Mr. SOMBO Som, residing in Village 6, Kampong Leav commune, Kampong Leav district, Prey Veng province; 2) Ms. KONG Prich, residing in Por Pil village, Prey Kontorng commune, Kampong Leav district, Prey Veng province; and 3) Mr. LEANG Ho residing in Thmey Kandal village, Preah Theat commune, Orang Ov district, Kampong Cham province.

Other threats and forms of intimidation continued to take place. Observation found that freedom and space for political activities in remote areas were still very limited. Members and activists from political parties other than the ruling parties felt fear and faced difficulties in organizing their network and candidates for the elections. There was alleged verbal intimidation towards political party activists, especially opposition party activists, by local authorities, who allegedly forced activists to resign, stop working or support other parties. There were cases of local authorities not ensuring the security of activists and their families, or not assisting in administrative work or development projects for those who joined or worked for certain political parties. These cases occurred in communes in the provinces of Koh Kong, Pursat, Mondolkiri, Kandal, Siem Reap, Kratie and Battambang. COMFREL continued to observe some cases.

For example, a SRP activist in Mong Russey commune/district, Battambang province, was threatened by local authorities: *"If (you) don't follow us, we will take your land, your house and banish you from the village"*. The activist was also told that he might be killed by a grenade. In Sob commune, Prek Prasab district, Kratie province, a SRP activist was threatened by local authorities through his daughter: *"Tell your father to resign from the SRP and work for the CPP. [Your father] is old, [he] should think of his own security and his children's and wife's security; your husband can be officially promoted as school director."*

Other cases included a shooting at the home in Kampong Chen commune, Stong district, Kampong Thom province, of an activist who had defected from FUNCINPEC to join the NRP. In another case, in Thmor Da commune, Veal Veng district, Pursat province, a SRP activist who had a land dispute and filed a complaint with the commune chief was told by police that his case would be processed only if he stopped standing as a candidate for the SRP first.

- A grenade explosion killed the daughter of a NRP first-ranking candidate in Pursat.
- Another murder took place in Sihanouk Ville.

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<sup>8</sup> An internal leadership conflict within FUNCINPEC eventually led to Prince Norodom Ranariddh being removed from the Presidency after Secretary General NHIEK Bun Chhay held an allegedly illegal special party congress on October 18, 2006. The Prince joined another party that was duly re-named after him. Many FUNCINPEC supporters defected to the NRP to remain loyal to the Prince.

Other very serious crimes appeared to take place too:

- SRP candidate houses were set on fire in Banteay Meanchey and Kampong Chhnang provinces.
- A NRP candidate's house was set on fire in Pailin.

The arrest of three generals – one from the SRP and two from FUNCINPEC – created an environment of fear and concern during the pre-election period. As with other incidents, the reason cited by authorities for the arrests was stated to be “not politically-related”, i.e. in this case, it was in relation to robberies although all three were known to be active in their parties, one as a senior official of SRP. “Private” disputes are often used and sometimes accusations of sorcery.

Some leading court cases affected the pre-election atmosphere and effectively prevented Prince Ranariddh from being present in the country and able to campaign. The internal dispute with his former colleagues at FUNCINPEC included allegations that he had sold illegally the party's HQ and benefited personally from the proceeds. The Phnom Penh Municipal Court convicted him in absentia, issued a penal sentence and since then he has not returned to Cambodia. Allegations were made of executive interference in the court process including by Samdech HUN Sen, Prime Minister.

This case was followed by a lawsuit filed by the government against Prince Norodom Chakrapong, Deputy President of the NRP, over apparent unpaid debts from his now defunct airline company.

A protracted period of disputes occurred between the NRP and FUNCINPEC as members, activists and candidates separated into either staying loyal to FUNCINPEC or switching to NRP. These disputes led to government officials losing office at national and local levels, verbal threats and in one case shot fired at an activist's house.

COMFREL, NICFEC, CHRAC (Cambodian Human Rights Action Committee) and the Youth Council of Cambodia (YCC) appealed strongly to competent authorities to take immediate action to hunt for those involved in such violent activities, stating that they must be brought to justice and punished by the law. The NEC should work with the government to re-affirm the responsibility of local authorities and security forces to be neutral and to assist them in guaranteeing the integrity of the election process. They are required to ensure that there is throughout the country a secure environment free of intimidation. Instructions calling a halt to improper activities should be aired publicly to prevent further political violence, intimidation and threats.

### **3.2 Election campaign environment**

COMFREL continued to express concern regarding the security environment and the increasing number of cases of murder of political party members and candidates after candidate registration. Mr. THUN Saray, First Representative of COMFREL said “*cases of murder and violence of political activists have decreased in number compared with previous elections. But the impact of the recent cases cannot yet be measured.*” Indeed the exact impact and its lasting effect may never be measured such is the effectiveness of such occurrences being allowed to characterize successive Cambodian elections...



From left to right: CPP, SRP, FUNCINPEC and NRP Election Campaign Activities

Events affecting the political environment included physical harm; threatening and arrest of candidates; damage to political activists' property; confiscation of identity cards and documents of citizens; and forcing voters to swear oaths of loyalty. 230 of such cases were reported to COMFREL - in total: 80 from the period between voter registration and the pre-election campaign, and 150 cases counted during campaigning.

**COMFREL, based on general observations, concluded that insecurity in the period after political party candidate registration increased in some provinces/cities, as compared with the period when voter lists were updated.** In February, insecurity increased in some provinces/cities, including theft, robbery and murder, in Kampong Cham, Battambang, Sihanouk Ville and Phnom Penh. Phnom Penh and Kandal saw the shooting (non-fatal) of female singer POV Panhapich, the fatal shooting of union leader HY Vuthy, and the throat cutting of a Khmer Kampuchea Krom monk EANG Sok Thoeun. The competent authorities have not yet found or brought to justice the perpetrators of the above murder cases, which led to an environment of fear for political activists and voters.

### **Conflict between political parties**

The lawsuit against Prince Norodom Ranariddh regarding the sale of the FUNCINPEC Party HQ was pursued by FUNCINPEC's leaders. The Prince was accused of illegally selling FUNCINPEC's headquarters and keeping proceeds from it. Many observers believed that there was more than a hint of political character as it deprived the Prince of taking active part in the campaign. Their belief was further reinforced by a new controversial monogamy law uncharacteristically and hurriedly passed by the NA<sup>9</sup> after reportedly being pushed for by the Prime Minister.<sup>10</sup> At this point, a lawsuit was brought against Prince Norodom Ranariddh by his estranged wife, Princess Marie Ranariddh, who after the Prince's split from FUNCINPEC, was appointed as a senior minister within the CPP/FUNCINPEC Coalition government. She was one the first to register a complaint to the courts following the new monogamy law. The Prime Minister was reported as having pushed for the case to go to court<sup>11</sup> and warned that once convicted a minimum of two thirds of the sentence of imprisonment should be served rather than immediate amnesty<sup>12</sup> in the lawsuit brought by FUNCINPEC for breach of trust.

COMFREL, along with its civil society partners, deplores any executive interference in the judicial process as well as litigation being used to advance party political activities.

Observation showed that the court processed the case lodged by FUNCINPEC expeditiously but not that the counter lawsuit brought by the Prince. The Prince was sentenced to 18 months in prison, starting from the arrest date, and fined US\$150,000. He then could not participate in the election campaign in his position as President of the NRP.

Supporters of Prince Ranariddh did complain that his own counter-case against FUNCINPEC did not appear to receive the same priority by the courts but this had no effect. There were also wider complaints from civil society that these matters were receiving greater attention than more important matters such as many cases of selling, swapping and renting out of state property. These were being conducted largely without transparency, at times with dubious legality, and in some cases causing displacement and social upheaval of communities.

This environment led to understandable concerns that the process of free and fair elections was under serious threat. A major party leader and a former Prime Minister was denied the opportunity to campaign in the election.

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<sup>9</sup> Other laws such as the Anti-Corruption Law have been in the pipeline for many years.

<sup>10</sup> August 2006.

<sup>11</sup> January 19, 2007, during a meeting of the Council of Ministers.

<sup>12</sup> March 10, 2007, during a graduation ceremony at the Royal University of Phnom Penh. It should be noted that Prince Ranariddh and other opposition leaders "guilty" of crimes in the past have been granted amnesty by the king and been allowed to resume their political careers.

The FUNCINPEC party lawsuit against Prince Norodom Ranariddh and the court's conviction of him, under the Prime Minister's influence, was one of the most prominent incidents during the 2007 commune elections. It needs to be taken as a key factor governing the election environment as murder and other serious cases involving all parties of activists, family members of candidates and others.

### **3.3 Cooling-off period, polling/counting day**

March 31, 2007 was the one-day cooling-off period provided in the election period when officially no campaigning or election-related political activity should take place. It is a time for voters to reflect before they vote. This time, although **the climate was peaceful**, many procedural and regulation violations were seen. These included in particular a vote-buying campaign - giving money, gifts or other materials and organizing small parties for voters in some communes/sangkats, such as Poipet. In Takeo province, members of the armed forces rode motorbikes at night without lights, alarming local residents. Many police officials were deployed in Battambang province. As stated above a grenade exploded near a SRP activist's house.

COMFREL expressed surprise and grave concern in the period immediately before Election Day regarding the announcement by the NEC and the Ministry of Post and Telecommunication ordering all mobile phone companies in Cambodia to block the mobile phone short message service (SMS) from March 30, 2007 at 24:00 to April 1, 2007 at 15:00.

Blocking SMS affects freedom to access information and makes for difficulties in reporting cases of irregularity. COMFREL uses a system allowing its networks to directly report cases of serious irregularity (murder and political violence) and election results via SMS to the database system at COMFREL's headquarters. Observations found that some political parties' agents too also use SMS to communicate and to report back on irregularity cases.

As such, the announcement, made without prior warning or consultation, affected communication and reporting on the elections. The ban also provoked many doubts and questions as to its rationale, as SMS is a means of providing clear and effective data in a cost-effective manner.

The NEC tried to justify the ban by stating that political parties would otherwise use SMS to send messages and pictures to voters during the "tranquility" period (the cooling-off-day – March 31 – and polling day). COMFREL consider that this explanation digressed from election procedures and regulations: using SMS should not be considered to be election campaigning (according to Provision 8.1 of the NEC's regulations and procedures). Additionally, pictures sent by SMS could not be compared with the large and small posters already in place around the country. No law stated that such posters or leaflets had to be removed or outlawed (except in polling station compounds).

Generally, COMFREL and others in the coalition of civil society organizations involved in monitoring the elections generally concurred on the fundamental findings. They concluded that the commune council elections (second mandate) on April 1, 2007 were conducted on the whole in an acceptable manner in terms of administration of regulations and procedures in polling/counting stations, in comparison with the first mandate of commune council elections in 2002. Additionally, official results of the NEC and results directly collected from counting stations by COMFREL or NICFEC election observers did not show such differences that might affect the number of seats allocated to each political party.

They also concluded that Commune Council elections represented another step towards strengthening local democracy and good governance in Cambodia. In general, the above-mentioned civil society alliance observed that the environment surrounding the 2007 commune council elections was an improvement on that surrounding the previous elections.

However, COMFREL with civil society and NGO partners, charged with observing the elections, regretted to note that the turnout of voters this year decreased generally and quite dramatically in certain areas. (Turnout was down 20% as compared with the 2002 elections). In the 2002 elections, around 87% of all voters voted. According to NEC reports, about 68% of the around 7.8 million people listed actually voted. Around 30% of all voters (equal to around 2.5 million voters) did not vote. This is a worrying sign if there is growing disenchantment of the democratic process in opposition and former adversary communities.

### **Reasons for low voter turnout**

Voters faced obstruction and complicated procedures during the registration and polling period. Many irregularities were observed. However in order to substantiate those direct observations, COMFREL conducted its own survey of 290 eligible voters who did not cast their ballot in April 1, in 15 communes of 15 provinces/cities. It showed:

- *28% (equal to 66 of the 236 voters) said that their name was not registered on the electoral role.*
- *9% (equal to 22 of the 236 voters) said that they did not receive a voter information notice, making them think that they did not have the right to vote.*
- *63% (equal to 148 of the 236 voters) were migrants, and said that they did not want to vote as the cost of transportation home had increased and the date was too close to the Khmer New Year holiday.*
- *18.5% of them went to the polling station but faced obstructions and could not cast a ballot. The reasons were as follows - they had only a voter information notice (and no other identity documentation valid for polling); they could not find their name on the voter list; they could not find the polling station.*

Another issue noted by observation was relevant - the failure of the MoI to provide identity cards to all eligible voters, identified as the main cause behind the noticeable decrease in the actual number of voters casting a vote.

## **4. NEC Restructuring, Recruitment of Electoral Commissions and Performance**

The NEC has its jurisdiction to organize the election of the members of the NA, the Senate, and the Commune Councils. The NEC is mandated to be an independent and neutral state institution in implementing its jurisdiction. Members of the NEC at all levels are to work on the basis of neutrality and impartiality.

The original composition of the NEC is as follows:

- \* A Khmer dignitary as a Chairperson
- \* A Khmer dignitary as a Deputy Chairperson
- \* Seven Khmer dignitaries as Members

The Chairperson, Deputy Chairperson and members of the NEC have been appointed by the Royal decree seven (7) months before the election, in accordance with the proposal of the Council of Ministers after approval from the NA by super majority vote.

The Chairperson, Deputy Chairperson and Members of the NEC must take an oath in the Royal Palace before assuming their positions. The NEC has authority to recruit staff members as required to discharge its duties and it has a Secretary-General as its senior officer.

### **4.1 Responsibilities of the NEC**

The NEC takes full responsibility in planning, organizing and managing elections nationwide. The NEC assumes full authority in implementing its tasks. Powers, rights and responsibilities in relation to planning, organizing, managing and monitoring the election process are as described below:

#### **Article 10. (Amended): Amended Law on the Elections of the Commune Councils.**

The NEC shall have the powers, functions and duties to:

1. Prepare and validate the voter list;
2. Annually review the voter list;
3. Safeguard and maintain the lists of voters;
4. Make decisions on the registration of the lists of candidates;
5. Monitor the election campaigns;
6. Administer the election procedures;
7. Administer the ballot counting procedures;
8. Proclaim the election results;
9. Ensure security in the election process and the ballot counting process, and safeguard the election materials, equipments and furniture used for the whole election process;
10. Train the electoral officials and give guidance to the candidates, agents of the political parties, and observers on the procedures for polling, ballot counting and the provisions of this law;
11. Ensure that the general public understands the purpose of the elections;
12. Ensure that every person has the right to participate in the electoral process safely without fear or intimidation;
13. Prepare the procedures for polling and ballot counting with transparency and with the participation from observers and agents of the political parties;
14. Ensure regular contact between the NEC and the candidates, agents of the political parties, and electoral observers;
15. Implement the procedures relating to the financial monitoring and management determined by the Ministry of Economy and Finance;

16. Make decisions on appeals related to Commune/Sangkat Council Elections except those that are related to the competency of the court;
17. Report to the NA and the Senate on the administration, the conduct of election and election results within 90 days after Election Day. The powers, functions, and duties prescribed in articles 7 amended, 8 amended, 9 amended, and 10 amended of this law shall be added to those assigned by or entrusted to the NEC by the LEM NA.

**Article. 16 (Amended): (The Law on the Elections of Member of the National Assembly)**

The NEC shall be responsible for planning, organizing and managing the election nationwide. The NEC shall have full right to implement its duties. Powers, duties, and responsibilities in connection with the planning, organization, management, and supervision of the election are as follows:

1. Taking all necessary measures to ensure that the elections are free and fair with secrecy of the vote;
2. Preparing the work plan, budget and the materials for the election, and publishing the schedule of the election;
3. Appointing Provincial/Municipal Electoral Commissions;
4. Adopting regulations, procedures and directives for the election process within the framework of applicable laws;
5. Proposing and enforcing measures to maintain security and public order at the time of the election;
6. Supervising the work of Electoral Commissions at all levels;
7. Establishing the jurisdiction of polling stations;
8. Issuing decisions regarding locations of the registration and polling stations;
9. Furnishing electoral materials and equipments for the election;
10. Recruiting and appointing officials to help in the revision of the list of voters and registration of voters in accordance with laws and regulations;
11. Preparing the list of voters and voter registration booklist;
12. Review and provide validation on the list of voters;
13. Receiving and deciding on the political parties' registrations and applications of political parties' candidates;
14. Monitoring and facilitating the organization of the electoral campaign;
15. Organizing and managing the election, counting of ballots, determination of the result of the poll, and announcement of the results of the election;
16. Temporarily suspending the right to vote and to it. To register in the list of the political party for participation in election or to delete from the list of the political party. To delete the candidacy of a candidate who stands for the Election of the NA or to restore their candidacy.
17. Providing information on the progress of the electoral process to political parties and candidates and receiving suggestions relating to election; ensuring regular information exchanges and coordination on the electoral process between the NEC and Electoral Commissions at all levels with political parties, candidates and stakeholders;
18. Producing and disseminating publications on elections;
19. Promoting public awareness on electoral matters through voters education and public dissemination program and by other means;
20. Preparing curricula and training for electoral officers;
21. Approving and issuing identification cards to political party agents, national and international observers;
22. Overview legality, regulations, and procedures on the implementation of the election;
23. Open a public hearing, deciding on all complaints and appeals relating to the election; except complaints which fall under the jurisdiction of the courts;
24. Preventing and monitoring electoral irregularities;

25. Establishing a committee to destroy ballot papers used during each election of the NA after these ballot papers have been stored in a safe place for four (4) years of polling day of each election with participation of representatives of political party(ies) who have seat(s) in the NA;

Implementing other tasks as deemed required or expressly permitted by laws and regulations.

## **4.2 Recruitment of election officials**

COMFREL observed that, although there were irregularities, in general the process of recruitment of election officials at all levels was achieved smoothly. However, during the recruitment of PEC and CEC officials, there were some irregularities in Kampong Cham province in terms of giving and receiving bribes. According to observation, there were cases of nepotism in Ratanakiri, Prey Veng and Oddar Meanchey. There were also cases of lack of transparency in recruitment in many provinces/cities and of narrow dissemination of announcements. Relating to the bribery cases, the NEC concluded that there was a lack of evidence. The number of female election officials has not increased compared with 2003, and remains at around 6%.

## **4.3 Restructuring the NEC**

The NEC was restructured in July 2006, with recruitment of the Provincial and Commune Election Commissions taking place in December 2006.

COMFREL Representatives, its Task Force and its Expert Committee were pleased to meet with the leaders of the two main political parties for the 2007 commune council elections and with the Deputy Prime Minister and Minister of Interior H.E SAR Kheng, along with legislators and NEC officials. The purpose of the meetings was to lobby for election reforms, in particular on NEC restructuring as well as on procedures for the 2007 elections.

The number of members of the NEC from elected political parties holding seats in the NA increased from five to nine (five CPP, two SRP and two FUNCINPEC). This change was based on apportioning places in relation to the political parties in the NA and their share of the seats, i.e. a more opaque representation of political allegiances than in the past and distinct opposition/non-CPP members. This change should contribute to more transparency in performing tasks, such as issuing the NEC guidelines on the neutrality of village authorities; the distribution of the VIN; the production of the political party platform broadcasting program; instructions on how to deal with discrepancies between information on ID documents and that on the voter list for use on polling day; improvements to technical election processes, etc.

Civil society expressed concern that the new system abandons the aim of having the NEC as a genuine neutral and independent state institution; criteria intended to prevent members perpetuating political bias was not defined, and that selection procedures for NEC members were not yet sound enough. The selection process was in fact conducted by the MoI which is of course controlled by the CPP within the coalition government.

The amendment bill focused on key points as follows:

The composition of the NEC was to be increased from five to nine members, including a chairman, a vice-chairman and seven members, under the term of [Khmer Dignitaries]. These nine Khmer dignitaries should be appointed by the MoI, accepted by the Council of Ministers, approved by the NA with absolute majority vote and officially promulgated by Royal Decree. The nomination process was to be ready at least **seven** months prior to Election Day. *[According to the pre-existing election law, the NEC's members should be nominated by **Royal Decree** at least **nine** months prior Election Day].*

Most electoral stakeholders, civil society organizations and political parties expressed concern over the amendment whereby the selection procedure gave sole power to the MoI in proposing candidates for the NEC. The amendment stated that the MoI should submit the names proposed for the NEC to the Council of Ministers at least nine months prior to Election Day.

