



**Office of the Council of Ministers  
Press and Quick Reaction Unit**



**Clarifications  
by the  
Press and Quick Reaction Unit**

*Concerning*

**“The Joint-Report on the Conduct  
of the 2013 Cambodian Elections”  
by the  
Electoral Reform Alliance (ERA)**

16 January 2014

# Contents

Executive Summary	1
Introduction	8
I. Background of Cambodia's Electoral Process	10
1. Election Administration and Mechanisms	10
2. Voter Registration and Verification	11
3. Media Environment	12
4. Alleged Misuse of State Resources	14
II. 2013 General Election: Key findings claimed by the ERA	15
1. Alleged Exclusion of Eligible Citizens from the Voter List	15
2. Alleged Invalid Names and Illegal Voting (pp. 24-36)	21
3. Polling Station and Result Analysis (pp. 36-41)	33
4. Post-Election Investigation	33
Conclusion	36
Addendum	39

## Executive Summary

1. The *Joint-Report on the Conduct of the 2013 Cambodian Elections* issued by the Electoral Reform Alliance (hereafter, the Joint-Report) makes the accusation that the NEC is not neutral in its work, but in fact, the NEC has successfully organised eleven elections, which were highly praised and dubbed a “miracle on the Mekong” by some international election observers.

2. The Joint-Report charges that broadcast media are unbalanced. However, the report deliberately fails to mention Facebook or YouTube, which have been used by CNRP activists in an apparent attempt to disseminate false and manipulated information to cause sabotage and unrest in the society. Furthermore, the CNRP daily broadcast for many hours through Beehive radio, Mohanakor radio, Women’s Radio, Voice of Democracy, as well as VOA and RFA, and the *Phnom Penh Post*, the *Cambodia Daily*, *Moneaksekar Khmer* and *Nokor Thom*, which have mostly broadcast and published negative news discrediting the Royal Government and the CPP. During the one-month period of the 2013 General Election campaign, the NEC allocated equal time for all political parties on state radio and television stations.

3. The Joint-Report acknowledges that Cambodia has sufficient legal instruments to ensure transparency and neutrality of the participation of civil servants and armed forces in the electoral process and political parties, but alleges that these standards are not complied because they still participate in political parties’ activities. Such a claim contradicts the laws and procedures of the NEC as well as other legal instruments concerning human rights. Even Mr. Surya Subedi, the United

Nations Special Rapporteur on the situation of Human Rights in Cambodia, also confirmed that civil servants have the right to participate in political activities outside their working hours.

4. The Joint-Report endorses the NDI's claim that the NEC had removed 1.04 million names from the Voter List, and COMFREL's allegation of 1.25 million missing names. In October 2013, during the updating of the Voter List throughout the country, only 187,111 people came out to register their names, including Mr. Sam Rainsy. Furthermore, these newly registered names included youths who have just turned 18. If the claims made by NDI, COMFREL and the CNRP, as a pretext to reject the results of the election were true, where are the more than one million people whom the opposition party accuses the NEC of excluding from the Voter List? Why didn't these two organisations and the CNRP mobilise those people to register their names on the Voter List in October 2013?

5. The Joint-Report alleges that over 50% of citizens showing up to vote found that their names were either not on the list or already used by someone else at one polling station in Wat Sunsom Kosal School, Sangkat Boeung Tum Pun. According to the CEC Chief of Sangkat Boeung Tum Pun, on election day, a well-arranged group of nearly 100 opposition activists, among whom only 4-5 lived in Sangkat Boeung Tum Pun while the rest were outsiders, showed up in order to cause chaos by distorting that their names were missing, no names, and the ink was not indelible; and they repeatedly shouted "Number 7..." [the number of CNRP on the ballot]. This group threatened the election officials by shouting that "after leaving the polling station, you will be killed".

In fact, at the polling station, there were no such issues as alleged other than a case in which a lady claimed that someone voted under her name. Last October in Sangkat Boeung

Tum Pun, only 200 people newly registered on the Voter List. This new registration data shows that the Joint-Report just fabricated figures to mislead, using the term “research” to shield its manipulations.

