



គណៈកម្មាធិការដើម្បីការបោះឆ្នោតដោយសេរី និងយុត្តិធម៌លើកម្ពុជា (គ.ប.ស.យ)

COMMITTEE FOR FREE AND FAIR ELECTIONS IN CAMBODIA (COMFREL)

ទីស្នាក់ការកណ្តាល ផ្ទះលេខ ១៣៨ ផ្លូវ ១២២ សង្កាត់ទឹកល្អក់ ១ ខ័ណ្ឌទួលគោក រាជធានីភ្នំពេញ ព្រះរាជាណាចក្រកម្ពុជា

Central Office: #138, St. 122, Teuk Laak I, Tuol Kork, Phnom Penh, CAMBODIA. P.O. Box 1145, Tel: (855) 23 884 150 Fax: (855) 23 883 750 E-mail: comfrel@online.com.kh URL: www.comfrel.org

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2nd Preliminary Report on the Environment Surrounding the 2008 Elections Preparation Stage

Phnom Penh, March 20, 2008

COMFREL has noticed that, so far, the **general pre-election environment is better** than that during previous elections. In 2007 (during the preparation stage for the 2008 National Assembly Elections¹), the number of **intimidation cases towards political party activists doubled and personal insecurity also went up**, if compared with 2006,² although the Royal Government of Cambodia's reporting shows a decrease in the number of such cases. Some political party activists, **mostly from non-ruling parties, have received threats**: 29 cases for the Sam Rainsy Party (SRP), 2 cases for FUNCINPEC, 12 cases for the Norodom Ranariddh Party (NRP), 6 cases for the Human Rights Party (HRP) and 2 cases for other political parties. According to COMFREL's observation, these cases have taken place mostly in Banteay Meanchey, Kampong Cham, Kampong Chhnang, Kampong Speu, Kampong Thom and Kandal provinces, among others.

Although observation has noted no cases of murder or serious violence against politicians or party activists, **prevention and obstruction of political activities are still taking place**. This includes 12 cases of **taking down political parties' signboards**,³ most of which have belonged to the newly established NRP and HRP. Until now, there has been no effective inquiry into or resolution of these cases, as the National Election Committee (NEC) and the local authorities have each transferred the responsibility for dealing with such issues back to each other.

Meanwhile, the **practice of freedom of expression** by non-ruling parties and civil society through forums, peaceful marches and information dissemination activities are **still facing obstacles**, location bans and sometimes crackdowns by the authorities. The Asian Human Rights Commission⁴ has found many cases of local authorities using their power to warn location/building owners not to let political parties or civil society members hold activities. Some owners are pressured and therefore dare not rent out their property to political parties or civil society for forums or big meetings. There have been cases of **local authorities preventing organizers or owners from organizing forums or big gatherings, or not providing a public place for these**, such as in the case of the HRP, which requested the compound of Veal Preah Meru (near the Royal Palace) or the park near Phsar Chas for a forum on the high price of gasoline.

Additionally, **some youth political activities have also been obstructed by authorities**. Banteay Meanchey authorities, for example, banned the SRP Youth Movement from carrying out activities regarding local hygiene on January 7, 2008. In addition, around 200 youths

¹ ADHOC (2008) *Human Rights Report 2007*.

² 24 cases in 2006; 55 cases in 2007.

³ Case statistics were collected by COMFREL, which later gathered more information on each case. Most cases were seen in: Phnom Penh, Kandal, Kampot, Kampong Chhnang and Banteay Meanchey.

⁴ AHRC (2008) *Human Rights Situation 2007*.

wished to meet and discuss the political platform on job creation with elected officials in a forum facilitated by COMFREL in Kandal province on January 23, 2008. This forum was delayed as a result of the local authorities influencing a school principal. In Phnom Penh, around 10 youths from the HRP were detained for questioning by the Oreusey and Deum Kor Security Guard when they wanted to interview sellers in the market.

Other observation has found that **civil servants and members of the armed forces, ranking from office directors to general directors of government institutions, have been involved in activities strengthening the local ruling party, the Cambodian People's Party (CPP), in particular, and giving gifts.** These activities are sometimes carried out during working hours and are later covered on the TV and radio and by newspapers. Within an observation period of only one month,⁵ at least **60 cases** were seen of civil servants and the armed forces holding such activities during working hours, and at least 1 case of intimidation towards activists of other political parties.⁶ **These activities violate the Law on Political Parties** Article 15, which states that *“members of the judiciary, members of the Royal Cambodian Armed Forces (RCAF) and the National Police Forces may join as members of political parties but they must not conduct any activity supporting or opposing any political party”*.

Even though non-ruling parties meet many difficulties in accessing public buildings/places in the attempt to organize their meetings, the ruling party, the CPP in particular, can use public buildings/places and budgets to serve their own political interests.

During the past three months, observation has noted the defection to the CPP of a number of high-ranking politicians from some of the main other parties, such as the SRP and FUNCINPEC. **The CPP leadership said that, if members of the board of directors of an opposition party (the SRP) defected from their party, they would be offered positions as advisors to the Royal Government of Cambodia, with a rank equal to that of minister or secretary of state, and receive a state salary.**⁷ This violates the principle of fair elections, as it makes use of the state budget for a particular party's interests.