Despite changes at the national level, there were no changes to the sub-structure of the NEC. The CPP continues to dominate PECs and CECs. Observation showed partisan behaviour on the part of officials. There was failure to enforce proper electoral standards, which allowed hard line party activists to maintain coercive tactics against voters. Some officials lacked the will to acknowledge and resolve election violations expeditiously and justly.

More information is available on electoral institution performance in the relevant sections.

## **5. Election Process**

### **5.1 Voter registration**

COMFREL fully observed the process of voter list revision and voter registration, and the posting of the initial voter list, as instigated by the NEC from October 1 to December 31, 2006. COMFREL carried out its observation by means of around 450 observers in place through Cambodia's 600 communes/sangkats,<sup>13</sup> particularly in remote areas. 50 provincial observers and 100 district observers each inspected two communes, while 300 commune observers inspected one.

COMFREL would like to express qualified praise for the results of voter registration for 2006, which saw a greater quantity of newly registered voters (including those who had relocated and those who had never registered before). NEC official figures showed that, as of December 29, 2006, the number of newly registered voters throughout the country had hit 1,245,752, which represents 216% of the NEC's estimated 577,502. 160,260 voters' names were deleted - died, changing residence, double name, withdrawn voting rights. The total number on the voter list was 7,799,371.

Despite repeated and frequent irregularities, it was found that the NEC had worked hard and put in a great deal of effort, with many positive outcomes compared with its previous mandate. The speed of voter registration minimized worries regarding late registration, with a note-worthy preliminary result. It was also creditable that the voter list revision and voter registration within one day was on average higher compared with that of the 2005 and 2006 registration, although lower than that of 2003.

**The overwhelming number of voter registrations assumes that the NEC experienced technical errors in its initial calculations and statistics, which then led to the subsequent shortage of documents (forms).**

COMFREL also highly appreciated the NEC's efforts in adding four extra days to voter registration, despite its busy schedule.

However, the revision and registration process was reportedly subject to problems and irregularities. According to COMFREL's own report, irregularities arose during the voter list revision and voter registration.

#### **VIN: THE VOTER INFORMATION NOTICE (See more in Annex 10)**

The VIN is an extract from the current electoral list giving information about each registered voter. It cannot be used to substitute for voter identity documents. The slip of paper has to be checked by the voter for details; if there are errors it must be returned for correction during the voter registration period. If information is not correct and is not in accordance with the ID documents, voters can lose their right to vote on polling day. In the run-up to the elections, the NEC printed 6,713,879 VIN, equal to the population on the official 2005 voter list and based on a planned sum of over US\$200,000, made available by the United Nations Development Program (UNDP) and the Government of France.

Phase I of VIN distribution took place between August and September 2006. This was to allow voters who had their name on the 2005 list to verify their data on the voter list along with their ID documents. If information did not match, the voter had to go to and correct this at the commune office in the registration period from October 1-20, 2006.

A NEC press release<sup>14</sup> revealed that, up to August 31, 2006, initial results on the distribution of the VIN in 1,621 sangkats/communes nationwide showed 5,159,843, equal to 76.9%. More detailed

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<sup>13</sup> 150 (the provincial and district network) among the 450 observed two communes each.

<sup>14</sup> Press Release No 09.107/06 N.E.C., Phnom Penh, September 14, 2006.

reports in this area, counted on August 31, 2006 by means of village chiefs, showed that the highest tally was in Takeo province, accounting for 88.5% (reaching out to 430,919 of 486,741 people). The lowest coverage was in Phnom Penh, at only 53.9% (i.e., 324,328 of the total target of 602,295).

The remaining VIN were kept in commune offices. Those who had not received their VIN by August 31, 2006 could get it at their commune office during September for verification, but there is no published report about how many more VIN had been taken by voters during the above period.

Following VIN distribution, 2,043,360 names were corrected following requests from voters.

### **Political bias and financial irregularities**

H.E. Dr SIN Chumbo (Ms.), Vice President of the NEC, said that Cambodia's system of VIN distribution was more effective than that of countries which carried out delivery via post offices. However, officials from both FUNCINPEC and the SRP stated that VIN distribution by means of village chiefs had only been carried out properly for CPP party members: other parties' members were said to have been ignored with no clear explanation.<sup>15</sup>

In general, it was frequently observed that using village chiefs to distribute the VIN was subject to many irregularities, such as political bias (e.g. when this might open opportunities for village chiefs to perform political party activities and other such actions to strengthen networks among villages and communes/sangkats). Irregularities were also reported in some municipalities and provinces, as noted by COMFREL watchdogs. For instance, a COMFREL activist in Battambang was obliged to be photographed for a political party membership before being handed the VIN. In Tbeng Meanchey district of Preah Vihear, restrictions were reported regarding any political parties other than the CPP: in one case, a five-member family, all voters, was given only three VIN; the other two had to wait until the family book was checked although they were from the same family. This did not occur for members of the CPP. Political discrimination of this type was also alleged to have happened in Chhuk commune of Prasat Sambour district and Chrolong and Treal communes of Baray district of Kampong Thom province, where VIN were distributed to those affiliated to the CPP before anyone else. Similar cases were also said to have occurred in Dang Tong district of Kampot province.

**It is said that voters were persuaded to sign up for political membership, while some village chiefs and local authorities played the role of agent to the ruling party, mobilizing people to take an oath to become part of the CPP.** Mr. NGET Virak, clerk of Sat Pong commune of Chhuk district in Kampot province, said that names, dates of birth or places of birth on about 85% of the VIN distributed to villagers in his commune had not been in accordance with the information on their ID card.<sup>16</sup> In parallel with this, COMFREL watchdog maintained that 500 VIN slips had not yet been distributed in that locality; a different report stated that VIN distribution in Poipet commune of O Chrov district in Banteay Meanchey province scored only about 11% distribution.

Despite the statement of H.E. TEP Nitha, NEC Secretary General, that the NEC had distributed on average US\$3 to each village and US\$40 to each commune/sangkat,<sup>17</sup> to distribute VINs local observations showed that some villages received only US\$1.

It is of note that during the previous elections, the CPP delivered only to their supporters through village and group chiefs a kind of written note (similar to the VIN) on a small piece of paper. This indicated the voter's name, polling station code number and serial number. **The NEC's idea to distribute a VIN through local authorities was a good but could be seen to give legitimacy to CPP actions.**

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15 Koh Santepheap, 'NEC Gives Initial Results on Voter Information Notice Distribution', No 5832, Friday 8 September, 2006.

16 Cambodia Daily, September 20, 2006.

17 H.E. TEP Nitha, NEC Secretary General, interviewed on August 6, 2006.

This issue is also of concern for the Asian Network for Free Elections (ANFREL), *“If these [VIN] are delivered by rabid partisans of the ruling party as most of the Village Chiefs are, then the opportunity for threats, intimidation and even violence presents itself. This no doubt violates the requirements of a free and fair election. In a number of countries in Asia, these are sent by mail so there is no direct contact between the voters and the political ward leaders such as the Village or Commune Chiefs. Can there possibly be another means by which these notices are delivered to the voters without their passing through the village chiefs?”*<sup>18</sup>

### **Lack of procedural clarity and restrictions on NGOs**

The NEC did not issue clear guidelines on distribution, in particular regarding the role of the village chief and members of the commune council (whether they were to hand VIN slips to voters or call voters in during the period August 1-31, 2006. According to the NEC guidelines, it was possible either for the village chief to hand the VIN to voters or for voters to contact the village chief and commune council members. Such guidelines allowed village chiefs to perform this particular job according to their own discretion, meaning that they might or might not distribute the VIN to voters in their village.

Voters who received the VIN did not know clearly how to use it. Information dissemination on television and radio was very limited. Some NGOs helped disseminate information using their own means and capabilities. However, such assistance seemed to have been subject to restrictions by local authorities, such as in the case of the YCC. It tried to disseminate information on the streets regarding the date of the commune council elections and which documents to use to vote, including encouraging those turning 18 years of age to register as voters. Some local authorities, for instance in Toul Kork district in Phnom Penh, seemed not to understand such campaigns and banned any further activities, despite permission having been granted by the NEC.

The NEC needs to pay further attention to planning a clear, predictable and measurable strategy in distributing the VIN, especially taking into account the identity of the distributors and methods of distribution during Phase II. For example, the NEC may need to set such distribution to every household by contacting the head of each family or any family member able to pass the VIN on to other members of his/her family. The distributor should seek cooperation with election-related civil society organizations and political party agents in order to share the role and responsibility of distributing the VIN directly to every voter. At the same time, the NEC should issue supplementary guidance to define better which differences in information on voter lists can constitute grounds for whether voters can cast their ballot or not. The presumption should be that unless there are clear grounds to bar a citizen, their constitutional right must be respected.

Any system must seek to guarantee the integrity of the process with the primary principle clearly intact of facilitating the rights of citizens to vote. Equally evident should be the obligation to minimize factors that deter or disenfranchise.

### **Imperfect voter list and disturbed voters' rights**

As detailed above discrimination, irregularities and shortcomings clearly contributed to the VIN not being distributed to 1.7 million voters, probably potential voters of parties other than the village chief's party. From this viewpoint, then, voting rights can be said to have been “compromised”, in that there were unmatched names as well as other discrepancies between the VIN and identity documents. In 2006, COMFREL reports on the voter list audit showed that 18% of voters experienced mismatched information printed on the identity document compared with the 2005 voter list.

### **Lack of respect for regulations**

Commune clerks and commune council members often showed a lack of respect for official working hours: arriving at work late, taking long breaks, and leaving work early. This meant that voters who may have walked from far away were unable to have their details processed, a denial of their

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<sup>18</sup> ANFREL's Open Letter to the NEC on the VOTER INFORMATION NOTICE dated on September 14<sup>th</sup>, 2006.

reasonable access to this public service. There are reports of such negligence over a period of time in Dang Tong commune, Smach Meanchey district of Koh Kong province; Kampong Rotes commune, Stung Sen district of Kampong Thom province; La Ban Seak and Kra Chagn communes, Banlung district of Ratanakiri province; Stung Treng commune, Stung Treng district of Stung Treng province; Sras Reussey commune, Thalaborivat district of Stung Treng province; Tunsay Ras and Samrong communes, Samrong district of Oddar Meanchey province; sangkat Toul Lvea, Pailin district and city; and Trapaing Prasat and Bak Anlong communes, Trapaing Prasat district of Oddar Meanchey province.

There was a failure to abide by MoI Guideline No. 008, dated September 28, 2006, which noted that provincial and municipal authorities should restrict the lower territorial authorities (district/khan, commune/sangkat) and other institutions under its authority, and not give any work to commune councils and clerks other than revising the voter list for 2006 and registering voters.<sup>19</sup> At the same time, some communes/sangkats were observed to close down frequently so that staff could go to meetings with other local authorities and/or party meetings, or because of unexpected incidents. This was reported to have occurred in Phsar Depo I, Phsar Depo II, Phsar Depo III and Boeung Kak I sangkats in Phnom Penh, where the offices for voter list revision and registration were closed on October 4, 2006 because the Municipality of Phnom Penh had called a meeting of council members and their clerks. A four-day closure, for various reasons, was reported in Plov Touk commune, Kampong Leng district of Kampong Chhnang province.

According to observation, political party agents from the ruling CPP, the SRP and FUNCINPEC participated keenly, not only in the process of observation of the voter list revision and voter registration, but also in civic education, dissemination and photographing people to help them complete NEC Form 1018. However, some activities were restricted by communes/sangkats, such as distribution and dissemination of voting information by political party agents. In particular, restrictions were made on the SRP in some sangkats in Phnom Penh and in Kampong Cham province. Such restrictions were justified on the basis that communes/sangkats wanted to censor documents prior to allowing them to be disseminated, despite the fact that the NEC officials had affirmed that political agents had the right to distribute such voter information. In the meantime, all electoral parties were strengthening their networks and publicizing party activities. The ruling party (CPP) in particular disseminated its activities and achievements via state and private radio and TV channels.

In all, there were at least 12 cases of obstruction by authorities to education activities being carried out by the SRP and by civil society organizations. These education activities dealt with the VIN (see Section 2), voter list revision and registration, and had been encouraged by the NEC. LICADHO President, Mrs. KEK Galabru expressed her concern: ***“the obstruction of election education by authorities can lead to a shortage of information and knowledge for the people on the voting process”***.

Two separate irregularities were likely to affect the election process. A case in Kampong Cham saw a clerk in Veal Vong commune registering 30 medical students staying temporarily in Kampong Cham commune along with 10 soldiers in Boeung Kok commune. Such registration was interpreted by some as intending to augment CPP election results, with the intention of causing a change in Veal Vong commune, where votes for the CPP were significantly fewer than those for the SRP, according to the results of the 2003 elections. In Yuth Samaky commune, Udong district, Kampong Speu province, the commune clerk charged 123 factory workers 1,000 Riel each when registering them to vote.

The NEC was noticed as having made efforts to improve the situation and implement new plans aiming to help increase voter registration by making more assistants available to clerks of communes/sangkats, for example where there were many people and mobilizing registration officials for many rural villages.

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19 MoI, Guideline for Voter List Revision and Voter Registration for 2006, No. 008, Phnom Penh, September 28, 2006.

### **Lack of clarity for those registering**

Complicated registration procedures and restrictions by the authorities, among other things, led to a lack of clear understanding of registration. The NEC's limited and ineffective dissemination and broadcasting also contributed to this shortcoming.

COMFREL found that, in about 300 rural communes, people from poor families were not able to find a photo to paste on to the Form 1018 application. Although the voter registration procedure required applicants for Form 1018 to be present in front of the clerk or chief of their commune/sangkat, practice in some sangkats in Phnom Penh showed that voter registration could be carried out without the applicant, just by sending the identity card with somebody else. This led to concern that this would facilitate absentee registration.

The NEC should have a clear program of affirmative action to tackle the above-mentioned irregularities. More cameras should be provided to photograph people in rural areas so that they can apply properly for Form 1018. The NEC could extend the validity of the last certificate of identity issued by the commune/sangkat chief as it did during the 2003 elections for the purposes of identity certification by means of the Form 1018. The NEC affirmed that this left 400,000 identity certificates valid for registration or ballot casting. Moreover, the NEC maintained that application for Form 1018 could be made at any time with commune/sangkat chiefs, provided the applicant had two witnesses in attendance who had the right to vote in that commune/sangkat and were able to affirm the identity, residence or age of the applicant. The NEC also allowed for Form 1018 application without a photograph but demanded that, when the applicant could afford it, a photograph be pasted on in front of the official in charge of voting registration in the commune/sangkat. In the period up to polling day, millions of copies of Form 1018 were issued, according a NEC official.

At the same time, the NEC should also strengthen cooperation with communes/sangkats in terms of voter education and dissemination. It should be noted, on the plus side, that the NEC release of summaries, notices and information on interventions was more widespread than in previous years.

### **More on imperfect voter list and disturbed voters' rights - causes for concern!**

COMFREL also found some particularly worrying problems, besides the above irregularities, **COMFREL expressed concern about the quality of the voter list, which may have been affected by a speeding up of the process in the last stages of registration.**

COMFREL carried out an audit of the 2005 voting list from June to August 2006 in 300 rural communes (through random sampling). The results showed certain irregularities, in that 76 voters, equal to 25.3% of the count, could not be found, including:

- 31 voters (10.3%) did not exist or were unknown or "ghost voters";
- 1 (0.3%) voter had died;
- 18 voters (6%) had moved away permanently;
- 26 voters (8.7%) were temporarily absent (migration for work or other purposes)

The above cases inflated the voter lists as compared with actual numbers; such names had not been deleted from official lists. Most of the cases occurred in Kampong Speu (three voter names), Banteay Meanchey (two voter names), Battambang (two voter names) and Oddar Meanchey (two voter names), as well as other provinces. The migration of voters has a strong correlation with demographic changes. Such cases were observed mainly in Kampong Speu, Prey Veng and Stung Treng provinces.

Two voters (0.9%) had never been to register but their names were on the lists without their knowledge. These cases were in Kampong Speu and Prey Veng provinces. In 2003, two voters (0.9%) were allowed to register in violation of the regulations and procedures of the NEC, because they did not live in the commune where they registered. These cases were in Battambang and Takeo provinces.

Discrepancies between identity documentation and official voter lists in 2005 occurred in 40 cases (equal to 17.9% of a sampling of 224), including wrong office code, wrong voter name, wrong date of birth or wrong address etc. Discrepancies included:

- Names: 4.9%
- Date of birth: 9%
- Address: 1.3%
- Polling station code number: 1.3%

COMFREL was also concerned that 61.61% of (224) eligible voters could lose their right to vote owing to a lack of identity documentation.

The overwhelming number of voter registrations assumed that the NEC experienced technical errors in its initial calculations and statistics, which then led to the subsequent shortage of documents (forms). COMFREL noted that a shortage of documents such as Form 1018 provided for voting registration accounted for 26 cases reported across provinces/cities.

Other irregularities were as follows. Kampong Speu province saw the highest number (16); Ratanakiri, Oddar Meanchey and Kampong Cham saw 14 and 13 cases respectively. 18 other provinces/cities were reported as seeing fewer than 10 cases.

### **Problems related directly to possession of identity cards**

Another issue noted by observation was relevant to the failure of the MoI to provide identity cards to all citizens, identified as the main cause behind the noticeable increase in the number of applications for Form 1018. Problems lie not only with those who have not been issued an identity card but also with some who have. For instance, citizens of 96 families living in Reussey Chroy village, Kampong Loung commune, Pungea Leur district, Kandal province, had had their identity cards confiscated after a land deal with Phanimex Company. This case was likely to impact on people's voting rights.

At least 3,170 families in Ampil Pram Deum commune, Bor Vel district, Battambang province and, around 3,000 people forcibly evicted from sangkat Tunle Basac to sangkat Kork Rokar, Khan Dangko, Phnom Penh, were refused registration, as they did not have residential documents (or other documents to show their identity). Efforts to allow their former residency identities to count were refused.

## **5.2 Registration of political party candidates**

COMFREL observed that, in spite of a few irregularities, the registration of political party candidates (from January 1-3, 2007) was achieved smoothly, particularly in terms of technical improvements. However, observation revealed irregularities arising from threats and intimidation taking place in remote areas during the pre and post-candidate registration period. The CPP dominated candidate selection activities in terms of ability to access state resources, including television, radio and print media; other parties did not have access to state resource such as television, which hindered their ability to utilize media to disseminate information widely. This unequal access is a condition that can only renders electoral contests unfair.



Commune Election Commission Officials Registered Political Parties' Candidates

No political party was rejected by the NEC. 12 political parties registered their candidates, with up to 102,266 names, of which 21%<sup>20</sup> were female. Among the above 12 parties, five had taken part in the 2002 elections, seven in the 2003 elections and the remaining five have never competed in an election before. Despite the increase in the number of political parties, only the CPP could afford to place candidates in all communes. At least five communes in three remote areas (in the provinces of Pursat and Ratanakiri)<sup>21</sup> saw only one political party standing for election. Small parties continued to face difficulties in many communes in organizing their network and candidates.

### **Candidate organization: transparency and access to resources**

As with the voter registration process, observation showed that some political parties, the CPP and SRP in particular, were far more active in networking and organization of candidates than in 2002, the year of the first mandate of commune council elections. Political parties endeavored to select capable and popular candidates of good reputation. The CPP benefited most in terms of access to resources, including state resources (civil servants, equipment and materials), to promote its own candidates, such as by spending on referenda, pilot internal elections, with gift-giving to hundreds of participants (including money – sums in the order of 10,000 Riels (US\$2.5) or more are very attractive to people living near or below poverty, sarong<sup>22</sup>, etc., for each participant). Each event cost at least a 100,000 Riel, and participation was seen from high-ranking government officials and members of the NA, *Okenha*<sup>23</sup>, rich businessmen and many local authorities. State and some private media, including from national radio, television and print, covered many CPP activities and events. **Such use of state resources contributes to an unfair contest.**

Observation found that although members of political parties participated in the process through voting, the decision-making process was not transparent, as choices were made at a higher level (provincial/national). Therefore, the results did not necessarily reflect the genuine situation of support for the candidates who reached the top of the lists. This led to cases of resignation, of protest through thumbprint, and of tearing down of signboards by party's own members.

