



## JOINT STATEMENT

On

### The 2008 National Assembly Elections and Priority Recommendations for Electoral Reform

*Sunway Hotel, Phnom Penh, August 12, 2008*

A coalition of a wide range of civil society organizations (CSOs), namely the Committee for Free and Fair Elections in Cambodia (**COMFREL**), the Cambodian Human Rights Action Committee (**CHRAC**), the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (**NICFEC**) and the People's Forum on Cambodian-Japan (**PEFOC,J**), which consists of 64 non-governmental organizations (NGOs) and other association members, notes with regard to **the general election environment** that, especially on polling day, the counting process and post-election climate **were peaceful**. However, **there were some cases of violence in the days before the elections**, particularly related to **threat/intimidation to limit political participation and freedom of expression**.

The Coalition observes that about **58 cases of murder and threat/intimidation** of political party candidates, activists, journalists and voters occurred in almost all provinces/municipalities. Of these cases, **54** occurred between April 2008 and cooling day, with the number escalating over time. Although most cases took place during the election period, the perpetrators have not yet been brought to justice (i.e., there was an increase in impunity). However, the Coalition **welcomes the willingness of the Royal Government of Cambodia to cooperate with the US Federal Bureau of Investigation (FBI)** in order to thoroughly investigate the murder of journalist *Mr. Khim Sambor* and his son. The Coalition continues to appeal to the competent authorities **to take action and to investigate such cases to bring to justice perpetrators who violated electoral as well as penal law**.

The Coalition recommends that the National Election Committee (**NEC**) and the Constitutional Council (**CC**) **continue to resolve disputes and electoral complaints lodged by political parties in a responsible manner**. Furthermore, the Coalition appeals to relevant **party-affiliated authorities and politicians not to engage in revenge or to threaten or discriminate against their villagers after the release of voting results in each polling station**.

The Coalition's **assessment of the election process is that irregularities continued to occur**, particularly during the pre-election process. **We very much regret that many voters went to their polling station and, owing to various obstacles, were not able to make use of their right to vote**. Our assessment shows that the **total number of people not being able to vote was higher than in previous elections**. The loss of the right to vote was caused by technical as well as dubious political intent along with **a lack of accountability of the NEC officials and commune/sangkat authorities** in registering voters, updating voters, voter list cleaning, issuing of voter information notice and offering assistance to voters with regard to finding their name on the voter list (by any responsible polling station official). **The loss of voting rights can affect the election process and results, and is a form of human rights violation**. It includes the right to vote, the right to stand as candidate and the right to actively participate in politics. At the same time, Form 1018 was often issued in a manner that was not in accordance with electoral procedures. This was another significant issue that caused irregularities and accusations.

With regard to the loss of voting rights, **Mr. Thun Saray**, Chairman of the COMFREL Board and President of the Cambodian Human Rights and Development Association (ADHOC) said that **"a new voter list should be created and procedures and regulations should be revised towards procuring a permanent voter card/document with information on each voter's polling station so that voters can easily cast their ballot."**

The Coalition is of the opinion that **the election environment and process were still not neutral and fair**, because of **an extreme use** of state resources and the active participation of civil servants, state authorities, armed forces personnel and state media (**if compared with previous elections**) in support of the campaign of the ruling Cambodian People's Party (CPP). Moreover, mechanisms to settle electoral disputes, irregularities and complaints were ineffective. **Such issues lead to a lack of confidence in the NEC and other concerned competent authorities among election stakeholders.**

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

The Coalition is also **concerned about disputes over the election results, and about different interpretations of the law in relation to the validity of newly-elected National Assembly members if they boycott the swearing-in ceremony and the first new National Assembly session. A boycott could lead to a loss of parliamentary seats for some parties.** Beside that, we also note that the sharing of power in National Assembly leadership structures represents another concern; in the past, there has been no clear legal framework to address this, except political compromises among political figures.

**Dr. Kek Galabru**, Chairwoman of the NICFEC Board said that ***“in order to strengthen democratic principles and good governance, the leadership structure of the new National Assembly should be formed based on the appropriate checks and balance between the ruling parties and the opposition parties. So representatives of all elected parties in the National Assembly should be selected to be chairs and members of the expert commissions of the National Assembly.”***

The above-mentioned Coalition proposes the following priority recommendations for future electoral reform:

- ***All relevant election stakeholders should discuss ways to reform the process of registering voters and preparing the voter lists; they should consider discontinuing the use of Form 1018.***
- ***The NEC and its election dispute and complaint resolution mechanisms should be reformed in order to ensure that this institution is truly neutral and trusted by all election actors and voters.***
- ***A law on political finance should be created, clearly identifying ways to provide and/or use the national budget for the interests of all competing political parties. In addition, transparency in using the budget during electoral campaigns should be improved.***
- ***The enforcement of laws guaranteeing the neutrality of judges, authorities, armed forces personnel including police should be strengthened in order to effectively prevent them from participating actively in any political party activities and electoral campaigns, either during or after working hours.***
- ***The legal framework for the media should be created and strengthened to follow the principles of equality, equity and balanced information for all competing political parties.***

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