In the meantime, the CPP leadership accused other parties of intimidation towards those who tried to persuade other parties' activists to defect to the CPP in Kampong Thom and Takeo, asking for in-depth investigation into such cases.⁸ The CPP's accusations led to the Kampong Thom Provincial Court summoning a SRP commune chief and two activists regarding illegal transportation and confinement; one man in Takeo province was dispatched to the Ministry of Interior to help with inquiries.⁹ This action will threaten or create fear for SRP activists.

Some major political parties other than the CPP have been able to access popular radio stations, such as FM 105, FM 90, FM 90.5 and FM 93.5. These radio stations respect the principle of renting airtime to all political parties, charging a similar rate to each, although each political party's program consists of information/news criticizing one another on the same radio station. However, the seven TV channels and some other radio stations still offer coverage in favor of the CPP, not renting airtime to other political parties. Additionally, an SRP-affiliated newspaper, Sralanh Khmer (Love Khmer), has also changed sides to support the CPP.

⁵ Monitoring on TVK from February 8 to March 8, 2008.

⁶ Sethey (reporter) (March 1, 2008) on Candle Light radio program, Phnom Penh: FM 105 MHz. (SRP activists accused a high-ranking police official of threatening to kill a SRP commune councilor. The police official accused the councilor of being involved in taking down a CPP signboard.)

⁷ Speech of Prime Minister Samdech Hun Sen, broadcast on TVK on February 21, 2008: *“I appoint all the members of the steering committee [of the SRP] as advisors to the Royal Government of Cambodia”*. Defectors include: H.E. Mr. Sok Pheng, H.E. Mr. Ahmad Yahya, H.E. Mr. Lun Pun, H.E. Mr. Chao Phally, Mr. Thach Keth, publisher of Sralanh Khmer newspaper, among others.

⁸ Prime Minister Samdech Hun Sen's speech in Prey Veng province on March 17, 2008, broadcast on TVK.

⁹ According to preliminary reports from COMFREL's network in each province on March 18 and 19, 2008. COMFREL continues to investigate these cases.

During COMFREL's monitoring of TVK, the **CPP** was allotted **84%** of total political party appearances on TVK (equal to 135 appearances). Only the CPP's achievements and successes were broadcast on TVK. **FUNCINPEC** received **13%** (equal to 21 appearances) and the opposition **SRP** had only **5 appearances**.

To enforce election laws and the NEC's guideline on the media and the media code, some private radio and TV channels under the influence of the ruling party should open up and give the chance to other parties to have their opinions, activities and information publicized.

COMFREL is still concerned about the quality of the voter lists, which has caused some voters to lose their right to vote, as their names have been erroneously cancelled and their polling stations changed. The official voter lists for 2008 show that there are 8,124,092 eligible voters; many voters may see a change in polling station, as the names on voter lists are in alphabetical order. The NEC has also taken off around 600,000 voter names from voter lists. There were 911,881 newly registered voters in 2007, exceeding the NEC's estimate of 682,459 by 230,000. Both voter registration and voter name deletion were carried out by commune chiefs, village chiefs or commune councilors, most of whom are local CPP leaders.

Related to the **quality of the voter lists**, civil society organizations¹⁰ involved in elections have audited the official voter lists. COMFREL is also planning to deploy short-term election observers to help voters outside the polling stations find their name and their polling station location. In the meantime, COMFREL would like to congratulate the NEC on its effort to post voter lists on the web (www.voterlist.org.kh), which helps voters verify their information. However, many Cambodian voters cannot access and use this technology. Hence, COMFREL would like to encourage the **NEC to pay more attention to distributing the voter information notice and ensuring that it reaches all voters.**

COMFREL appreciates the fact that the NEC is open to political parties and non-governmental organizations providing recommendations on the draft election regulations and procedures. However, **the NEC did not take into consideration the explanations given for the recommendations.** The NEC has not provided a chance for political parties and non-governmental organizations to debate issues or raise further ideas. COMFREL is concerned over the NEC's decision not to improve crucial procedures related to the following points; the NEC's response to this has not given a clear reason for this. The following crucial points are still not clear in the regulations and procedures, causing obstruction during implementation and repeated irregularities:

➤ **Vote-buying**

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

➤ **Access to media**

State and private media overwhelmingly cover the activities of the ruling party. Unless the guideline on media is included in the election regulations and procedures, the NEC cannot ensure the principal of equity and fair elections in terms of providing political parties with equal chances to access the media.

➤ **Neutrality of civil servants, national police officials, members of the RCAF, judicial officials and village chiefs**

Some high-ranking police and military officials openly carry out political activities supporting the ruling party, such as field visits to strengthen the party, to chat with local party members, to

¹⁰ COMFREL, Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC), Center for Advanced Study (CAS), and National Democratic Institute (NDI).

oversee the construction of local party buildings, etc., which contravenes the existing law. At local level, village and commune chiefs and local authorities are still actively involved in party campaigning, threatening people whose position is not accordance with the party.

➤ **Election complaints**

The receipt and resolution of election complaints still face difficulties. NEC officials still use the excuse of “not enough evidence” to reject election complaints. Additionally, the NEC has still not strengthened the professional and legitimate investigation mechanism for further inquiry into concerned parties and the collection of evidence prior to the start of a hearing.

For further information, please contact:

- Mr. KOUL Panha, COMFREL’s Executive Director, 012 942 017
- Mr. CHAN Darith, COMFREL’s Head of Media Unit, 012 846 211
- Mr. MAR Sophal, COMFREL’s Head of Monitoring Unit, 012 845 091

*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.*