Around 1,000 CPP supporters thumb-printed a complaint against candidates put in place by a higher level. This case took place in Korke Thom commune, Kien Svay district, Kandal province. In addition, CPP members, led by one village chief, gathered to express dissatisfaction in Osmach commune, Samrong district, Oddar Meanchey province, claiming that it was necessary to pay 250,000 Thai baht (around US\$6,000) to get to be placed at the top of the list.<sup>24</sup> When the result was announced, the village chief stood third on the list.

The SRP faced similar problems. Dissatisfied members pulled down party signs and resigned from the party. Such cases happened in Banteay Meanchey (Poipet commune, O chroy district, and Malay district), Kampong Chhnang (Akpivadh commune of Teuk Phos district, Chrey Bac commune of Rolea Ba Ear district), Phnom Penh (Boeung Tumpun commune of Meanchey district), Siem Reap, Battambang and Kampong Thom provinces. There was, however, no violence.

15 candidates (including two women) in Anlong Reap and Thmor Da communes, Veal Veng district, Pursat province, were withdrawn without a clear reason from SRP candidate lists after the pre-candidate registration period. The SRP then failed to place candidates in these two communes. It should be noted that these two communes were among five communes in Veal Veng district where, in

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20 According to NEC Press Release No. 03.276/07 NEC.SG.PIB, dated March, 2007.

21 The communes are in Pursat province: Thmor Da and Anlong Reap (Veal Veng district) and Ratanakiri province: Ek Pheap (O Chum district), Sesan (O yadav district) and Koh Pang (Voeun Say district).

22 A traditional Khmer scarf.

23 An honorific title bestowed on citizens; for example, after donations have been made by prominent businessmen. Several were inducted as CPP Senators in the new 2006 Senate.

24 The Thai baht is in common circulation in Northern Cambodia, as well as US\$ and Cambodian Riel.

the last commune elections, only the CPP named candidates to run for election. Here then, again, there were only CPP candidates running for election.

12 candidates (including four women) from the SRP in Tatay commune, Koh Kong province/district, withdrew without clear reason from the running as candidates. This matter led to an environment of suspicion, as candidates then requested that no further inquiry or information be given out.

### **Irregularities during registration**

There were a few irregularities during the three-day candidate registration period. Some cases, according to observation, were of an administrative nature. For example, the NRP in Toul Kroeul commune, Prasat Balang district, Kampong Thom province failed to register candidates because the commune chief took the stamp to the district office for one day to stamp through CPP candidates. On this issue, the NEC did not commit itself to a definitive decision, appearing to transfer responsibility to the local authorities, stating that this case was beyond the NEC's jurisdiction; this was the jurisdiction of commune councils or the MoI. Observation also noted party candidates meeting difficulties in asking for verification of documents from the commune chiefs, who then allegedly tried to delay. This was seen to have happened in communes in Kampong Thom province.

Some political parties encountered difficulties in filing their candidates' applications, as the party agents had limited procedural understanding and as CEC officials did not communicate clearly regarding the documents or photos necessary for application. This led to party representatives being reluctant to submit documents or, when submitted, to CEC officials not accepting applications, interpreting them as being deficient in one way or another<sup>25</sup>. In fact, during the three-day registration period, CEC officials were supposed to accept applications regardless of any document shortage, as the procedure allowed five days after the registration period for political parties to provide any additional information.

In the three-day registration period, the SRP in Phnom Kok commune, Voeun Say district, Ratanakiri province accused CEC officials of violating regulations and procedure by registering CPP candidates after the deadline. The process of solving this complaint was in accordance with procedure. When the case was processed at the PEC, the case appeared shadowed with doubt as, at the end of the hearing, the defendant asked for a compromise. While the case was at the NEC, according to observation, both plaintiff and defendant, including witnesses for both parties, provided many unclear answers. The plaintiff suspected the commune clerk of bringing the CPP candidate application form to the CEC office on January 4 (after the deadline); the commune clerk did not explain why he was present at the CEC office on January 4. Observation showed that **the NEC lacked professionalism in questioning**. Some questions seemed to order witnesses to interpret and explain other witnesses' words; some questions were asked as if witnesses were the defendant. Furthermore, PEC officials investigated and gathered evidence related only to the defendant (the CEC official). Some observers and participants in the hearing stated that the decision was unjust and are still dissatisfied with the result.

### **Posting of candidate lists and candidate removal**

COMFREL observed that the posting of candidate lists, after the end of registration, took place quietly: not many people went to see them. The first reason for this was that election officials at all

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<sup>25</sup> This is a common practice on the part of public officials in order to generate revenue, with financial inducements expected to provide solutions. The "rent collection" activities of officials, who receive low public salaries, have been described by Caroline Hughes and Tim Conway – "Understanding pro-poor political change: the policy process Cambodia." Overseas Development Institute, 2003

levels did not disseminate relevant information widely on this issue; people interviewed in provinces/cities said that they did not receive any information. The second reason was that many CEC locations (offices) were moved without warning. As most offices were located in school compounds, with doors closed for security, this represented an obstacle to those voters or candidates wishing to see the candidate lists.

After the posting of the candidate lists, observation showed that some candidates asked to take their name off the list; the NEC decided to cancel 108 candidates in Phnom Penh and Battambang<sup>26</sup> (as of January 19, 2007) as requested. Some reasons were: candidates were not satisfied with the order on the list as given by their party; some candidates had stood for two parties; some candidates did not acknowledge that they were selected; and some did not want to stand for election. (The order of priority affects their chances of success – 1 being the highest, (2 second highest, etc.) and most likely to succeed and to be commune chief.

According to COMFREL's observation, 19 candidates in Battambang province experienced pressure from local CPP officials. District and (O Dambang 1) commune authorities (members of the CPP) summoned these candidates for inquiry as to why candidates who held CPP membership cards had converted to become candidates for the NRP.

### **Female candidates**

According to the NEC figure on the number of political parties and registered candidates, the 12 parties included female candidates with total numbers constituting 21% overall, i.e., up from 16% in 2002 (total number in eight political parties). This failed to reach the target number (at least 30%) proposed by civil society. The number of female candidates ranked in the top three of these 12 political parties was 2,328. The number of female candidates on the top list also increased markedly. Some female candidates were trained by NGOs and political parties.

For example, for the CPP, the number of first-ranked female candidates increased from 32 in 2002 to 66 in 2007. For FUNCINPEC and the SRP, the number of first-ranked female candidates increased from 55 in 2002 to 96 in 2007 and 78 in 2002 to 96 in 2007, respectively.

The newly established NRP also attempted to place female candidates on the top list, as with the above three political parties (79 first-ranked female candidates). Observation showed that provinces/municipalities with the most female candidates were Kampong Cham province (247 female candidates), followed by Kandal province (240), Phnom Penh (204), Battambang (183), Kampot (147) and Prey Veng (122). The concern was whether, after the elections, political parties would commit to not withdrawing elected female candidates from commune councils. It should be noted that the Women's Party, which competed in the first mandate commune council elections, did not take part in these elections. Moreover, the leaders of all of the twelve parties were male.

At least two female candidates experienced pressure from family members. The family members worked for the armed forces and did not want their wife/mother to stand for the SRP, feeling afraid that this might negatively affect their work. This case occurred in Thmor Da commune, Veal Veng district, Pursat province.

Four other female candidates (one at the top of the list) asked to be taken off the SRP candidate lists without a clear reason; it is possible that this was the result of pressure, as they then requested no further inquiry or comment. This case took place in Tatay Krom commune, Koh Kong district/province.

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26 30 candidates in Phnom Penh and 78 candidates in Battambang.

### **5.3 VIN Phase II and NEC bureaucratic problems**

Phase II of VIN distribution took place in February and March 2007, for those who had their name on the 2006 list (including newly registered voters), to find out about the polling stations on Election Day.

Observation found that the official voter list was not yet of a sufficiently high standard and led to serious concern. Some political parties and voters complained about discrepancies between information on the voter list and that on identification documents. The second VIN distribution process was a matter of concern, as notices at one point had not yet been given to around 1.4 million voters. A NEC press release<sup>27</sup> revealed that, up to March 8, 2007, temporary results on the distribution of the VIN in 1,621 sangkats/communes nationwide showed 6,319,241, equal to 81.02%, just a slight increase on Phase I (76.9%). **This meant that many voters still had not yet received information about the elections.** Observation found evidence of continuing irregularities, discrimination against political parties, slow work and contravention of regulations.

Observation found that the sub-standard official voter list could lead to loss of the right to vote, as identity documents of voters held different information from that on the voter list. Some voters claimed that they had already had their identity information corrected during the voter list update but that the information was still different. Meanwhile, changes were made for some voters who did not request this. A big concern remained that while voter cards may not have been valid for voting, this may not have been understood by voters. Moreover, some voters did not have identification documents, Cambodian identity cards or a completed Form 1018 with photo. Voters complained that Form 1018 was complicated. In response, the NEC issued an instruction clarifying the situation regarding discrepancies between the voter list and the identity document.

Some political parties and civil society activists expressed their strong concern and doubt about the ballot printing process at Ly Van Hong printing house, which the NEC did not open up to observation. The quality, quantity and reliability of ballot papers are under question by election stakeholders as a result of the non-transparent printing process.

COMFREL very much regretted the negative response of the NEC, which rejected requests to regularly observe the ballot printing process without giving a clear reason. COMFREL was therefore unable to evaluate the ballot printing process or to answer national, international and election stakeholders' questions as to whether the ballot printing process in Cambodia was being carried out transparently and whether any surplus or shortage of ballot papers was the result of a technical error or politically motivated action.

### **5.4 Campaigning**

**COMFREL is highly appreciative of the efforts of the NEC at all levels, of political parties, and of other election stakeholders, in creating an election environment intended to deter serious violence.** The NEC's tasks included: issuing the guideline on the neutrality of village authorities; distributing the VIN; producing the political party platform broadcasting program; and producing guidelines on how to deal with discrepancies between information on identification documents and that on the voter list for use on polling day. COMFREL would also like to praise the NEC and the Ministry of Information (MoInfo) for redeveloping the on-air Equity News program for all political parties, with support from donors through UNDP (at approximately US\$600,000). The NEC and MoInfo also decided to produce a program allowing all political parties to enable them to disseminate their respective platforms during the 15-day election campaign.

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27 Press Release No 3.272/07 N.E.C., Phnom Penh, March 9, 2007.

COMFREL observed that, in general, the environment surrounding the 15 days of the election campaign period was an improvement on that surrounding the 2002 commune council election campaign. Observation showed that there were no obstructions or serious violence stopping political parties from campaigning. The average daily number of cases of threats and intimidation towards political party activists and candidates for the position of commune chief decreased compared with previously (2002: more than 10 cases/day; 2007: around eight cases/day). However, it was difficult to measure the impact of the cases which did occur.



From left to right: CPP, SRP, FUNCINPEC and NRP Election Campaign Activities

In order to obtain its data, COMFREL deployed long-term observers in 24 provinces/municipalities, covering 600 communes/sangkats. COMFREL also placed a media monitoring team, which monitored selected media including TVK (Cambodian National Television), Cambodian Television Network (CTN), Cambodian National Radio FM 96MHz, AM 918KHz, Radio Free Asia (RFA), Voice of America (VOA) and Radio France International. COMFREL also organized a delegation from civil society organizations to meet with the leaders of those political parties taking part in the elections in order to study, share information and discuss electoral issues that political parties were facing.

- The ruling party could take great advantage of state resources and equipment in carrying out its campaign and in giving gifts to the people (money and materials), both directly and indirectly through the regular daily news coverage of government ministers, that invariably gives prominence to CPP members.
- The ruling party spent a great deal of money (impossible to calculate) on printing, mostly in color, of items such as T-shirts, hats, flags, leaflets, and candidate photos. Some candidates gave sarongs and money (usually around a few thousand Riel) to people in various places. Some gift-giving activities were also broadcast on TV and radio.
- Lack of transparency: The NEC that has a duty to monitor party election spending, had no plan to collect political parties' accounts books in order to review campaign income and expenditure. If this is not done, apart from the risk of lack of transparency in the election process, the legality of some spending and relative advantage or disadvantage of one party over others will never be known.

### **Violation of campaign regulations**

The NEC gave no clear interpretation of issues surrounding campaigning before the allotted time period. There was no law banning campaign activities before the allotted period. Some political parties, the CPP in particular, carried out campaigning in local areas, hanging banners, posting logos and holding meetings without any obstruction. In contrast, some other political parties' campaign activities were obstructed by local authorities, who accused these parties of carrying out campaign activities before the allotted time. Such an approach was not fair and transparent: one side was criticized whereas the other side was allowed to carry out campaign activities freely.

In addition, on January 24, 2007 Samdech Prime Minister HUN Sen took the opportunity of the 11th Government-Private Sector Meeting to campaign, using pressurizing language towards voters: **"Thousands of projects will vanish if the CPP loses the election"**.

There were some cases of violation of regulations in terms of interfering with or obstructing the campaigns of political parties, such as the seizing of SRP political platform leaflets, minor violence towards SRP activists.

Damage was reported to SRP property (car mirror) by security guards at O Reussey market; and the interruption of the SRP campaign by CPP members in Poipet commune, O Chrov district, Banteay Meanchey province. The SRP intervened when officials from the Phnom Penh Department of Industry, Mines and Energy collected money from sellers in the markets and in the case of the development of Boeung Kak Lake in Phnom Penh. These interventions were prevented by local authorities.

These cases require special comment as they impinge on the universal and fundamental right of party candidates to campaign in public places, to get their message across directly to voters who may not otherwise have the opportunity to hear them. Markets and streets are usually primary target areas in electioneering throughout the world, and some disruption is usually not just tolerated but welcomed by the populace.

Such authorities have never prohibited the ruling party from carrying out activities, even though the ruling party held campaign activities in public places (for example, the SRP complained that the CPP had stuck logos in public places in communes in Battambang province).

Observation found that the majority of disturbances and obstructions to political party campaigns occurred in Kampong Cham, Kampong Chhnang, Battambang, Banteay Meanchey, Prey Veng and Kratie provinces. Most alleged abusers were CPP activists and local authorities who supported the CPP (25 cases). The opposition party (SRP) was the victim in most cases (around 21 cases).

### **Political party activities: access to resources**

Most political parties were active in their preparations for the elections. The political parties taking part in the elections were more mature than previously in terms of dealing with problems.

Four political parties (CPP, FUNCINPEC, SRP and NRP) carried out large-scale campaigning in cities, such as marches, large gatherings and distribution of party leaflets and images. The other political parties carried out smaller-scale campaigning in the communes where they were standing for election. The Center for Social Development (CSD) produced and distributed a Voter Guide which included the platform of all political parties standing for the 2007 commune council elections.

The SRP, NRP and FUNCINPEC were next in line in terms of amount of printed items, whereas the other eight political parties appeared to have fewer resources for their campaigns. COMFREL maintains its request to the NEC to collect political parties' account books in order to review campaign income and expenditure. If this is not done, there may be a risk of lack of transparency in the election process.

### **COMFREL recommendations during the campaigning period**

COMFREL issued a series of recommendations during the campaigning period in an effort to assure the situation for Election Day. These were as follows:

1. We would like to request that Samdech Preah Norodom Sihakmony, King of the Kingdom of Cambodia, issues a message to voters and political parties not to use violence during the upcoming election campaign, polling day, and ballot counting day. Such a message would be able to reach the heart of the Cambodian people.
2. The NEC and the MoI must take strict measures to find and bring to justice those who are guilty of such violence.

3. The NEC must ensure that all political parties taking part in the elections have the same rights to campaign equally and freely and without any obstruction, before and during the official election campaign days.
4. All media must be pushed to follow the code of conduct, media principles and equity principles, as stated by the NEC and MoInfo.
5. The NEC must encourage all institutions working on the elections, such as political parties, NGOs and the CEC, to distribute the VIN to voters of their own accord.

## **5.5 Cooling off and polling day**

Observation discovered that electoral officials at all levels did not fully respect or follow regulations including those for complaint receiving/solving.



Voters Check their names at Polling Station



Voters Queuing in front of a Polling Station

The number of irregularities at polling/counting stations decreased from 1,113 cases in 2002 to 822 cases in 2007 (reports from 609 polling/counting stations). However, a large number of irregularities without redress were found to occur outside polling/counting stations, such as the presence of authorities around the stations as well as illegal and regulation-violating activities. Although the NEC placed an election official outside each polling station to help voters, this system was not effective. Some officials discriminated against voters.



COMFREL's Observer monitored the election process inside a polling station

A breakdown of observed irregularities in terms of obstruction, intimidation and violence, is as follows. Around 724 cases of irregularity occurred at 522 polling stations in almost every province/city. 204 cases took place in Kampong Cham, 89 in Siem Reap, 75 in Phnom Penh, 44 in Kampong Speu, 38 in Preah Vihear, 37 in Koh Kong, 27 in Kampong Chhnang, 24 in Svay Rieng, 21 in Kampong Thom, 17 in Pursat. The irregularities were as follows:

- 38 cases of election campaign violation, especially during the cooling period, such as gift giving carried out by the CPP in Phnom Penh, Takeo, Kampong Chhnang, Kampong Cham, Battambang and Banteay Meanchey. The SRP also campaigned by hanging out decorated cloths in Kampong Speu province (Por Ang Krang commune, Bor Seth district).
- Eight cases of late delivery of election materials, which affected the opening of polling stations.
- Eight cases of political insecurity around polling stations, in Battambang and Kampong Chhnang, among others.
- Some political party activists, those of the ruling party in particular, provided large-scale transportation and money to voters to persuade them to vote or not to vote (25 cases). This occurred in Phnom Penh, Oddar Meanchey, Ratanakiri, Pursat, Prey Veng, Koh Kong, Kandal, Kampong Chhnang, Kampong Cham, Banteay Meanchey, Battambang, and particularly Takeo province, where the village and the CPP local group chief promised some SRP supporters sarongs and 100,000.00 Riel if they did not go to vote. (Although secrecy of the ballot should allow people to vote according to their own conscience, so invalidating such inducements, many citizens simply do not understand their vote is secret, while others fear that they could be punished if results showed lower support for a party and higher for the opposition than would be suggested by pre-election canvasses).
- 104 cases of illegal presence of local authorities, village chiefs in particular, around polling stations, watching or instructing voters to vote for their party, making some voters afraid. Such cases happened in polling stations in Oddar Meanchey, Takeo, Siem Reap, Preah Vihear, Kratie, Koh Kong, Kandal, Kampong Thom, Kampong Speu, Kampong Chhnang, Kampong Cham, Banteay Meanchey and Battambang provinces.
- 35 cases of allowing armed forces in uniform with weapons and explosive devices to enter polling stations. These cases happened in Oddar Meanchey, Sihanouk Ville, Preah Vihear, Phnom Penh, Kratie, Kampong Chhnang, Kampong Cham, Battambang and Banteay Meanchey. For example, over 90 police officials went together to cast ballots at a polling station in Treal commune, Baray district, Kampong Thom province.
- 20 cases of causing an insecure and intimidating atmosphere both inside and outside polling stations without resolution by the competent authority. These cases occurred in polling stations in Oddar Meanchey, Battambang and Banteay Meanchey, among others.

Electoral procedures were not respected by all polling station staff, causing 313 cases of irregularity. Phnom Penh, Kampong Cham, Preah Vihear, Siem Reap, Takeo, Kampong Thom, Kampong Chhnang, Kampong Speu, Kampong Thom, Battambang, Pursat, Svay Rieng, Oddar Meanchey and Koh Kong saw the most cases, as follows:

- 24 cases of late arrival of polling station staff or voting equipment or materials.
- 25 cases of late opening of polling stations.
- 40 cases of not showing ballot boxes, not writing down codes and not stamping ballot boxes as well as not organizing polling stations in accordance with the NEC's instructions.
- 185 cases of not ensuring the secrecy of ballots (in some stations, the inside of the secret booth could be viewed from the outside and more than one voter was allowed to enter the ballot booth, while chatting about where the ballot paper should be marked).
- 33 cases of polling staff not checking voters' fingers for indelible ink before giving ballot papers, or of not placing voters' fingers in indelible ink, or not verifying identity documents against the lists.
- Six cases of temporary or complete closure of polling stations.
- 13 cases of polling station officials refusing to give complaint forms to voters or political party agents.
- Six cases of allowing ineligible voters to vote or voters whose finger were already marked with indelible ink.
- Two cases of taking ballot papers out of the polling station to let other voters mark them. An example of this happened in polling station 0332 in Samrong Year commune, Pouk district,

Siem Reap province, where polling station staff allowed a voter to take a ballot paper to a woman in hospital who had just delivered a baby.