6. The Joint-Report alleges that duplicate names allow multiple ballots to be cast, through someone else casting the ballot on behalf of the owner or polling station officials marking the ballot and stuffing it in the ballot box. According to the electoral procedures, a name cannot be removed unless there is a request by the person to whom the name belongs or a third party with genuine evidence. Furthermore, according to LEMNA, every year all political parties have the rights to lodge complaints to include missing names or to remove the duplicate names, but in 2012 why did the opposition party boycott the process?

How could ineligible people vote under the others' name? How could polling station officials mark the ballot and stuff it in the ballot box? How could these happen when there were six polling station officials, seven party representatives and COMFREL observers, while there were only two CPP representatives at a polling station? The CNRP's leaders accuse the NEC of committing election fraud. But this accusation of fraud would apply also to their representatives and COMFREL observers who endorsed the process. Are they all thieves?

7. The Issuance of Blue Cards: As people often lose their identification documents, Blue Cards are issued to safeguard the rights of the citizens who are eligible to vote. The number of Blue Cards issued for the 2013 General Election amounted to 1,860,491 among which 272,447 cards were issued before the election. The Joint-Report draws its own conclusion that the number of Blue Cards issued during the last phase of the election period was close to the number of votes that the CPP gained over the CNRP to mislead the public that the NEC issued

280,000 Blue Cards to the CPP supporters, implying that is why the CPP won the election by a margin of 280,000 votes. To draw a convincing conclusion about the election fraud, the Joint-Report raises a case of Chan Sann which turned out to be entirely untrue.

**8.** The Joint-Report states that the number of eligible voters was estimated in 2008 at 9,442,802 compared to the 9,675,453 names on the Voter List. The registration process was done manually, which could not be 100% accurate, and figures could be different because – first, citizens have moved from one place to another, many of whom register their names in their new communes, while neglecting to request the deletion of their names from the previous ones; second, most of the local officials either are not able to use computer or do not have access to the Internet, making it difficult for name verification. Further, Commune/Sangkat authorities cannot have one’s name deleted without his/her request or an appeal from anyone supported by genuine documents and evidence.

**9.** The Joint-Report raises, as a criticism, that among the 15,075 polling stations where they had observers, 77 polling stations had between 100 and 500 invalid ballots. According to the data circulated by the NEC, throughout the country, the highest number of invalid ballots was 137 in polling station number 0326 in Siem Reap Province.

**10.** The Joint-Report raises, as a criticism, that in 2012, more than 50% of voters’ names in 24 polling stations in Siem Reap and Banteay Meanchey Provinces were deleted. This is misleading because the authors did not conduct serious research while indeed the deletion was due to the fact that the majority of the voters in those polling stations are members of the armed forces, many of whom were deployed to other bases, and thus

had their names deleted from the previous communes and registered in the new ones.

**11.** The Joint-Report bases on the research by various so-called “independent organisations” and “independent agents”. According to a reliable source, the president of one of such NGOs recently met with the Opposition leaders to advise on how to topple the Royal Government through “people power” or “colour revolution”. Are such activities considered independent?

**12.** The Royal Government acknowledges that, despite considerable improvements in the electoral processes to date, shortcomings still exist but do not significantly affect the election results. Globally, no electoral system is perfect, and electoral reform does not mean that the existing electoral system is erroneous. Yet to better the electoral system, Samdech Prime Minister is highly committed to undertake further electoral reform and has requested assistance from the Japanese government which has agreed to support such an endeavour.

**13.** The last 35 years was a bitter experience in which some countries supported the Democratic Kampuchea regime. Likewise, currently some countries and publics basing their understanding of the electoral process in Cambodia on this Joint-Report have believed and supported the CNRP to accuse the Royal Government, the electoral system in Cambodia, and electoral mechanisms of being unfair and not transparent.

**14.** On 29 July 2013, COMFREL announced that the CPP had received 67 seats and the CNRP 56. But after that initial announcement, COMFREL no longer circulated the figure in order to defend the fabricated election results by its ally. On one occasion, Mr. Kem Sokha announced that the CNRP had won 76 seats while at another time that they had won 63, referring to an unnamed NGO and embassy. Why didn't Mr.

Kem Sokha disclose the name of the organisation and the embassy to the public?