More irregularities were as follows:

- Voters wearing shirts with political party logos, the logo of the CPP in particular, were allowed to cast a ballot.
- Some polling station staff members created obstacles or did not allow election observers to observe without an election observer card stating the exact polling station code.
- Voters with only a VIN were allowed to vote in some polling stations.
- Observers from NGOs or political parties were told not to move but to sit still. By not being able to move, they were thus impeded in the task of seeing the whole process.

Some polling stations forced election observers from NGOs and political parties to sign a form on the results of the elections before polling had ended.

## **5.6 Vote counting and results**

### **Cases of irregularity regarding the ballot counting process**

During the ballot-counting process, observation showed that most of the polling station staff members did not understand about validity or invalidity of ballots. During ballot counting, 98 cases of irregularity occurred in polling stations in almost every province/city, such as Phnom Penh (37 cases), Kampong Cham (33 cases), Kampong Thom (six cases), Takeo (five cases) and Kep (five cases). Other cases of irregularity were as follows:

- 11 cases of dropping ballot papers during the counting process.
- 18 cases of ballots not being shown to the observers or political party agents.
- Nine cases of vote cheating (frequently miscalling the vote result or incorrectly marking the vote on the board).
- Inaccurate number of ballot papers in packets (each should hold 50 ballot papers; some were found to contain less or more). This happened in polling station 0001 in Ang Jan Rong commune, Boribo district, Kampong Chhnang province, where a package contained incorrect two packets (one in book 9 and the other in book 13 – with no code number).
- 20 cases of intimidation, threats and disturbance to the counting process.

At 10pm on polling day, a house of a SRP activist was set on fire in Rokapor Pram, Thbong Khmom district, Kampong Cham province, without a clear reason.



COMFREL's Observer monitored the counting process inside a counting station

### **Reasons for not voting: bureaucratic problems and misinformation**

About 67% of the 7.8 million registered voters (approximately 5.1 million people) cast their ballots across the country to participate in the commune council elections. Around 2.5 million eligible voters

did not vote. Up to 18% of those voters who did not vote may have faced obstructions at the polling stations, making them unable to cast a ballot.

Some voters thought or were told wrongly that they would lose their right to vote if they did not receive the VIN; some voters were not given clear explanations or misunderstood their rights to vote in relation to the VIN; and some voters went to the polling station to vote but faced difficulties there, such as not knowing where the polling station was or discrepancies between information on the identity card and that on the voters list etc. In this election, voters were not allowed to use a voter's card, which caused difficulties for some voters (who did not have identity documents).

Polling station officials either did not understand well or neglected the procedures and guidelines. For example, in some polling stations, voters who had only a VIN were allowed to vote; some polling station officials required voters to bring a VIN along with an identity document. Election officials in some polling stations did not allow election observers to carry out their duties unless their observer card stated the code of the relevant polling station. As stated earlier, in some polling stations, officials did not allow election observers from NGOs and political parties to move, making them sit still in one place. Some officials forced elections observers to sign a form on the results of the elections before polling had ended. In some polling stations officials were not clear about the situation regarding valid and invalid ballot papers.

Election officials at polling stations did not dedicate time to helping voters find their name, polling station and number on the voters list. As a result, some voters went home without voting.

## **5.7 Recommendations**

COMFREL, NICFEC and YCC wish to make recommendations to the Royal Government of Cambodia (RGC) and the NEC as follows:

1. The NEC and RGC should investigate thoroughly and impartially any cases related to the pre-election environment, for example cases of hiding identity cards and cases of intimidation and take action to punish perpetrators or bar them from officiating at future elections.
2. There should be discussion among all election stakeholders towards strengthening voter lists, providing information to all voters on polling stations, correcting data/information of voters following voters' requests, and reviewing irregular voter cancellations. Above all the presumption of the primacy of the right to vote needs to be forcibly restated – that voters should only be refused registration or casting their ballot where there is clear evidence to disqualify them.
3. The MoI should be responsible for delivering 100% of Khmer citizenship ID cards and other identity documents which can be legally used on polling day to avoid accusations from political parties and relevant stakeholders.
4. The capacity of electoral officials should be strengthened through provision of more training on relevant regulations through an improved and effective methodology. Officials placed in front of polling stations, in particular, must fully discharge and respect their duties.
5. Further reform of the NEC and other electoral commissions should be pushed for by strengthening impartiality and independence.
6. A suitable new legal institution independent from the NEC should be established to strengthen the complaint solving/receiving processes and foster respect of the laws/codes.

## 6. Media Monitoring

COMFREL conducted media monitoring across a selection of the most popular electronic media, including the state-run television channel Cambodia National Television (TVK), two state-owned radio channels (FM 96MHz and AM 918KHz) and Cambodia Television Network (CTN), which were monitored everyday from 17:00 to 23:00. Radio Free Asia (RFA), Voice of America (VOA) and Radio France International (RFI) Khmer service programs were monitored every evening. Media monitoring ran from February 1, 2007 to March 31, 2007, except of TVK, which ran from January 1, 2007. COMFREL also conducted print media monitoring, looking at Kohsantepheap Daily and Raksmeay Kampuchea Daily, which were monitored from January 1 to March 31, 2007. COMFREL also monitored other media but only for violations.



COMFREL's Media Monitoring Team monitored the media during pre-election period

Overall findings show:

- There was manifest unequal access to mass media, especially TV during the pre-election campaign period. TV broadcasting during this period was observed to show bias in favor of the CPP in terms of political coverage by as much as 80-90%. However there was:
- Improved access to media for the 15-day campaign because of two welcome innovations for these elections.
  - The NEC and MoInfo with support from donors through UNDP redeveloped the on-air Equity News program for all political parties. This was not only an excellent investment of approximately US\$ 600,000 a new format was adopted that helped convey messages better to viewers.
  - The NEC and MoInfo also decided to produce a program during the 15-day election campaign that gave the opportunity to all participating parties regardless of numbers of candidates fielded to disseminate their respective platform directly to the same much wider national audiences.

### 6.1 Electronic media

Findings show that the activities of the RGC, including Prime Minister HUN Sen, dominated state media coverage. The political platform in particular, and the activities of the 12 political parties standing for the second mandate commune council elections received more coverage only during the election campaign period, as a result of the NEC's political parties' platform broadcasting program and UNDP-TVK's Equity News program.

However, unlike the 2002 elections, the 2007 commune council elections saw slightly improved coverage of the election environment, and political parties in particular, on state electronic media, owing to the introduction of those two programs: UNDP-TVK Equity News (used once in the 2003 NA elections) and the NEC's political parties' platform broadcasting program.

**The Political Parties' Platform Broadcasting Program** was produced by the NEC and broadcast by means of three state electronic media, from March 16-30, 2007. It allowed representatives of the 12 political parties to detail their platforms in response to questions from the presenter.

Based on the number of communes in which political parties had placed candidates, four political parties (CPP, SRP, FUNCINPEC and NRP), running for election in more than 1,000 communes/sangkats, were allotted six minutes per show. The other eight parties, running for fewer than 1,000 communes/sangkats, received five minutes.

**Equity News Program** is a joint UNDP-TVK TV program based on equitable principles in terms of allotting airtime to political parties. The program mainly covered 2007 commune council elections events, political parties' campaigns in particular, and was broadcast by means of all state electronic media<sup>28</sup> (TVK, Radio FM 96MHz and Radio AM918 KHz) from March 16-30, 2007.

The broadcast at least showed the name or logo of the 12 political parties. Activities of some political parties were also shown. As the program's airtime allotted to political parties was based on "equitable" principles, this allowed the CPP 38% (COMFREL observed around 35%), the SRP 21% (COMFREL observed 22%), FUNCINPEC 20% (COMFREL observed approximately 21%), the NRP 11% (COMFREL observed 11%) and the other political parties 10% (COMFREL observed 11%). The program was dominated by the four political parties mentioned above.

The tone of the program was found to be in favor of the CPP, e.g. the presenter commended the CPP. The CPP never received stories of a negative tone, which was not the case for other political parties.

If these two programs are not taken into account, findings showed that the coverage of the three state electronic media channels was hugely in favor of the CPP, which received around 83% of the time dedicated to all political parties. TVK broadcast programs supporting only the CPP, such as coverage of the CPP's president regarding the party's achievements for the nation and a broadcast of a concert showing the logo of the CPP. Cambodian National Radio (on AM 918KHz) aired a program called **View from the Newspapers** often raised the CPP's achievement and attacked other political parties.

Findings disregarding the two programs above saw that non-ruling parties still found it difficult to access TV coverage (TVK and CTN). These two TV channels dedicated most of their coverage (90% of total time dedicated to all political parties) to showing the CPP's activities and logo. FUNCINPEC, the CPP's coalition partner, received around 6% while other political parties' name and/or activities were either only briefly mentioned or received coverage which was negative or neutral in tone.

CTN, a private television channel, dedicated most of its political coverage to the activities of the RGC, including Prime Minister HUN Sen. CTN broadcast information on or mentioned only five political parties. CTN coverage was hugely biased towards the CPP, which received 90% of the time allotted to all political parties. Within the monitoring period, CTN's **Genius and Achievement** program seemed to be used to cover only the CPP. The one-hour program interviewed only CPP commune chiefs and government officials, who spoke of their achievements, sometimes directly mentioning the CPP. The presenter of the program also directly commended the CPP.

CTN also appealed to voters to vote for the CPP to repay Prime Minister HUN Sen.

The other political parties, including the NRP, FUNCINPEC, the SRP and the Khmer Democratic Party, were mentioned using only a negative or neutral tone.

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<sup>28</sup> COMFREL monitored the Equity News program aired only on TVK and Radio FM 96 MHz during their evening programs. This program on Radio AM 918 KHz was not monitored as the broadcasting time was outside the monitoring time.

The international radio channels (RFA, VOA and RFI) combined allotted 36% of their political news/information on actors<sup>29</sup> to the activities and affairs of the government, including Prime Minister HUN Sen. The NA and the Senate combined received 2%. The 12 political parties combined were allotted 62%.

The three international radio channels monitored covered political parties and the election environment more evenly than the local media did (state electronic media and CTN). RFA and VOA were very active in reporting on election news and political parties' activities. The two radio channels also covered political party platforms and election campaigns. RFA, additionally, broadcast many forums which allowed political party representatives to debate and answer the questions of citizen participants. The two radio channels also increased their airtime during the election. RFI did not cover political party platforms, but did broadcast more news on elections and political parties in its Khmer programming.

Even though the three channels appeared to be far more even and comprehensive in terms of election issues and bringing in the wider spectrum of political party coverage, findings showed that coverage was still dominated by only four political parties: the SRP (25%), the CPP (20%), the NRP (18%) and FUNCINPEC (16%). The other eight political parties received around 2-5%.

Results from all electronic media monitored showed that the RGC, including Prime Minister HUN Sen, took 71% of all political coverage. Of all the political parties, the CPP received the most coverage (around 5%); the SRP received around 4%. The other political parties received from 1-3%.

Within the monitoring period, no channel organized a **political debate show or program**. NDI, however, organized many candidate debate forums, some of which allowed candidates from political parties running for election to debate their party's political platform. Forums were later broadcast on RFA. In such debates, candidates from the CPP spoke for 18 minutes 58 seconds, from FUNCINPEC for 12 minutes 28 seconds, from the SRP for 12 minutes 34 seconds, from the NRP for 12 minutes 30 seconds and from the Hang Dara Democratic Movement Party for 2 minutes 1 second.

Even though political debate shows/programs were not produced by any channel, observation showed that two radio channels (RFA and VOA) used their call-in shows (RFA Listeners' Forum and Hello VOA) to interview candidates or invite political representatives to guest, allowing citizens to question them on their party's platform and stance.

Voter education spots, programs and/or news were broadcast by means of all electronic media monitored for 34 hours 12 minutes 1 second. During the election campaign, the NEC and NGOs produced more spots and songs regarding the elections, encouraging voters to vote according to their will and disseminating information on the date of the elections. During the election campaign, the NEC's voter education spots were also broadcast on CTN. VOA also appealed to voters to vote according to their will.

Women in politics were mentioned for 5 hours 12 minutes 46 seconds by means of all electronic media monitored, except radio FM 96MHz.

Within the monitoring period, female candidates for council/chief positions were covered for 4 hours 34 minutes 23 seconds. An example of this was the spot on the work of female commune chiefs produced by the Women's Media Centre of Cambodia (WMC).

Appeals to vote for specific parties were heard on three media: RFA, VOA and CTN. Parties involved were the CPP, the SRP, FUNCINPEC and the NRP. Within the scope of the monitoring,

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<sup>29</sup> Political actors include 12 political parties, the Royal Government of Cambodia including the prime minister, the Senate and the National Assembly.

COMFREL did not hear any defamatory or inflammatory language against any party, politicians, or any sexual or racial discrimination. However, degrading words were sometimes used indirectly by some channels against some politicians.

No information on disabled persons in politics was reported during this monitoring period.

No information on youth in politics was reported within the monitoring period.

No information on indigenous people in politics was reported within the monitoring period.

## **6.2 Print media**

The two newspapers (Raksmey Kampuchea Daily and Koh Santepheap Daily) combined covered only six political parties: the CPP, FUNCINPEC, the NRP, the SRP Sangkum Jitniyum Front Party and the Khmer National Party. The CPP received the most coverage, up to 46%, equal to 103 articles. The SRP received the second highest coverage (19%, equal to 43 articles).

The CPP dominated print media coverage. Most of the articles on the CPP (74 articles) were positive in tone.

Voter education or election-related information, such as information on activities and press releases of the NEC and NGOs working on elections, was the subject of 47 articles.

Only the CPP was the subject of appeals to vote (seven articles).

Women in politics were mentioned in only six articles during the monitoring period.

Female candidates for council or chief positions were covered in only two articles.

No information on disabled persons in politics was reported during this monitoring period.

No information on youth in politics was reported within the monitoring period.

No information on indigenous people in politics was reported within the monitoring period.

## **6.3 Media monitored only for violations**

Apart from the media mentioned above, COMFREL's media monitoring also found that, during the election campaign period, some private electronic and print media did not respect regulations, guidelines and codes of conduct for media as issued by the NEC and MoInfo. These media covered activities or candidates of political parties of which they were in favor. The following are some of many electronic and print media with hugely imbalanced reporting in favor of only one political party:

- Radio FM 90MHz, Radio Taprom (FM 90.5MHz) and Khmer Mekong Newspaper, programming and reporting in favor of FUNCINPEC.
- Radio FM 93.5MHz, Moneak Seka Khmer and Srolanj Khmer newspapers, programming and reporting in favor of the SRP.
- Radio Bayon (FM 95MHz), TV APSARA (Channel 11), TV Bayon (Channel 27), Chakroval and Raksmey Angkor, programming and reporting in favor of the CPP.
- Khmer Youth's Voice, Reach Seima and Khmer Amatak Newspapers, reporting in favor of the NRP.

*(For details, please see Final Report of the Media Monitoring, Commune Council Elections April 1, 2007)*

## **7. Complaints and Complaint Solving**

### **7.1 Complaint-solving process**

Cambodia and the NEC has not yet developed an effective complaints procedure, that commands the confidence of all stakeholders. Therefore it is not surprising that once again in 2007, parties aggrieved by electoral infractions, felt that injustice was perpetrated and outcomes were favorable to the CPP. COMFREL has studied other models COMELEC of the Philippines and the Election Commission of Sri Lanka and Indonesia and recommends that consideration should be given to incorporating best practice from them.

A good complaints procedure, of course, should not be necessary if the main systems work well, but its existence does help ensure that the various people get things right in the first place. Elements of a good complaints procedure include:

1. Acceptance by all of the necessity and legitimacy of the procedure and the right of people to make use of it, and without fear or recrimination.
2. Open to all citizens regardless of wealth or social status.
3. Expeditiousness in order that issues are solved as quickly as possible at the lowest possible level.
4. Impartial and fair consideration by people entrusted with exercising judgment. They must consider each case on its merits, the facts presented, without pre-conceived ideas or bias, and free of external interference or influence.
5. Where the facts are not clear, a proper investigation must take place.
6. Wherever possible there should be transparency at all stages, and when due confidentiality is needed, then the reasons for this must be explained.
7. Both the complainant and person or body alleged to be at fault should be present to explain and defend themselves, with legal or lay representatives, to provide evidence in support of their case, and be willing to answer questions.
8. Proceedings should be fully and accurately documented.
9. There should be a minimum of one appeal to a higher authority against the decision made in the first instance.

COMFREL's findings for 2007 are as follows:

- The system was not conducive to ordinary people making complaints, as the complaints procedure was complicated and it took time and money to refer complaints to the NEC. In addition, there were cases of neglect by commune council officials of people's verbal complaints.
- The NEC showed a lack of commitment to intervening, advising or investigating complaints that it deemed inconclusive. A large number of complaints were rejected on the basis that there was no evidence (conflict of interest in the case of complaints related to election official's fraud, etc) instead of proper examination to establish or rule out whether a prime facie case existed indicative of serious infractions.
- Most complaints (up to 84% of a total of 119 complaints) were rejected by electoral officials at all levels on the basis of a lack of documentation or evidence or the lack of a clear law to support the complaint; some complaints were disqualified.
- Competent electoral officials did not investigate or seek further information, stating that there was not enough time (time was limited). A few complaints were solved through reconciliation.

COMFREL is not alone in considering that a proper functioning complaint procedure is an essential element of the electoral process. Other Electoral Monitoring Organizations, both international and domestic have made the same point. Justice must not only be done but seen to be done.

During voter registration and posting of the initial voter list, COMFREL received and monitored at least 76 complaints, all made by the SRP (Phnom Penh, Sihanouk Ville, Battambang, Banteay Meanchey, Kampong Cham, Prey Veng, Siem Reap, Pursat, Kandal, Takeo, Kampong Chhnang and Svay Rieng). Observation noted that ordinary people were not encouraged to make complaints, as the complaints procedure was complicated and it took time and money to refer complaints to the NEC. In addition, there were cases of neglect by commune council officials of people's verbal complaints.

Most complaints on the voter registration process dealt with requests to delay voter registration; shortage of documents (Form 1018 and 1019); registration denial owing to lack of documentation to prove identity (especially those evicted from Sambok Chab village, Tunle Basac commune to Andong village, Kork Rokar commune). Issues arising at the close of the initial voter list mostly dealt with the request to cancel those suspected as Vietnamese who were ineligible or people did not have enough documentation as proof of Cambodian citizenship.

Commune Councils and the NEC decided to hear at least 37 cases, agreeing to register 11 people and canceling 1,224 voters (figure of November 15, 2006) as ineligible or lacking in documentation, sometimes because they had passed away or relocated. For some, there was evidence of a lack of Cambodian identity documentation. COMFREL noted that this procedure only involved recalling the names of those canceled; there was no punishment for commune authorities who had contravened the law in the registration process.

Furthermore, both Commune Councils and the NEC showed a lack of attention to intervening, advising or investigating inconclusive complaints. A large number of complaints were rejected on the basis that there was no evidence. It was not clear how these conclusions were arrived at; how thoroughly they were investigated; who conducted it and how qualified they were for the task. The point is neither potentially serious infractions may have been prevented nor may deterrents against future similar actions have been reinforced.

## **7.2 Complaints about ballot counting and polling**

Complaints in both written (Form 1202) and spoken form were lodged by political parties regarding ballot counting and polling. **It was reported that polling station staff hesitated to provide the complaint forms and political party agents were afraid when lodging complaints.** Observation showed that most complaints (up to 84% of a total of 119 complaints) were rejected by electoral officials at all levels on the basis of a lack of documentation or evidence or the lack of a clear law to support the complaint; some complaints were disqualified. Competent electoral officials did not investigate or seek further information, stating that there was not enough time (over the statute of limitation). A few complaints were solved through reconciliation.

23 complaints on the polling and ballot counting were filed by political parties with the CEC. Of these, 13 cases, equal to 56%, were rejected as having no clear law to support the complaint. Only eight cases were addressed through reconciliation. One case was further contested by the plaintiff and one case was judged in favor of the plaintiff.

61 complaints were lodged with the PEC. 54 cases, equal to 88%, were rejected through disqualification. Only three cases were decided in favor of the plaintiff.

35 complaints were lodged with the NEC. 34 cases, equal to 97%, were rejected by the NEC, for similar reasons to those raised by the CEC and the PEC, including statute of limitation and lack of witnesses.

Observation found particular irregularities affecting process and results in Poipet commune, Banteay Meanchey province. Around 70% of the 63,977 eligible voters did not vote. Some voters faced difficulties in going to the polling station. Some complaints (written and spoken) were made by the SRP and some major complaints were rejected by the PEC and the NEC.

The SRP's complaint to call for a revote in Poipet commune, owing to low turnout of voters, was also rejected. Observation found that some eligible voters who did not vote faced obstructions, such as not being able to find their name on the voter registration list or in the polling station. There were problems for Cambodian laborers working in Thailand, who had difficulties returning to vote. Casino staff members were also not given the chance to vote. Some eligible voters faced difficulties in not having identity documents or not receiving the VIN.

Regarding the Poipet case, COMFREL's observers found 16 de facto cases of irregularity in polling stations in Poipet commune. These cases include the following:

- Armed forces in uniform were allowed to enter polling stations.
- Voters with the same name as a previous voter were not allowed to cast a ballot.
- CPP members worked at 22 polling stations, with audible high-volume radio communication in favor of the CPP.
- NRP and Sangkum Jantinyum Front Party representatives watched voters at some polling stations.

## **8. Election Results, Verification, Analysis and Comparison**

### **8.1 Overview**

COMFREL and NICFEC totaled complete results from counting stations and verified these with NEC preliminary official results. Verification found a difference of less than 1% in 742 communes. This difference could not affect the outcome and allocation of seats in the respective commune councils.

There were big changes in the 2007 communal election results compared with the 2002 election results, throughout the country. These changes can be explained in various ways. The numbers of votes for the position of commune chief were as follows:

- The CPP received 1,591 commune chief positions, equaling 98.15%.
- The SRP received 28 commune chief positions, equaling 1.73%.
- FUNCINPEC received two commune chief positions, equaling 0.12%.

The question was asked as to why there should be such a significant shift towards the ruling party when the government, as with many governments in the mid-term of office, is not particularly popular or successful? Some factors possibly involved include:

- CPP ran a particularly effective campaign able to use all means available to them as the main party of incumbency. (These are explained more in Results Analysis below);
- The CPP message that it is the only party that can guarantee stability and progress seems to have registered, regardless of whether it is accurate or was delivered fairly;
- The CPP's close association, from an ordinary voter's perspective, with community development projects and emergency relief dispersions (even though donor sources are usually apolitical);
- The CPP's pre-election surveys testing the popularity of candidates and placing those held in high favor at the top of their party lists;
- CPP ascendancy in leadership positions down to village chief;
- Pre-election intimidation and vote-buying tactics;
- Presence of incumbent leaders and supporters and exhortation activities during polling;
- Unequal access to media;
- Unequal resources for campaigns (which could have been transparent if the NEC had exercised its powers to monitor party expenditure);

Intimidation, obstruction to voter education, unfair access to media and vote buying (during the election campaign) were widespread in rural areas where, in most cases, people knew those involved. This is worrying, suggesting that intimidation was a factor in the CPP victory in over 98% of communes, and that this may not be based on a sound democratic footing. COMFREL believes that the notion of elections as fair competitive processes between different parties is still not implanted. Activists at local level, especially in the CPP, manifest attitudes reminiscent of communist times where contrary opinions and loyalties are to be eliminated. This elimination may no longer be "at all costs" in most cases, but it does still detract from a fair contest.

Yet despite this, the SRP opposition party increased its total vote (from 736,454 voters in 2002, to 1,303,906 voters in 2007). It has consolidated its presence in urban areas and has become a more broad-based national organization. SRP's gain appears to be at the expense of the CPP's coalition partner, FUNCINPEC, that lost much ground, declining markedly from its 2003, 2002 and 1998 positions and, in particular, from its victory in 1993 when it emerged as the most popular party in the country. **Now, the SRP has emerged as the second force to the CPP and the only viable alternative. The danger with only two main parties in the fray is that, once again, the**

Cambodian electorate will have just two heavily polarized choices. COMFREL expresses its hope that for the sake of democracy the electoral system will be changed into a direct system for future elections that would enable voters to be given every encouragement to vote. The choice now is limited to parties, not individual candidates, and heavily favored – as illustrated in this report – to the larger established parties.

The best system is for voters to have candidates they know or know about, who have connections with constituencies, and who stand for policies and initiatives against which, once in office, they can be assessed. They can be held to account by electors on that basis. The direct representation system, hopefully allowing independent candidates to stand, is preferable to the party system in this regard. Certainly, local government can only benefit from such a change and COMFREL will advocate this for the 2008 elections. (See below Table 1: Pattern of Voting Between Parties and Chart 1 and 2: Comparison of Election Results in 1993, 1998, 2002, 2003 and 2007 by year and party).

Table 1: Pattern of Voting Between Parties

Party	1993		1998		2002		2003		2007	
	No	%								
CPP	1,530,943	39.63%	2,014,912	41.67%	2,647,849	60.89%	2,445,177	47.30%	3,148,533	60.82%
FCP	1,821,886	47.16%	1,547,767	32.01%	955,200	21.97%	1,072,136	20.74%	277,545	5.36%
SRP	-	-	694,169	14.36%	736,454	16.94%	1,137,308	22.00%	1,303,906	25.19%
NRP	-	-	-	-	-	-	-	-	419,791	8.11%
Others	510,678	13.22%	578,794	11.97%	9,061	0.21%	514,751	9.96%	27,094	0.52%
Total	3,863,507	100%	4,835,642	100%	4,348,564	100%	5,169,372	100%	5,176,869	100%

Chart 1: Comparison of Election Results in 1993, 1998, 2002, 2003 and 2007 (party by party)

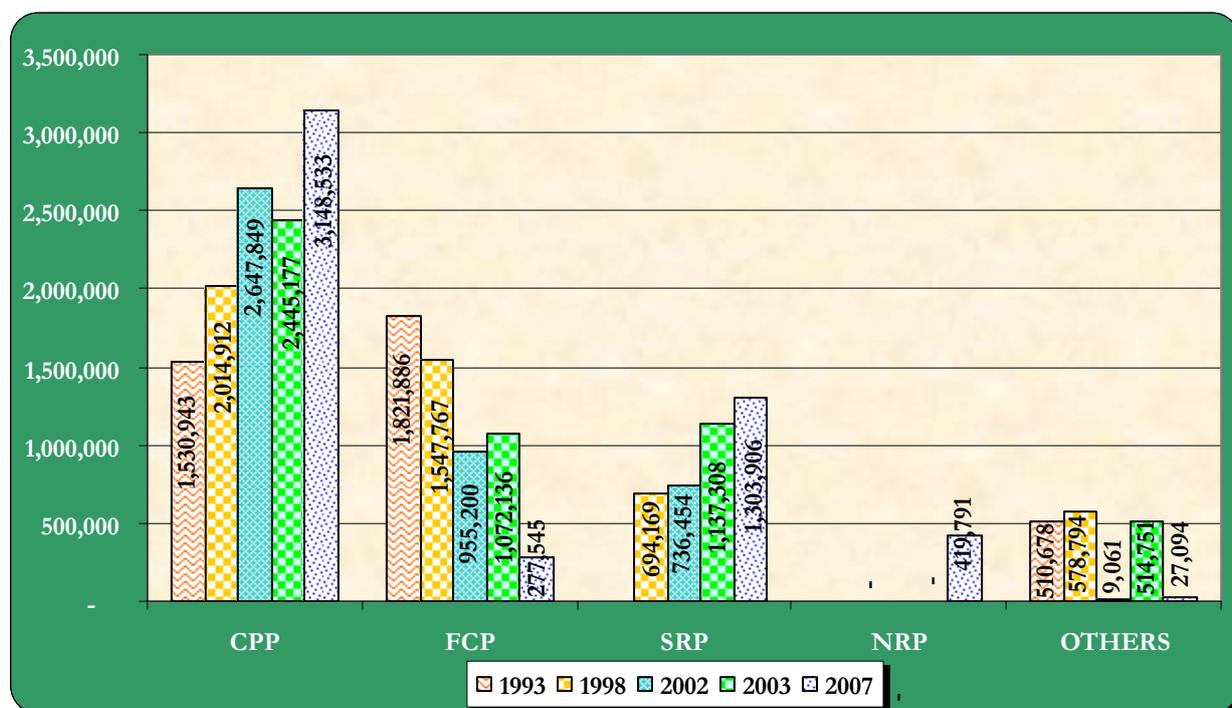
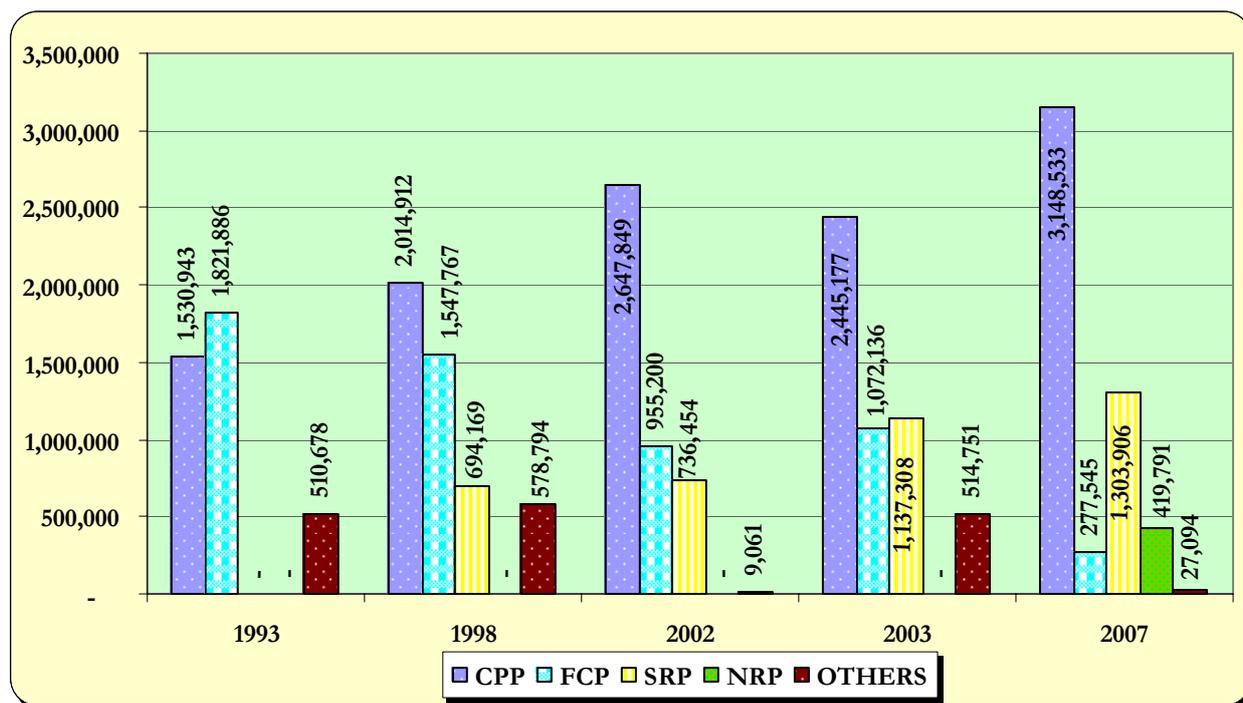


Chart 2: Comparison of Election Results in 1993, 1998, 2002, 2003 and 2007 (year by year)



**CPP:** The CPP lost seven commune chief positions, taking 1,598 (in 2002) and 1,591 (in 2007), to the SRP and FUNCINPEC. However, the CPP's total vote increased by around 16.5%, and its number of commune council members increased from 7,703 in 2002 to 7,993 in 2007. It should be noticed that only the CPP had candidates elected as commune council members in all of the country's 1,621 communes, and only the CPP won elections without competitors, in 166 communes (10% of the total number of communes). This number saw an increase from the 2002 figure, where the CPP won without competitors in only 148 communes. In these communes, there are no internal opposition figures to serve as checks and balances in terms of local government.

The CPP's increase in votes, and extra local popularity could have its origins in some of the following factors:

- Its clear efforts to be seen to be developing infrastructure, including roads, irrigation systems, health centers, schools and pagodas, built or repaired using money from donors, loans or government.
- Gift and money giving, which was very common throughout the country.
- Threats, intimidation and force in some regions, where the CPP may have suspected that more voters would vote for other political parties.
- A greater commitment to service provided by CPP's commune council members.
- The fractious division of FUNCINPEC as well as the inclusion of new members from other political parties.

**SRP:** The SRP won 15 more commune chief seats, up from 13 in 2002 to 28 in 2007, taking these from the CPP and FUNCINPEC (Prah Dom Rei commune, Stong district Kampong Thom province). The number of votes for the SRP in this respect increased by around 77.6%. The number of commune councilor seats also increased, from 1,346 in 2002 to 2,660 in 2007. The following factors could be reasons for the SRP gains:

A clear platform with precise promises, including on corruption, land grabbing, fishing and deforestation.

- The promise not to charge for public services, or to charge a limited amount, and to rely on transparency in income and expenditure. This is a sensitive point for ordinary people, the poor in particular.
- Increase in votes as a result of the split of FUNCINPEC.
- More highly developed representation in rural areas. (SRP is still a relatively recently created party).

**FUNCINPEC:** FUNCINPEC lost eight commune chief positions, going from 10 in 2002 to two in 2007, to the CPP and the SRP. The vote for FUNCINPEC decreased by around 16%, and the number of commune council members decreased from 2,211 in 2002 to 274 in 2007. The two communes won by FUNCINPEC were O Merah commune, Seam Bok district, Stung Treng province and Ampil commune, Banteay Ampil district, Oddar Meanchey province. It should be noted that Ampil commune was the birthplace of FUNCINPEC in the 1980s; according to observation, FUNCINPEC officials have carried out many activities in this area. Reasons by the party's failure to maintain its number of commune chiefs and its share in the vote could include the party's internal problems and the low capacity of FUNCINPEC commune council members (little attention paid by FUNCINPEC's senior officials).

**NRP:** The NRP is newly established, but draws most of its supporters from FUNCINPEC. The NRP won no commune chief positions. According to the election results, however, the results show that it ranked third in terms of both the number of votes and the number of seats in the commune council. The NRP received 419,791 votes, equal to 8.11% of the total vote, and 425 seats in commune councils. The reasons for this ranking includes the fact that some voters are still loyal to the royal family, empathize with Prince Ranariddh and still believe the Monarchy can ensure that Cambodia becomes peaceful and prosperous.

Although the NRP did not win any commune chief positions, observation showed that the party now plays an important role in decision making in at least 28 communes (which require an absolute majority vote – 50%+1). An example of this is in Phdao Chum commune, Korng Meas district, Kampong Cham province, where four commune council members are from the CPP, another four from the SRP, with the last from the NRP. This is also the case in Paarv commune, Bateay district and Phdao commune, Choeung Prey district, Kampong Cham province.

## **8.2 Results analysis**

### **Women candidates elected as commune council members**

According to the election results, the percentage of women candidates elected as commune council members was small compared with the number of woman standing (14.64%). However, it is to be noted that the number of women elected was higher than that in the first mandate (9%). All elected parties made an effort to place more female candidates on their election candidate lists. Female candidates from the CPP won the position of commune chief in 63 communes. Female candidates from the SRP won four commune chief positions out of 28. Female candidates from FUNCINPEC won no commune chief positions in the two communes won by FUNCINPEC.

### **8.3 Analysis of vote in certain communes**

Most of the communes where the SRP and FUNCINPEC won commune chief positions are in remote areas which have many land disputes which, (according to ADHOC) have caused voters to suffer, including new voters. This includes the SRP: in Sophy commune, Or Chroy district, Banteay Meanchey province; Pa Te commune, O'yadav district, Ratanakiri province; Chheb Pi and Tbung Pi communes, Preah Vihear province; and Phlov Touk commune, Kampong Leng district, Kampong Chhnang province. FUNCINPEC is in O Merah commune, Seam Bok district, Stung Treng province and Ampil commune, Banteay Ampil district, Oddar Meanchey province. Observation nevertheless

found that the incumbent party had still won many communes even where land disputes take place<sup>30</sup>. The reasons could be that the commune council members explained their limited authority in land dispute resolution or the care of village chiefs for the victims. Moreover, victims of land disputes often lose their right to register as a voter and to vote, as they do not have identity cards or residency documents. Real examples were seen in those evacuated from Sambok Chab village, Tunle Basac commune (Phnom Penh) to Kork Rokar and Tropaing Krosang communes, Dangko district, Phnom Penh; from Beung Pram region, located in Ampil Pram Deum commune, Bovel district, Battambang province; from some communes in Kampong Speu province, and many other communes in northeastern provinces, such as Ratanakiri and Mondolkiri.

For some communes located near towns and won by the SRP, observation found that the vote was very competitive; that is, the difference between the number of votes for the SRP and the CPP was slight. Examples of this were in Paarv commune, Batheay district, Kampong Cham province, where the CPP lost by eight votes to the SRP (1,450 to 1,458), and also in Tang Krosang commune. In the 2002 elections, the SRP lost by around 500 votes to the CPP in these communes. The increased vote for the SRP seems to have come largely from new voters.

Voters who previously voted for FUNCINPEC seem to have moved to the NRP. Additionally, FUNCINPEC did not place candidates in two communes, or votes for FUNCINPEC and the NRP were divided into two. Similar cases took place in Kampong Cham, such as in Knol Dambang, Pdao and Sotib communes, Cheung Prey district and Chaom and Da communes, Memot district. For Sotib and Da communes, the number of votes for the SRP increased by about 2,000, likely coming from new voters or voters who used to vote for FUNCINPEC.

Some communes previously held by the SRP and FUNCINPEC went to the CPP. These are located in urban areas and/or are those where the ruling party has made developments. Others are located in places where voters find it difficult to go and vote, such as Poipet commune, O Chroy district, Banteay Meanchey province. However, voting in these areas seemed to be competitive.

Of the 13 communes where the SRP won the position of commune chief in the first mandate elections, it only kept two Beung Salang and Kilometer 6 communes in Phnom Penh. FUNCINPEC could not keep its commune chief positions in the 10 communes it held after the first mandate. These were lost to the CPP and the SRP.

The SRP and FUNCINPEC claimed that they lost their commune chief positions to the CPP because the CPP carried out development in these communes and/or voters were prevented or obstructed by local authorities affiliated with the CPP. However, the CPP stated that it had won in these communes owing to the efforts made by CPP officials, also accusing the opposition parties of incompetence. This is a challenge for those other parties now in leadership – how to reconcile their limited powers in office – and explain this to their constituents - when faced with an administration above them that is overwhelmingly in favor of the CPP. It is easy for their CPP equivalents in neighboring communes to be seen to be achieving more.

If we take into consideration the Poipet results, we found that the number of votes for the SRP and FUNCINPEC combined seemed to go to the CPP. This repeats the lessons of the national elections of 1998 and 2003 – **a divided “opposition” will always benefit the ruling party. This gives a message to political parties and elected officials to fulfill their tasks and put first the interests of the nation and its people.**

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<sup>30</sup> It should be noted that Natural Resource matters are not included in the Decentralization and Deconcentration reforms that saw the establishment of the commune councils. They are still controlled from national level through the Ministry of Agriculture, Forestry and Fisheries. Provincial and District Authorities have more limited influence compared with other public services.

## **9. Post-elections and Transfer of Power: Intimidation**

There was some concern about intimidation after the announcement of temporary results towards activists and citizens who did not support the ruling party.

COMFREL observed some cases of intimidation towards citizens and political party activists in some regions. Violence, intimidation and particularly political discrimination (insulting non-ruling party activists) were used by local authorities: village and commune chiefs. There were cases of murder of opposition party candidates and activists. The above cases took place in Siem Reap, Battambang, Kampong Cham, Banteay Meanchey and Phnom Penh, among others.

The SRP and NRP claimed cases of intimidation towards their activists. On April 12, 2007, a SRP activist residing in Cho Lea commune, Batheay district, Kampong Cham province, was questioned by the district police chief about an old dispute case (already reconciled on April 2, 2007). On the night of April 13, 2007, a NRP activist residing in Chhouk commune, Krouch Chhmar district, Kampong Cham province, claimed that his nephew, a CPP supporter, had attempted to shoot him with a bow but that he escaped.

Observation also found that the house of a SRP candidate was set on fire on April 10, 2007, without a clear reason. The candidate was elected as a member of the commune council for Chak Krey commune, Phnom Preuk district, Battambang province.

Additionally, there was an attempted assassination case of a SRP activist in Mean Rith commune, Sandann district, Kampong Thom province, on April 6, 2007. The case was claimed to be political by the SRP, although authorities claimed it was domestic violence.

SRP activists accused local authorities, at village level in particular, and other groups, of using indirect insults, of asking voters whom they voted for, and of giving money to those who did not go to vote (those who might not have voted for the ruling party). One case was alleged to have happened in Kork Dong commune, Angkor Chum district, Siem Reap province on April 8, 2007.

A court summons was issued to the elected second deputy chief of Ta Kream commune, Banon district, Battambang province on April 5, 2007, and to the chief of Beung Salang commune (Phnom Penh's Toul Kork district) on April 11, 2007, to clarify cases of destruction of private property or causing injury or forestry offenses (the SRP had won the position for the second time). The newly elected chief of Sophy commune, O Chrov district, Banteay Meanchey province was accused at court on April 6, 2007.

COMFREL observes that the transfer of power from the first mandate of commune council to the second has been smooth. Only one case has been seen, in Pa Te commune, where the elected candidate for commune chief (SRP) has not responded to a court summons over an alleged case of trafficking of Montagnard in Ratanakiri province. The SRP has tried to meet some CPP officials to discuss cooperation on decentralization and deconcentration.

The SRP has raised the idea of village chief reselection. They also “topped up” state-provided pay in 28 SRP communes, from their own reserves in an attempt to provide a better living and deter corruption. The nationally determined official salary is just around \$25 per month. SRP doubled this. The family income of commune councilors with no other source of income (legitimate or illegitimate through unofficial charges and fees) could stay below the official poverty line of less than \$1 per person per day.

These ideas have not been supported by the ruling party, which has accused the SRP of trying to create a state within a state.

## 10. Popular Participation and Loss of Voters' Rights (Participation of Monks, Youths and Women)

Table 2: Popular Participation from 1993 to 2007

	<i>1993</i>	<i>1998</i>	<i>2002</i>	<i>2003</i>	<i>2007</i>
<b>Eligible voters</b>	4,654,000	5,488,029	6,251,832	6,749,876	7,291,084
<b>Registered voters</b>	4,764,430	5,395,595	5,190,307	6,341,834	7,799,371
<b>Voter turnout</b>	4,267,192	5,057,830	4,543,974	5,277,494	5,293,327
	<b>89.56%</b>	<b>93.74%</b>	<b>87.55%</b>	<b>83.22%</b>	<b>67.87%</b>

The number of Cambodians going to the polls has increased each election. This marks an improvement in and consolidation of democracy. However, caution must be exercised, as both the 1993 and 1998 elections were affected by the Khmer Rouge conflict. Account must also be taken of the general increase in population and the full repatriation of refugees. COMFREL repeats its observations that the 2007 popular vote, as a share of the electorate, was almost certainly down on what it should have been, and notes that there are early signs of voter apathy creeping in.

The 2007 elections, as with the 2003 national and 2002 local elections, were successful in terms of geographic coverage and accessibility for parties and observers. In 1993, owing to ongoing conflict, not all provinces were covered. In 1998, “Khmer Rouge defections” to the government were still recent in some areas. Also, of course, the 1997 armed confrontation that saw the then PM Prince Ranariddh deposed meant that opposition parties were starting from scratch in terms of their countrywide party machinery.

Loss of voters' rights in this 2007 election included the following:

- Around 2.5 million eligible voters did not vote (most of them probably not CPP voters) of a total number of eligible voters of around 7.8 millions. Voter turnout was 68% (5.29 million voters), as compared with 87% (4.54 million voters) in 2002.
- 18% of eligible voters tried to go to vote but face obstructions and did not vote; 9% of these did not receive the VIN, making them think that they did not have the right to vote (according to COMFREL's observation).
- 1.4 million voters did not receive the VIN (yet change behaviors of local authorities in distributing the VIN as their previous experiences of CPP's work).
- The voter list was imperfect: the list saw ghost voters, irregularities and discrepancies of data between identity documents and the voter list.
- The MoI failed to provide identity cards to all citizens, identified as the main reason behind the noticeable increase in the number of applications for Form 1018.

## 11. Political Participation

**Table 3: Number of Political Parties**

1993	1998	2002	2003	2007
20	39	8	23	12

The number of parties standing for elections is not in itself a clear indicator of the state of pluralism, but COMFREL is able to make a qualitative judgment to suggest that all is not well. The figure for the 2002 elections gives a clue, as does the fact that only three parties feature in the 1998 and 2003 National Assemblies. Cambodia is still polarized basically between former communists and royalists. Although there are many other parties, few have the potential to enter the scene, given the formidable barriers of entry costs and access to media to convey messages to their potential electorate. None of the figures, we would suggest, are a fair reflection of the wishes of the politically active classes. An important source of fresh ideas, as well as choice of individuals who command the confidence of communities, is being lost. COMFREL reiterates the need for entry barriers to be reduced and, more importantly, for elections to be based not on party slates but on an individual named member basis.

The overall trends and shifts in support for the parties are also an important indicator of the health and status of the political scene. The following figures show that, basically, while the CPP has gained ground, a combination of the SRP and FUNCINPEC vote shows there is little to suggest any major change taking place. *(Please see the below table on pattern of voting between parties)*

Another indicator suggesting progress is in the number and quality of party political agents deployed by all parties. COMFREL commends all parties in this regard and welcomes the increased coverage and level of skills, but urges further efforts in order to apply consistent uniform standards and to remove all indiscipline in what should be a peaceful democratic process.

**Table 4: Number of Accredited Political Party Agents Deployed**

1993	1998	2002	2003	2007
N/A	N/A	76,006	46,311	104,450

## **12. Civil Society/COMFREL's Participation and Constraints for Observers (Accreditation Cards)**

### **12.1 Overview of COMFREL's election observation**

COMFREL gives credit to the NEC for its increasing recognition and positive reaction to input from genuine civil society organizations. Certainly, many of the difficulties in 1998, 2002 and 2003 did not recur in 2007. In 1998, genuine trained election observers were almost swamped out by a new corps of observers from unknown NGOs whose credentials and motives were doubtful. In 2002, there were protracted differences with an "NGO Coordination Committee" which did not, in our view, serve the interests of civil society or voters. Now that the 2007 elections have been conducted without it, this view is vindicated. Any analysis here can only be qualitative, although the figures are impressive - that all 8,400 polling stations were covered and over 11,000 voluntary observers deployed. 2007 was almost certainly the best in terms of overall quality of the observation. Many observers have accumulated greater proficiency over the years, but of course they do still encounter too many pressures not to be as objective as COMFREL would wish.

2007 was also the best election for inter-NGO cooperation, with a greater unanimity of purpose, less duplication and competition, and clearer better results in voter education initiatives which took place. Credit here must go to the assistance of partners, such as the coordination role and direct support of international donors.

COMFREL is one of two election monitoring associations in Cambodia, the largest and longest standing. COMFREL took part in the 1998, 2002 and 2003 elections. Our committee members and personnel took part in the UNTAC (UN Transitional Authority in Cambodia) elections of 1993 and have been invited as international monitors to other countries including East Timor, Indonesia, Kosovo, Pakistan, the Philippines, Sri Lanka, Sweden, Taiwan and Thailand.

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

COMFREL has a well established network of voluntary observers, extending from national through provincial, commune and district levels, reaching all 8,400 polling stations.

### **12.2 COMFREL observation activities**

For the 2007 commune council elections, COMFREL fully trained and deployed 450 long-term observers operating at commune, district and provincial levels. They cover the full range of electoral activities; voter registration, voter education, political climate at local level, voter education, supervision of polling day/counting, tracking complaints, as well as monitoring the general election climate. They also establish relationships with key partners – other domestic observers, international election missions, party agents and election officials.

An additional 600 observers were deployed from the start of the election campaign in March until April 1 in order to help collate and coordinate reports: regular reports and any special incident reports.

Short-term observers were also trained and deployed for the poll and count. 11,000 COMFREL observers manned virtually every polling station on April 1. All went on to watch the ballot boxes from the close of the polls until the counts were concluded.

COMFREL observers were to conduct audits of the lists of registered voters in order to verify that genuine voters were presenting themselves, impersonation was not taking place for deceased voters and such practices as “telegraphing” were detected.

COMFREL observers kept their own tallies of voters attending, counting of votes by party, in order to produce a parallel vote count so that official figures transmitted from counting stations to the CECs and PECs to the NEC were not manipulated.

COMFREL continued its media monitoring throughout the period, including looking at how the verdict of the electorate is accepted and reported.

### **12.3 Voter and candidate education activities**

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

#### **Voter education**

COMFREL has conducted other innovative activities in line with its mission to promote better knowledge of the electoral process and encourage citizen participation such as radio shows which include listener call-ins for questions and answers, TV spots, a movie play, etc. 120,000 pamphlets, 50,000 Q-A booklets, 20,000 calendars and 30,000 picture books have been produced and distributed to 215,481 direct beneficiaries. An 8 minute and 49 second video/radio spot on “**How to Vote for Women**” was broadcast **five times** on radio FM 105, FM 90, and FM 90.25 on the Voice of Vote Owner program at 7:30-8:30 AM, and **58 times** on **Cambodian Television Station Channel 9 (CTV9)**. COMFREL issued 25 press releases and statements (including joint statements with other civil society associations). 1,000 organizations and individuals are included on the COMFREL mailing list, and 15,000 hits are known to have been made on the website.

#### **Activities encouraging female participation**

In the period of October-December 2006, COMFREL, one of the Committee to Promote Women in Politics (CPWP) members, conducted a field visit in eight provinces including Phnom Penh, Battambang, Siem Reap, Kampong Cham, Kampong Thom, Kampot, Kep and Kandal, to carry out a training needs assessment in terms of lobbying and advocating with political party leaders, provincial and district governors, and commune level officials as well as the PEC, in order to put women candidates on the top of the list in a sandwich system during political party candidate selection. COMFREL asked for cooperation in sending women candidates to participate in training courses and forums for the 2007 commune council elections.

COMFREL conducted **three-day** trainings on “Women’s Participation in Politics and Commune Council Elections” to women candidates of the four political parties (CPP, SRP, FUNCINPEC and NRP), with 90 women participants, on February 15-17, 2007 and February 26-28, 2007 in Banteay Meanchey province. The objectives of training were:

- All participants will run for elections, with at least 50% of them elected.
- Strengthened capacity and qualifications for women candidates in leadership and campaigning.
- Identification of women with high potential to be elected.

COMFREL organized four public forums on “Harmony in Society with Women’s Participation in Decision Making”, with 400 (310 female) participants: Boeung Nay commune, Prey Chhor district,

Kampong Cham, January 15, 2007; Roka Porpram commune, Tboung Khmom district and Kandalchrum commune, Ponhea Krek district, Kampong Cham, January 15, February 6 and 10, 2007; and Reussey Krok commune, Mongkol Borey district, Banteay Meanchey, 10 March 2007. Key topics discussed were:

- People's awareness of the benefits of equal participation and representation of women and men in commune council affairs.
- People's promotion and support of equal representation of women and men in commune council affairs.
- Identification of women with high potential to be elected.

In addition, COMFREL showed a spot on “**Women's Participation in Politics**” on the nights of the above dates to 2,300 (1,400 female) viewers. After the show, COMFREL raised questions to the participants related to the topics, giving rewards to those who answered questions correctly.

## **12.4 Media activities and outcome (October 2006 to April 2007)**

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

- Radio broadcasting
  - COMFREL's “Voice of Civil Society” (VoC) continues to receive support from local listeners. The number of listeners and callers is increasing; elections and voter education were the focus during the election period.
    - Many more callers expressed their interest in knowing more about the themes shared by VoC. Callers from many backgrounds were noted. Among these callers, about 15% were female.
    - VoC was extended to Battambang and it was broadcast on FM 102MHz to a wider area.
  - There were estimated 170 hours of radio broadcasting in total during the seven-month coverage of the elections, from October 2006 to April 2007. About 50 hours were call-in show programs and another 50 hours were regarded as roundtable discussions relating to the elections.
- Written publications
  - 8,000 copies in two volumes of the quarterly Neak Kloam Meul Bulletin were published and distributed nationwide, covering election issues.
  - Five Neak Kloam Meul articles were released from October 2006 to March 2007, specifically emphasizing election matters and updates.
  - 5,000 copies of the COMFREL brochures in English were published and available for distribution to donors, international organizations, international election observers and those concerned with the elections.
  - 25 press releases and statements were issued.
- Electronic media
  - Number of COMFREL's website visitors reached 13,770 as of April 2007. From October 2006 to April 2007, there are 3,587 visitors.
  - The subscribers to COMFREL's e-mail lists were up to 1,335 addresses as of April 2007. Of this number, there are 319 subscribed to COMFREL e-mail list, while at the same time, 110 un-subscribed from the list, counted from October 2006 to April 2007.
- During the specified period, four press conferences were organized by COMFREL with the cooperation of other concerned civil society organizations. The three conferences were held in Phnom Penh (two) and one in Banteay Meanchey.

- The Media Officer was also assigned as the COMFREL contact person to the Iraqi delegates group (12 persons) and the nine-person group from the People's Forum on Cambodia, Japan (PEFOC,J), observing the elections in cooperation with International Republican Institute.

COMFREL's activities were kindly supported by USAID through the NDI, Forum Syd, Novib, Japanese Embassy, Trocaire Fund, NPA and Oxfam HK.

COMFREL participated in the regular meetings of the NEC, in COPCEL (Conflict Prevention in Cambodian Elections) meetings and donor meetings facilitated by UNDP. COMFREL's regular feedback on the election process was appreciated and respected by international donors, the NEC and civil society colleagues.

COMFREL thanks the media corps with which it worked throughout the election period.

COMFREL wishes to thank the international corps for continuing to show close interest in Cambodian elections:

NDI, IRI, JICA, TAF, People's Forum on Cambodia-Japan (PEFOC-J), UNCOHCHR, Embassies - UK, US, Russia, Canada, Thai, Sweden, Japan, Switzerland, Australia., Oxfam Quebec, Save Children Norway, Korean Election Commission, Canadian-Cambodian Rural Association, French Senate Delegation and Japan Team of Young Human Power. They were 254 in all (21) applications for IEMOs from the NEC.

As expected the numbers are declining from 1993 and 1998, reflecting a lower interest in Cambodian politics due to the greater stability, and to a certain extent increased faith in the professionalism of EMOs such as COMFREL which can most of the country. In 2002 of course there was a Joint International Observer Group (JIOG) supported by UN, headed by the EU Chief.

## **12.5 Obstruction of election observers**

As experienced by COMFREL, the provision of observer accreditation cards saw difficulties and took an unnecessarily long time; this affected observation of voter registration in some provinces. This problem was seen to bode ill for the activities of many short-term observers (over 9,000 from COMFREL alone) who needed a card to be present on polling day. It would be better if the NEC only needed to accredit the name of the election monitoring organization, particularly as EMOs had to spend a great deal of money and time to send observer cards from Phnom Penh to observers deployed nationwide. It would be quicker if the PEC were instead delegated powers over the name list for observer applicants. (The NEC has not accepted suggestions for facilitating this process as explained earlier.)

### **13. Conclusions and Overall Recommendations**

*In order to improve the election framework, process and environment so as to be able to meet the standards for “Free and Fair Elections”, COMFREL offers the following recommendations:*

- Continued reform of the NEC and other electoral commissions to strengthen impartiality and independence.*
- A new institution independent from the NEC should be established to strengthen complaint receiving/solving and respect of laws/codes.*
- Further improvements in the registration processes to strengthen voter lists, providing information to all voters on polling stations, correcting data/information of voters following voters’ requests, and reviewing irregular voter cancellations as absolute priorities.*
- The RGC represented by the MoI and competent authorities at all levels should try to ensure that civil servants and commune council officials discharge their official duties to ensure that 100% of Khmer citizenship ID cards and other identity documents can be used on polling day to avoid accusations from political parties and relevant stakeholders. All officials must understand the difference between official duties and state or council employees from political party duties and interests.*
- The NEC must ensure that all political parties taking part in the elections have the same rights to campaign equally and freely and without any obstruction, before and during the official election campaign days.*
- All media, especially TV, must be required to follow the code of conduct, media principles and equity principles, as stated by the NEC and MoInfo. New guidance must be produced to ensure that coverage of RGC business is not de facto CPP campaigning.*
- The electoral system should be changed so as to encourage independent candidates. It should operate on a mixed voting basis: a proportional system including political party and non-political party candidates should be used for commune council election in all constituencies..*
- To promote greater participation by women, minimum quotas of 30% should be adopted for all public institutions and included in the membership rules of all political parties. Where this quota is not achieved during the electoral process, new provisions must be legislated for that would allow non-elected women to be co-opted to Commune Councils.*
- The process of accrediting domestic observers, in particular short-term observers only for polling/counting day, should be further simplified.*

## **Annex 1: Condition/Criteria for Rejecting Election Results in Constituencies (Commune/Sangkat)**

The conditions/criteria for rejecting election results in any constituency (commune/sangkat) are determined by the number of irregularities that can affect the election result in any constituency. Thus the number of irregularities represents a combination of major issues causing an unacceptable result. These are as follows:

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

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

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

- 4- Conducting election campaign on cooling day in 30% of villages, including/political party celebrations.
- 5- Threat/intimidation cases equal to 30% of villages (including voter registration to counting day), committed by authorities, armed forces or unidentified persons, a political party, supporters or candidates (excluding serious threats/intimidation to death, politically motivated killing cases).
  - 5-1. Direct or indirect words or a piece of writing issued with the idea of committing torture or physical abuse or threatening with death;
  - 5-2. Direct or indirect verbal remarks or a piece of writing containing an attempt to destroy property;
  - 5-3. Display or use of weapons for the purpose of intimidation;
  - 5-4. Shooting with a gun over a person's head or at his/her house roof or office or vehicle or at areas around that person;
  - 5-5. Placing an animal corpse or various signs or equipment in front of a person's house which can cause the person to fear for his/her life or his/her relative's life;
  - 5-6. Escorting or confining any person by force or against his/her will;
  - 5-7. Financial threats such as to dismiss a person from his/her job, to take away his/her land or house or other financial benefits;
  - 5-8. Putting pressure, use of threats or coercion to secure a promise or a thumbprint to promise to vote for his/her political party or a political party that he/she desires;
  - 5-9. Collection or confiscation or recording of serial code numbers of voter cards or identity documents used for voting;
  - 5-10. Tearing down a political party's signboard;
  - 5-11. Destruction of sign or office of political party;
  - 5-12. Threatening people not to use freedom of opinion, expression.
- 6- Serious threat, intimidation and politically related killing cases. The mentioned cases need to be discussed and studied separately to define the impact on voters and the election process.

Note:

- In case that the total irregularities, technical fault in a polling station is in 20% to 49% of the total numbers of polling stations; and vote buying, electoral campaign conducted in prohibited period, political intimidation is in 10% to 29% of the village numbers or making the vote result changed in 50% of the polling station numbers shall be regarded as a special case.
- The vote buying and political intimidation committed in prohibited period is up to 30% of the village numbers, the vote result shall be null.

## Annex 2: Number of Communes, Polling Stations, Commune Council Members, Eligible Voters, Registered Voters and Voter Turnout

No.	Provinces /	Number of	Polling Stations	Commune	Eligible Voters	Registered Voters	Registered Voters (%)	Voters	(%) of Voters /
	Municipalities	Communes		Councilors					Registered Voters
1	Banteay Meanchey	64	759	504	367,721	386,524	105.11%	225,259	58.28%
2	Battambang	96	973	760	531,142	523,549	98.57%	322,560	61.61%
3	Kampong Cham	173	2021	1,353	1,016,108	1,072,229	105.52%	702,357	65.50%
4	Kampong Chhnang	69	522	419	252,238	269,607	106.89%	197,139	73.12%
5	Kampong Speu	87	780	609	389,824	415,790	106.66%	308,243	74.13%
6	Kampong Thom	81	713	577	350,176	362,451	103.51%	230,351	63.55%
7	Kampot	92	611	548	321,452	344,950	107.31%	250,470	72.61%
8	Kandal	147	1307	1,061	723,548	780,299	107.84%	600,963	77.02%
9	Koh Kong	33	168	187	69,436	83,673	120.50%	47,393	56.64%
10	Kratie	46	315	282	156,385	160,208	102.44%	102,819	64.18%
11	Mondolkiri	21	69	107	26,185	24,571	93.84%	14,911	60.69%
12	Phnom Penh	76	1188	664	626,159	723,241	115.50%	430,084	59.47%
13	Preah Vihear	49	159	317	72,496	75,613	104.30%	54,102	71.55%
14	Prey Veng	116	1240	892	612,513	683,991	111.67%	468,598	68.51%
15	Pursat	49	436	343	208,072	223,732	107.53%	150,129	67.10%
16	Ratanakiri	49	137	253	61,186	64,924	106.11%	37,552	57.84%
17	Siem Reap	100	818	668	422,380	421,255	99.73%	293,816	69.75%
18	Sihanouk Ville	22	175	144	93,974	96,610	102.81%	58,633	60.69%
19	Stung Treng	34	115	176	49,392	50,057	101.35%	35,955	71.83%
20	Svay Rieng	80	642	518	308,310	343,623	111.45%	242,052	70.44%
21	Takeo	100	1015	736	506,934	554,085	109.30%	434,781	78.47%
22	Kep	5	37	31	19,553	21,392	109.41%	15,837	74.03%
23	Pailin	8	59	52	27,615	32,547	117.86%	16,468	50.60%
24	Oddar Meanchey	24	169	152	78,285	84,450	107.88%	52,855	62.59%
	<b>Grand Total</b>	<b>1,621</b>	<b>14,428</b>	<b>11,353</b>	<b>7,291,084</b>	<b>7,799,371</b>	<b>106.97%</b>	<b>5,293,327</b>	<b>67.87%</b>

Source: NEC

**Annex 3: Registered Political Party Candidates by Province and Party (Source: NEC)**

No.	Province	Seats	Candidates		Women Candidates Per Party									
			Total Candidates	Women	CPP		FCP		SRP		NRP		Others	
					Total Candidates	Women	Total Candidates	Women	Total Candidates	Women	Total Candidates	Women	Total Candidates	Women
1	Banteay Meanchey	504	4,426	782	1,172	242	981	144	1,108	159	1,083	207	82	30
2	Battambang	760	7,058	1,912	1,994	471	1,645	353	1,866	398	1,190	544	363	146
3	Kampong Cham	1,353	11,951	2,400	2,795	439	1,685	514	2,808	405	2,811	419	1,852	623
4	Kampong Chhnang	419	3,794	731	928	164	800	188	959	139	894	171	213	69
5	Kampong Speu	609	5,512	853	1,372	250	1,314	231	1,359	155	1,351	175	116	42
6	Kampong Thom	577	5,369	1,170	1,352	270	1,331	260	1,268	229	1,209	322	209	89
7	Kampot	548	5,280	870	1,274	171	1,138	229	1,392	169	1,290	226	186	75
8	Kandal	1,061	10,001	2,194	2,622	540	1,664	424	2,350	352	2,299	481	1,066	397
9	Koh Kong	187	1,464	351	442	80	395	128	358	74	269	69		
10	Kratie	282	2,711	709	787	201	652	231	610	105	650	169	12	3
11	Mondolkiri	107	732	157	254	51	190	40	246	52	42	14		
12	Phnom Penh	664	6,151	2,158	1,480	398	1,170	550	1,539	402	1,339	483	623	325
13	Preah Vihear	317	2,711	593	778	184	698	105	684	99	315	115	236	90
14	Prey Veng	892	9,348	1,887	2,344	505	1,762	480	1,868	234	1,869	223	1,505	445
15	Pursat	343	2,938	661	782	165	717	195	694	149	723	136	22	16
16	Ratanakiri	253	1,438	300	511	87	451	100	421	89	55	24		
17	Siem Reap	668	5,561	1,165	1,538	290	1,401	219	1,355	230	1,207	391	60	35
18	Sihanouk Ville	144	1,291	257	358	66	313	52	308	34	268	85	44	20
19	Stung Treng	176	1,446	349	419	97	388	103	396	79	243	70		
20	Svay Rieng	518	4,559	922	1,196	229	1,062	261	1,181	191	1,004	201	14	40
21	Takeo	736	6,544	967	1,665	301	1,556	288	1,619	183	1,611	179	93	16
22	Kep	31	296	65	72	11	62	13	62	4	62	16	38	21
23	Pailin	52	446	124	112	30	110	20	111	22	113	52		
24	Oddar Meanchey	152	1,239	263	353	73	306	73	308	51	272	66		
	<b>Total</b>	<b>11,353</b>	<b>102,266</b>	<b>21,840</b>	<b>26,600</b>	<b>5,315</b>	<b>21,791</b>	<b>5,201</b>	<b>24,870</b>	<b>4,004</b>	<b>22,169</b>	<b>4,838</b>	<b>6,734</b>	<b>2,482</b>
	<b>Percentage</b>		<b>100%</b>	<b>21.36%</b>	<b>26.01%</b>	<b>5.20%</b>	<b>21.31%</b>	<b>5.09%</b>	<b>24.32%</b>	<b>3.92%</b>	<b>21.68%</b>	<b>4.73%</b>	<b>6.58%</b>	<b>2.43%</b>

## Annex 4: Elections Results by Province and Party with Seat Allocation (Source: NEC)

No.	Province	Votes Cast	Votes and Seats for Each Party										RANKING OF PARTY			
			CPP		SRP		FUN		NRP		OTHERS		CPP	SRP	FUN	NRP
			Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats				
1	Banteay Meanchey	225,259	125,051	332	47,757	103	23,574	36	23,147	33	439	0	1	2	3	4
2	Battambang	322,560	193,811	530	85,880	208	20,199	16	14,244	6	1,505	0	1	2	3	4
3	Kampong Cham	702,357	392,141	867	200,675	394	17,512	9	68,257	83	8,738	0	1	2	4	3
4	Kampong Chhnang	197,139	113,614	287	40,099	87	13,187	13	24,433	32	1,044	0	1	2	4	3
5	Kampong Speu	308,243	176,992	415	71,974	146	18,955	12	32,653	36	427	0	1	2	4	3
6	Kampong Thom	230,351	116,201	346	56,938	149	28,541	54	21,501	28	683	0	1	2	3	4
7	Kampot	250,470	143,818	379	56,185	121	14,107	7	28,788	41	766	0	1	2	4	3
8	Kandal	600,963	383,653	781	156,514	269	14,233	1	33,110	9	3,997	1	1	2	4	3
9	Koh Kong	47,393	31,482	155	9,434	27	2,468	3	2,873	2	0	0	1	2	4	3
10	Kratie	102,819	54,180	179	27,061	72	7,167	8	12,157	23	54	0	1	2	4	3
11	Mondolkiri	14,911	10,896	98	2,183	8	979	0	179	1	0	0	1	2	4	3
12	Phnom Penh	430,084	228,051	394	166,613	266	8,285	0	19,191	4	1,757	0	1	2	4	3
13	Preah Vihear	54,102	30,515	221	12,005	74	5,445	17	2,026	5	706	0	1	2	3	4
14	Prey Veng	468,598	285,833	633	105,251	200	14,724	2	47,664	57	5,670	0	1	2	4	3
15	Pursat	150,129	101,383	278	26,132	49	6,863	2	12,922	14	63	0	1	2	3	4
16	Ratanakiri	37,552	26,528	219	4,733	21	3,653	13	285	0	0	0	1	2	3	4
17	Siem Reap	293,816	174,166	474	64,292	141	27,115	31	21,007	22	191	0	1	2	3	4
18	Sihanouk Ville	58,633	35,716	103	14,266	36	4,281	5	3,186	0	171	0	1	2	3	4
19	Stung Treng	35,955	22,340	139	6,592	25	3,744	9	2,155	3	0	0	1	2	3	4
20	Svay Rieng	242,052	163,806	420	44,482	85	11,720	6	14,428	7	487	0	1	2	4	3
21	Takeo	434,781	285,076	566	92,419	148	19,148	6	30,178	16	285	0	1	2	4	3
22	Kep	15,837	12,281	30	1,408	0	761	1	883	0	107	0	1	2	4	3
23	Pailin	16,468	9,676	36	4,423	14	1,178	2	784	0	0	0	1	2	3	4
24	Oddar Meanchey	52,855	31,323	111	6,590	17	9,706	21	3,740	3	0	0	1	3	2	4
	<b>Total</b>	<b>5,293,327</b>	<b>3,148,533</b>	<b>7,993</b>	<b>1,303,906</b>	<b>2,660</b>	<b>277,545</b>	<b>274</b>	<b>419,791</b>	<b>425</b>	<b>27,090</b>	<b>1</b>				
	<b>Percentage</b>		<b>60.82%</b>	<b>70.40%</b>	<b>25.19%</b>	<b>23.42%</b>	<b>5.36%</b>	<b>2.41%</b>	<b>8.11%</b>	<b>3.74%</b>	<b>0.52%</b>	<b>0.01%</b>				

Annex 5: Elected Commune Councils' Members by Gender (Source: NEC)

No.	Province / Municipality	Number of Communes / Sangkat;	Number of Commune Councils Members	Cambodian People's Party		Sam Rainsy Party		Norodom Ranariddh Party		Funcinpec Party		Hang Dara Democratic Movement Party		Number of Women elected as Commune Councils	
				Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Total	%
1	Banteay Meanchey	64	504	280	52	90	13	33	0	35	1	0	0	66	13.10%
2	Battambang	96	760	417	113	178	30	6	16	0	143			18.82%	
3	Kampong Cham	173	1,353	755	112	362	32	79	4	9	148			10.94%	
4	Kampong Chhnang	69	419	250	37	77	10	31	1	13	48			11.46%	
5	Kampong Speu	87	609	367	48	138	8	36	0	11	1			57	9.36%
6	Kampong Thom	81	577	286	60	132	17	27	1	53	1			79	13.69%
7	Kampot	92	548	287	92	119	2	39	2	7	96			17.52%	
8	Kandal	147	1,061	630	151	241	28	8	1	1	1			180	16.97%
9	Koh Kong	33	187	122	33	24	3	2	3	36	19.25%				
10	Kratie	46	282	140	39	62	10	23	8	49	17.38%				
11	Mondolkiri	21	107	81	17	8	0	1	0	0	17			15.89%	
12	Phnom Penh	76	664	297	97	217	49	4	146	21.99%					
13	Preah Vihear	49	317	175	46	69	5	5	17	51	16.09%				
14	Prey Veng	116	892	537	96	191	9	56	1	2	106			11.88%	
15	Pursat	49	343	228	50	43	6	14	0	2	56			16.33%	
16	Ratanakiri	49	253	185	34	20	1	0	12	1	36			14.23%	
17	Siem Reap	100	668	405	69	126	15	21	1	29	2			87	13.02%
18	Sihanouk Ville	22	144	84	19	35	1	0	5	0	20			13.89%	
19	Stung Treng	34	176	113	26	24	1	3	7	2	29			16.48%	
20	Svay Rieng	80	518	331	89	79	6	7	6	95	18.34%				
21	Takeo	100	736	490	76	146	2	16	6	0	78			10.60%	
22	Kep	5	31	26	4	0	0	0	1	4	12.90%				
23	Pailin	8	52	26	10	13	1	11	2	21.15%					
24	Oddar Meanchey	24	152	88	23	17	0	3	20	1	24			15.79%	
<b>Total</b>		<b>1,621</b>	<b>11,353</b>	<b>6,600</b>	<b>1,393</b>	<b>2,411</b>	<b>249</b>	<b>414</b>	<b>11</b>	<b>265</b>	<b>9</b>	<b>1</b>	<b>0</b>	<b>1,662</b>	<b>14.64%</b>
<b>Grand Total</b>				<b>7,993</b>		<b>2,660</b>		<b>425</b>		<b>274</b>		<b>1</b>			

### Annex 6: Number of Elected Female Commune Council Members

No.	Provinces/ Municipalities	CAMBODIA PEOPLE'S PARTY (CPP)				SAM RAINSY PARTY (SRP)				FUNCINPEC PARTY (FCP)				NORODOM RANARIDDH PARTY (NRP)				Total Female	Numbers of CC seats	Percentage of Women in CC		
		Ch	1 <sup>st</sup>	2 <sup>nd</sup>	Mem	Sub total	Ch	1 <sup>st</sup>	2 <sup>nd</sup>	Mem	Sub total	1 <sup>st</sup>	2 <sup>nd</sup>	Mem	Sub total	1 <sup>st</sup>	2 <sup>nd</sup>				Mem	Sub total
			Deputy					Deputy				Deputy				Deputy						
1	Banteay Meanchey	1			51	52		1	3	8	12			1	1				0	66	504	13.10%
2	Battambang	4	8	3	98	113		3	9	18	30				0				0	143	760	18.82%
3	Kampong Cham	6	8		98	112		5	5	23	33				0		4		4	148	1,353	10.94%
4	Kampong Chhnang	2	3		32	37		1	4	6	11				0			1	1	48	419	11.46%
5	Kampong Speu	3	3	1	41	48			1	7	8		1		1					57	609	9.36%
6	Kampong Thom		3	1	56	60		1	6	10	17			1	1		1		1	79	577	13.69%
7	Kampot	3	7		82	92			1	1	2				0	1	1		2	96	548	17.52%
8	Kep		2		2	4					0				0					4	31	12.90%
9	Kandal	15	22	2	112	151		1	10	16	27				0		1		1	180	1,061	16.97%
10	Koh Kong	3	5	2	23	33			1	2	3								0	36	187	19.25%
11	Kratie	1	5	1	32	39	3		2	5	10				0				0	49	282	17.38%
12	Mondulkiri		1	3	13	17									0					17	107	15.89%
13	Pailin		2		8	10				1										11	52	21.15%
14	Phnom Penh	8	15	1	73	97	1		11	37	49				0				0	146	664	21.99%
15	Preah Vihear	1	8	1	36	46		1	1	3	5				0					51	317	16.09%
16	Prey Veng	2	2	1	91	96		1	2	6	9						1		1	106	892	11.88%
17	Pursat	3	5	6	36	50			4	2	6				0					56	343	16.33%
18	Ratanakiri		4	8	22	34				1	1			1	1					36	253	14.23%
19	Siem Reap	4	6	1	58	69		2	3	10	15			2			1		1	87	668	13.02%
20	Sihanouk Ville	1	2		16	19		1			1								0	20	144	13.89%
21	Stung Treng	1	4	1	20	26			1		1	1	1	1	2				0	29	176	16.48%
22	Svay Rieng	2	9	3	75	89			2	4	6				0					95	518	18.34%
23	Takeo	3	4	2	67	76			1	1	2				0					78	736	10.60%
24	Oddar Meanchey		2	1	20	23								1	1					24	152	15.79%
	<b>Grand Total</b>	<b>63</b>	<b>130</b>	<b>38</b>	<b>1,162</b>	<b>1,393</b>	<b>4</b>	<b>17</b>	<b>68</b>	<b>160</b>	<b>249</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>9</b>	<b>1</b>	<b>9</b>	<b>1</b>	<b>11</b>	<b>1,662</b>	<b>11,353</b>	<b>14.64%</b>

Note: Ch refers to Chief; Mem refers to Member; CC refers to Commune Council

Source: NEC

## Annex 7: Seat Allocation (Source: NEC)

No.	Provinces/Cities	Total Seats	CPP					SRP					FUN					NRP				HDDMP	
			Chief	1st	2nd	Mem	Total	Chief	1st	2nd	Mem	Total	Chief	1st	2nd	Mem	Total	1st	2nd	Mem	Total	2nd	Total
1	Banteay Meanchey	504	63	29	2	238	332	1	21	33	48	103	0	10	15	11	36	4	14	15	33	0	0
2	Battambang	760	96	77	4	353	530	0	18	73	117	208	0	1	14	1	16	0	5	1	6	0	0
3	Kampong Cham	1,353	166	95	9	597	867	7	76	85	226	394	0	1	7	1	9	1	72	10	83	0	0
4	Kampong Chhnang	419	68	37	2	180	287	1	21	38	27	87	0	4	6	3	13	7	23	2	32	0	0
5	Kampong Speu	609	87	52	4	272	415	0	30	48	68	146	0	0	9	3	12	5	26	5	36	0	0
6	Kampong Thom	577	75	39	7	225	346	6	24	50	69	149	0	16	11	27	54	2	13	13	28	0	0
7	Kampot	548	92	54	2	231	379	0	28	57	36	121	0	0	6	1	7	10	27	4	41	0	0
8	Kandal	1,061	146	138	7	490	781	1	8	130	130	269	0	0	1	0	1	1	8	0	9	1	1
9	Koh Kong	187	33	31	13	78	155	0	2	15	10	27	0	0	3	0	3	0	2	0	2	0	0
10	Kratie	282	42	22	4	111	179	4	21	17	30	72	0	0	7	1	8	3	18	2	23	0	0
11	Mondolkiri	107	21	20	14	43	98	0	1	6	1	8	0	0	0	0	0	0	1	0	1	0	0
12	Phnom Penh	664	73	69	5	247	394	3	7	67	189	266	0	0	0	0	0	0	4	0	4	0	0
13	Preah Vihear	317	47	31	5	138	221	2	16	27	29	74	0	2	12	3	17	0	5	0	5	0	0
14	Prey Veng	892	116	64	5	448	633	0	43	64	93	200	0	1	1	0	2	8	46	3	57	0	0
15	Pursat	343	49	35	16	178	278	0	13	19	17	49	0	0	2	0	2	1	12	1	14	0	0
16	Ratanakiri	253	48	45	28	98	219	1	4	10	6	21	0	0	11	2	13	0	0	0	0	0	0
17	Siem Reap	668	99	61	10	304	474	1	30	53	57	141	0	7	21	3	31	2	16	4	22	0	0
18	Sihanouk Ville	144	21	19	1	62	103	1	3	17	15	36	0	0	4	1	5	0	0	0	0	0	0
19	Stung Treng	176	33	29	10	67	139	0	3	17	5	25	1	1	5	2	9	1	2	0	3	0	0
20	Svay Rieng	518	80	71	20	249	420	0	7	50	28	85	0	1	5	0	6	1	5	1	7	0	0
21	Takeo	736	100	80	9	377	566	0	20	71	57	148	0	0	4	2	6	0	16	0	16	0	0
22	Kep	31	5	5	4	16	30	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0
23	Pailin	52	8	6	0	22	36	0	2	6	6	14	0	0	2	0	2	0	0	0	0	0	0
24	Oddar Meanchey	152	23	16	4	68	111	0	5	10	2	17	1	3	8	9	21	0	2	1	3	0	0
	<b>Total</b>	<b>11,353</b>	<b>1,591</b>	<b>1,125</b>	<b>185</b>	<b>5,092</b>	<b>7,993</b>	<b>28</b>	<b>403</b>	<b>963</b>	<b>1,266</b>	<b>2,660</b>	<b>2</b>	<b>47</b>	<b>155</b>	<b>70</b>	<b>274</b>	<b>46</b>	<b>317</b>	<b>62</b>	<b>425</b>	<b>1</b>	<b>1</b>

Note: 1st refers to 1st Deputy; 2nd refers to 2nd Deputy; Mem refers to Member

**Annex 8: Summary of Information by Province/Town**

Provinces / Towns	Total Population	Over 17 Year of Age	Registered Voters	Irregularities during Voter Registration		Irregularities During the period of						Voters		Election Results by COMFREL			Seat Allocation	Political Environment	
				No. of cases	%	Campaign		Polling		Counting		Turn-Out of Voters	%	Political Parties	No. Votes	% Vote			
						Cases	% (1)	Cases	% (2)	Cases	% (3)								
Banteay Meanchey	669,362	367,721	386,524	N/A	0.00%	12	3.60%	35	3.76%	3	3.03%	225,259	58.28%					Killing Case	N/A
														CPP	97,261	61.64%	287	Intimidation	7-8%
														FCP	11,451	7.26%	31	Vote Buying/Gift Giving	4%
														SRP	35,599	22.56%	93	Prevent Case	13-14%
														NRP	13,463	8.53%	28	Election Procedure Violate	2-3%
Battambang	934,758	531,142	523,549	4	5.33%	18	5.40%	6	0.64%	1	1.01%	322,560	61.61%					Killing Case	2
														CPP	122,394	67.31%	461	Intimidation	3-4%
														FCP	5,226	2.87%	20	Vote Buying/Gift Giving	5-6%
														SRP	52,570	28.91%	178	Prevent Case	2-3%
														NRP	1,641	0.90%	8	Election Procedure Violate	1%
Kampong Cham	1,757,355	1,016,108	1,072,229	6	6%	26	7.80%	203	21.82%	25	25.25%	702,357	65.50%					Killing Case	1
														CPP	333,134	60.89%	837	Intimidation	10-11%
														FCP	3,450	0.63%	12	Vote Buying/Gift Giving	18-19%
														SRP	171,989	31.44%	385	Prevent Case	10-11%
														NRP	38,457	7.03%	77	Election Procedure Violate	13-14%
Kampong Chhnang	455,559	252,238	269,607	2	2.66%	58	17.41%	40	4.30%	N/A	0.00%	197,139	73.12%					Killing Case	N/A
														CPP	98,949	66.79%	286	Intimidation	4-5%
														FCP	4,019	2.71%	12	Vote Buying/Gift Giving	13-14%
														SRP	32,757	22.11%	84	Prevent Case	2-3%
														NRP	1,2421	8.38%	31	Election Procedure Violate	4-5%

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Provinces / Towns	Total Population	Over 17 Year of Age	Registered Voters	Irregularities during Voter Registration		Irregularities During the period of						Voters		Election Results by COMFREL			Seat Allocation	Political Environment	
				No. of cases	%	Campaign		Polling		Counting		Turn-Out of Voters	%	Political Parties	No. Votes	% Vote			
						Cases	% (1)	Cases	% (2)	Cases	% (3)								
Kampong Speu	703,731	389,824	415,790	15	20%	2	0.60%	45	4.83%	2	2.02%	308,243	74.13%					Killing Case	N/A
														CPP	108,505	63.40%	261	Intimidation	N/A
														FCP	4,462	2.60%	8	Vote Buying/Gift Giving	N/A
														SRP	46,826	27.36%	102	Prevent Case	N/A
														NRP	11,342	6.62%	25	Election Procedure Violate	3-4%
Kampong Thom	634,244	350,176	362,451	4	5.33%	3	0.90%	26	2.79%	6	6.06%	230,351	63.55%					Killing Case	2
														CPP	89,587	56.76%	324	Intimidation	3-4%
														FCP	16,262	10.30%	50	Vote Buying/Gift Giving	N/A
														SRP	42,120	26.68%	136	Prevent Case	2-3%
														NRP	9,846	6.23%	28	Election Procedure Violate	4-5%
Kampot	577,420	321,452	344,950	5	6.66%	19	5.70%	3	0.32%	1	1.01%	250,470	72.61%					Killing Case	N/A
														CPP	124,262	66.41%	376	Intimidation	4-5%
														FCP	2,562	1.36%	8	Vote Buying/Gift Giving	5-6%
														SRP	45,657	24.40%	119	Prevent Case	2-3%
														NRP	14,618	7.81%	39	Election Procedure Violate	N/A
Kandal	1,299,890	723,548	780,299	N/A	0.00%	10	3.00%	12	1.29%	1	1.01%	600,963	77.02%					Killing Case	N/A
														CPP	170,917	71.54%	352	Intimidation	3-4%
														FCP	520	0.21%	1	Vote Buying/Gift Giving	14-15%
														SRP	64,751	27.10%	114	Prevent Case	N/A
														NRP	2,721	1.13%	5	Election Procedure Violate	2-3%

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Provinces / Towns	Total Population	Over 17 Year of Age	Registered Voters	Irregularities during Voter Registration		Irregularities During the period of						Voters		Election Results by COMFREL			Seat Allocation	Political Environment	
						Campaign		Polling		Counting				Political Parties	No. Votes	% Vote			
				No. of cases	%	Cases	% (1)	Cases	% (2)	Cases	% (3)	Turn-Out of Voters	%						
Koh Kong	131,566	69,436	83,673	4	5.33%	50	15.01%	45	4.83%	N/A	0.00%	47,393	56.64%					Killing Case	N/A
														CPP	21,910	77.64%	121	Intimidation	15-16%
														FCP	448	1.58%	3	Vote Buying/Gift Giving	5-6%
														SRP	5,551	19.67%	17	Prevent Case	10-11%
														NRP	310	1.09%	1	Election Procedure Violation	4-5%
Kratie	286,689	156,385	160,208	N/A	0.00%	4	1.20%	16	1.72%	1	1.01%	102,819	64.18%					Killing Case	N/A
														CPP	46,288	60.58%	160	Intimidation	1-2%
														FCP	1,638	2.14%	6	Vote Buying/Gift Giving	1-2%
														SRP	22,093	28.91%	68	Prevent Case	2-3%
														NRP	6,388	8.36%	19	Election Procedure Violation	2-3%
Mondul Kiri	50,928	26,185	24,571	1	1.33%	3	0.90%	6	0.64%	N/A	0.00%	14,911	60.69%					Killing Case	N/A
														CPP	7,369	87.55%	82	Intimidation	1-2%
														FCP	N/A	0.00%	N/A	Vote Buying/Gift Giving	1-2%
														SRP	983	11.68%	9	Prevent Case	N/A
														NRP	64	0.76%	1	Election Procedure Violation	2-3%
Phnom Penh	969,318	626,159	723,241	N/A	0.00%	4	1.20%	131	14.08%	35	35.35%	430,084	59.47%					Killing Case	N/A
														CPP	124,506	57.58%	355	Intimidation	1-2%
														FCP	N/A	0.00%	N/A	Vote Buying/Gift Giving	5-6%
														SRP	90,393	41.80%	242	Prevent Case	10-11%
														NRP	1301	0.60%	4	Election Procedure Violation	18-19%

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Provinces / Towns	Total Population	Over 17 Year of Age	Registered Voters	Irregularities during Voter Registration		Irregularities During the period of						Voters		Election Results by COMFREL			Seat Allocation	Political Environment	
				No. of cases	%	Campaign		Polling		Counting		Turn-Out of Voters	%	Political Parties	No. Votes	% Vote			
						Cases	% (1)	Cases	% (2)	Cases	% (3)								
Preah Vihear	140,161	72,255	75,613	2	2.66%	50	15.01%	39	4.19%	3	3.03%	54,102	71.55%					Killing Case	1
														CPP	25,179	68.33%	192	Intimidation	4-5%
														FCP	1,705	4.62%	12	Vote Buying/Gift Giving	2-3%
														SRP	9,662	26.22%	69	Prevent Case	7-8%
														NRP	299	0.81%	3	Election Procedure Violate	4-5%
Prey Veng	1,080,691	612,513	683,991	N/A	0.00%	10	3.00%	21	2.25%	2	2.02%	468,598	68.51%					Killing Case	2
														CPP	185,184	68.48%	561	Intimidation	10-11%
														FCP	6,288	2.32%	6	Vote Buying/Gift Giving	4%
														SRP	64,057	23.69%	178	Prevent Case	2-3%
														NRP	14,856	5.49%	44	Election Procedure Violate	2-3%
Pursat	382,479	208,072	223,732	N/A	0.00%	N/A	0.00%	18	1.93%	N/A	0.00%	150,129	67.10%					Killing Case	N/A
														CPP	87,925	77.14%	261	Intimidation	1-2%
														FCP	571	0.50%	2	Vote Buying/Gift Giving	1-2%
														SRP	19,868	17.43%	42	Prevent Case	N/A
														NRP	5,606	4.91%	12	Election Procedure Violate	2-3%
Ratanakiri	127,636	61,186	64,924	9	12%	16	4.80%	20	2.15%	N/A	0.00%	37,552	57.84%					Killing Case	N/A
														CPP	24,647	85.73%	214	Intimidation	3-4%
														FCP	1,545	5.37%	12	Vote Buying/Gift Giving	2-3%
														SRP	2,556	8.89%	17	Prevent Case	2-3%
														NRP	N/A	0.00%	N/A	Election Procedure Violate	2-3%

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Provinces / Towns	Total Population	Over 17 Year of Age	Registered Voters	Irregularities during Voter Registration		Irregularities During the period of						Voters		Election Results by COMFREL			Seat Allocation	Political Environment	
						Campaign		Polling		Counting				Political Parties	No. Votes	% Vote			
				No. of cases	%	Cases	% (1)	Cases	% (2)	Cases	% (3)	Turn-Out of Voters	%						
Siem Reap	799,043	422,380	421,255	2	2.66%	10	3.00%	109	11.72%	2	2.02%	293,816	69.75%					Killing Case	N/A
														CPP	137,289	67.15%	411	Intimidation	9-10%
														FCP	12,430	6.07%	31	Vote Buying/Gift Giving	4%
														SRP	46,088	22.54%	117	Prevent Case	2-3%
														NRP	8,642	4.22%	21	Election Procedure Violation	9-10%
Sihanouk Ville	167,460	93,974	96,610	4	5.33%	9	2.70%	30	3.22%	3	3.03%	58,633	60.69%					Killing Case	1
														CPP	31,556	68.05%	90	Intimidation	1-2%
														FCP	2,236	4.82%	6	Vote Buying/Gift Giving	1-2%
														SRP	12,575	27.12%	33	Prevent Case	10-11%
														NRP	N/A	0.00%	N/A	Election Procedure Violate	4-5%
Stung Treng	92,834	49,392	50,057	3	4%	2	0.60%	21	2.25%	N/A	0.00%	35,955	71.83%					Killing Case	N/A
														CPP	22,248	74.86%	139	Intimidation	3-4%
														FCP	1,389	4.67%	9	Vote Buying/Gift Giving	N/A
														SRP	5,565	18.72%	25	Prevent Case	2-3%
														NRP	516	1.73%	3	Election Procedure Violation	3-4%
Svay Rieng	536,698	308,310	343,623	2	2.66%	1	1.30%	30	3.22%	N/A	0.00%	242,052	70.44%					Killing Case	N/A
														CPP	135,233	78.48%	414	Intimidation	3-4%
														FCP	1,507	0.87%	6	Vote Buying/Gift Giving	N/A
														SRP	32,590	18.91%	84	Prevent Case	N/A
														NRP	2,983	1.73%	8	Election Procedure Violation	2-3%

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Provinces / Towns	Total Population	Over 17 Year of Age	Registered Voters	Irregularities during Voter Registration		Irregularities During the period of						Voters		Election Results by COMFREL			Seat Allocation	Political Environment	
				No. of cases	%	Campaign		Polling		Counting				Political Parties	No. Votes	% Vote			
						Cases	% (1)	Cases	% (2)	Cases	% (3)	Turn-Out of Voters	%						
Takeo	881,929	506,934	554,085	N/A	0.00%	4	1.20%	9	0.96%	5	5.05%	434,781	78.47%					Killing Case	N/A
														CPP	129,116	71.33%	310	Intimidation	5-6%
														FCP	3,436	1.89%	6	Vote Buying/Gift Giving	4%
														SRP	43,377	23.96%	93	Prevent Case	2-3%
														NRP	5,058	2.79%	7	Election Procedure Violate	1-2%
Kep	34,692	19,553	21,392	N/A	0.00%	2	0.60%	10	1.07%	5	5.05%	15,837	74.03%					Killing Case	N/A
														CPP	11,508	97.40%	30	Intimidation	N/A
														FCP	307	2.60%	1	Vote Buying/Gift Giving	N/A
														SRP	N/A	0.00%	N/A	Prevent Case	5-6%
														NRP	N/A	0.00%	N/A	Election Procedure Violate	1%
Pailin	54,704	27,615	32,547	N/A	0.00%	11	3.30%	N/A	0.00%	N/A	0.00%	16,468	50.60%					Killing Case	N/A
														CPP	8,603	64.77%	34	Intimidation	2-3%
														FCP	618	4.65%	3	Vote Buying/Gift Giving	1-2%
														SRP	4,060	30.56%	15	Prevent Case	N/A
														NRP	N/A	0.00%	N/A	Election Procedure Violate	N/A
Oddar Meanchey	147,522	78,285	84,450	12	16%	9	2.70%	55	5.91%	4	4.04%	52,855	62.59%					Killing Case	N/A
														CPP	30,931	68.63%	112	Intimidation	6-7%
														FCP	8,390	18.61%	20	Vote Buying/Gift Giving	4%
														SRP	4,824	10.70%	17	Prevent Case	5-6%
														NRP	922	2.04%	3	Election Procedure Violate	7-8%
<b>Total</b>	<b>12,846,669</b>	<b>7,290,843</b>	<b>7,779,371</b>	<b>75</b>	<b>100%</b>	<b>333</b>	<b>100%</b>	<b>930</b>	<b>100%</b>	<b>99</b>	<b>100%</b>	<b>5,293,327</b>	<b>67.87%</b>		<b>3,272,926</b>	<b>100%</b>	<b>9,539</b>		

## Annex 9: Cases of Killing

From October 1<sup>st</sup>, 2006 to April 30<sup>th</sup>, 2007, there at least were 9 cases of murder of members, activists and supporters of political parties: the Sam Rainsy Party (SRP) 6, the Cambodian People's Party (CPP) 2, and the Norodom Ranariddh Party (NRP) 1, the authorities found the offender of only one case. One of the victims was woman. The killings included the following:

N.	Date/Time	Victim(s)	Suspect(s)	Location	Description	Remarks
1	Oct 16, 06	Name: Thung Thea, Sex: Male, Age: 27, Position: SRP supporter	Name: Long Sopheak, Sex: Male, Age: 27, Position: Ordinary people	Kaong Kang commune, Ponhea Kraek district, Kampong Cham	At 6:30 pm the victim was shot to dead in a restaurant in front of Kaong Kang police station by gunman used K 54 after contradiction and at that time the victim has took his cleaver to put on the table in order to threaten his opposition.	
2	Oct 31, 06	Name: Rin Borey called Thy, Sex: Male, Age: 21, Position: SRP activist	Name: Yun Then, Sex: Male, Age: 24, Position: Ordinary people	Kouk Kong Kaeut commune, Kanhchriech district, Prey Veng	At 4 am while the victim was walking to the field to check his net behind his house, he was hit to dead with a spade by unidentified person.	One day after that case occurred, the suspect was arrested by the police; than he confessed himself that he had killed the victim because the victim stole his net. Currently the suspect was in the prison waiting for sentence.
3	Nov 18, 06	Mon Meth, Sex: Male, Age: 24, Position: SRP activist	Unidentified person	Peam Rong commune, Prey Veng district, Prey Veng	The victim was shot to dead. SRP's representative Mr. Choub Sart assured it was politics case because the victim work hard during voter registration.	
4	Feb 02, 07	Name: Prak Pheng, Sex: Male, Age: 37, Position: SRP's number 5 candidate	Unidentified person	Tor Sou commune, Chey Sen district, Preah Vihear	Around 9 pm SRP's candidate was killed by unidentified person at his house while he was home alone. At that time his wife went to see the dancing at the party near his house.	

5	Feb 14, 07	Name: Chea Savin, Sex: Female, Age: 47, Position: SRP supporter	Unidentified person	Prey Talach commune, Moug Russey district, Battambang	On February 14 there were three gunmen using rifle climbed up to Mr. Pin Saret's house and shot while they were having dinner at Muk Ra2 village. This shooting caused the victim dead at that time and injured her son.
6	Feb 19, 07	Name: Mut Ren, Sex: Male, Age: 41, Position: Member of CPP	Unidentified person	Ballang commune, Baray District, Kampong Thom	The victim known as a member of CPP was chopped to dead with an axe while he was lying drunk on his porch at the dawn. His wife assured that her husband just became a member of CPP then this case happened so suddenly. Relating to the case the village chief assured that it isn't the politics case because he always talked bad when he got drunk.
7	Mar 17, 07	Name: Chhum San and Yin Yun, Sex: Female, Age: 56, Position: CPP supporter	Unidentified person	Ta Lors commune, Moug Russey district, Battambang	Around 9:40pm there was a killing in a family known as CPP; an activist was shot by unidentified person. This case caused the wife to dead and the husband to have a broken leg. It's should be noticed that before this case happened their daughter had joined Mr. Sam Rainsy's campaign.
8	Mar 26, 07	Name: Hak Sok, Sex: Male, Age: 50, Position: NRP activist	Unidentified person	Sangkat Buon, Kang Mittapheap, Sihanouk Ville	On March 26th night there was a killing case to NPR activist by three unidentified person. The killer had chopped the victim to dead at his house and injured his daughter's arm.
9	Apr 8, 07	Name: Chheng Sy, Sex: Male, Age: 41, Position: SRP activist	Unidentified person	Mean Rith commune, Sandan district, Kampong Thom	At Beoung village a SRP activist was chopped to dead with an axe by unidentified person.

## **Annex 10: The Voter Information Notice: Helping Voters of Cambodia**

Adapted from the NEC

### **What is the Voter Information Notice?**

The NEC is bringing the Voter Information Notice to the voters!

The Notice is an extract from the current electoral list showing information about each registered voter.

The Notice is being distributed throughout the country to all registered voters by the Commune/Sangkat councils assisted by the Village Chiefs.

### **Is the Notice important?**

The Notice is just to save you the trouble of going to the office of the Commune/Sangkat to check if your name is properly written on the voters' list.

If you did not get it or have no time to fetch it, you can always check out your name on the voters' list that will be posted at the office of the Commune/Sangkat from September 29.

I am not yet a registered voter, how should I get my Voter Information Notice?

If you are not yet a registered voter, do not look for your Notice! There is no Notice for you. You should simply go to register as voter with the Clerk at the office of the Commune/Sangkat when the time comes, between October first and October 20th. This is essential if you want to vote at the next elections.

### **I did not receive my Notice yet, what should I do?**

You should normally get your Notice from your Commune Councilors or Village Chief before the end of August. You may have to go to see your Village Chief because Notices cannot all be distributed door to door. From September first, you can get your Notice at the Office of the Commune/Sangkat. Also, you can simply go check yourself if your name is properly written on the voters' list at the office of the Commune/Sangkat from September 29th.

### **What should I do with my Notice?**

Just check if the information on the Notice regarding your name, age and sex are the same than on your ID documents. If there is a mistake, you can get it corrected during the voter registration period from October 1st to October 20th. For this, you go to the Clerk of the Commune/Sangkat. If there is no mistake, there is nothing else to do!

### **Do I need the Notice to get my information corrected?**

Not at all! Once you know about the problem, you just have to show up to the clerk of the Commune/Sangkat during the voter registration period, as mentioned above, to have the corrections made.

### **What if I lost my Notice, should I re-register?**

If you lose your notice, don't worry! Your name stays on the list as registered. If you want to make sure it is correct, just check it out on the voters' list from September 29<sup>th</sup>. If a correction is needed, ask the Clerk at the office of the Commune/Sangkat to make the corrections during the registration period.

## Annex 11: 2007 Elections Calendar



**National Election Committee**

**Kingdom of Cambodia  
Nation Religion King**

Phnom Penh, 26 July 2006

### 2007 COMMUNE COUNCIL ELECTION CALENDAR

<b>Tasks to be implemented</b>	<b>Date</b>
Posting of polling stations location list and registration stations	21 September 2006
Posting of last voter list (2005 voter list)	29 September 2006
Beginning of voter list revision and voter registration	1 October 2006
Ending of voter list revision and voter registration	20 October 2006
Posting of temporary list if no complaint or after resolving complaints	24 Oct- 27 November 2006
Validation and announcement of official voter list	31 December 2006
Posting of polling stations locations at Commune Election Commissions (CECs)	31 December 2006
Receipt of registration applications of political parties' candidates for 3 days by CECs	1-3 January 2007
CECs' decisions on registration applications of political parties' candidates	Deadline: 10 January 2007
Posting of temporary list of candidates at CECs	Deadline: 4 February 2007
Posting of official candidates list at CECs	Deadline: 13 February 2007
Election campaign	16-30 March 2007
Posting of voter list at polling stations	31 March 2007
Polling, ballot counting and posting of result at polling stations	1 April 2007
Monitoring, consolidation and posting of temporary results at CECs for 3 days	2-4 April 2007
Submitting appeal on temporary results of polling at Communes/Sangkats to PECs at the latest 3 days after posting temporary results at those Communes/Sangkats	Deadline: 7 April 2007
PECs' decisions on appeal at the latest 5 days after receiving complaints	Deadline: 12 April 2007
Appeals against PECs' decisions lodged to NEC at the latest 4 days after receiving PEC's decisions	Deadline: 19 April 2007
NEC's decisions on appeals at the latest 4 days after receiving complaints	Deadline: 23 April 2007
Publication of official results of election	Deadline: 24 April 2007
Re-election	Deadline: 23 May 2007

PIB: Unofficial translation. Only the Khmer text is authoritative



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