**15.** On 23 December 2013 at Democracy Park, Mr. Kem Sokha misled the crowd of demonstrators by falsely stating that “...Yesterday, he [Samdech Techo Hun Sen] was about to step down, but now they [Vietnam] have summoned him immediately... I am afraid that they will give him some medicines and when he comes back he will no longer want to step down...”

This was fabricated to dupe those demonstrators who have little knowledge of state affairs, while in fact visits of top leaders to any foreign country are normally planned at least two to three months ahead.

**16.** In various forums, the Opposition keeps inciting the overthrow of the Royal Government and demanding for Samdech Prime Minister to step down. Samdech Prime Minister reiterated that he took office in conformity with the Constitution and would step down only in conformity with the Constitution. The CNRP’s problem is their unrealistic promises with the supporters and demonstrators through fabrications and manipulations.

**17.** The CNRP’s tactics are:

- misleading people into believing that the NEC committed election fraud to allow the CPP to win.
- continuing its inciting and exploitative tactics to maintain support through psychological warfare.
- attracting the CPP’s supporters to turn to the CNRP.
- seeking to disseminate its extremist ideology, manipulation and fabrication about election fraud and other issues among the youth to mislead them.



**18.** Last September, during the negotiations with the leaders of the CPP, the CNRP's leaders made a clear statement that they no longer demanded the establishment of a joint committee for investigation of electoral irregularities. They acknowledged the election results of 68 and 55 seats, and accepted Samdech Techo Hun Sen as the Prime Minister. However, they demanded the position of the President of the National Assembly and insisted on having an equal share of commission chairs in the National Assembly.

Mr. Sam Rainsy and Mr. Kem Sokha must be held fully responsible for leading the demonstrators to commit violent acts and for demanding, in contradiction with the Constitution, laws, and the principles of democracy, that the Prime Minister steps down and organises a new election, resulting in the 2-3 January 2014 incidents. The Royal Government has the duty to safeguard the general interests of the people; while acts of inciting innocent demonstrators to take risks are truly, undeniably irresponsible and inhumane behaviour. After the nerve centres of the demonstrations, especially at Democracy Park, were dismantled, the factories resumed their activities and almost all workers went back to work.

Each country has its own history, people and culture. Based on these, Constitution, laws and all kinds of legal instruments are put in place to ensure the smooth running of the government. In addition, each citizen has rights and responsibilities defined by the Constitution. The Rule of law must be respected by everyone. Unfortunately, the CNRP has done otherwise – by creating anarchy and violence, destroying public and private property as well as disturbing peace, security and public order– with the crowds in their countless rallies in Democracy Park and in the streets. One may wonder why some foreign countries and NGOs support this kind of the behaviour and dictate changing to a “non-rule of law” way to run this country. Is it because it is not their own country?

## Introduction

Following the 28 July 2013 General Election, the Cambodia National Rescue Party (CNRP) has repeatedly accused the National Election Committee (NEC) of lacking neutrality, being biased in favour of the Cambodian People's Party (CPP), of removing more than one million eligible voters' names from the Voter List, and of having committed voting irregularities. The CNRP has also made accusations of other irregularities, some accusations made through official complaints and others circulated informally without complaints. All accusations filed through complaints were duly dealt with by the NEC and the Constitutional Council, who are so mandated by the Constitution and applicable laws, in accordance with laws and with adherence to the neutrality of the two institutions. As for the informal accusations, the NEC and the Constitutional Council have no mandate under the law, regulations and electoral procedures to address them.

Concerning the accusations made by the CNRP, the NEC issued a *White Paper on the General Election of the 5<sup>th</sup> mandate of the National Assembly*, providing detailed explanations and clarifications of the technical and legal procedures. Likewise, the Press and Quick Reaction Unit of the Office of the Council of Ministers issued a *White Paper* clarifying the position of the Royal Government concerning the election results, the political situation after the election, as well as tactics used by the CNRP before, on and after election day. These tactics were planned and designed in close cooperation with a number of non-governmental organisations allied with the CNRP, which have received technical, financial and political support from abroad.

Five months after the elections, the Electoral Reform Alliance (ERA) issued a *Joint-Report on the Conduct of the*

*2013 Cambodian Elections* (hereafter, the Joint-Report). The core members of ERA, politically aligned with the CNRP, include the Cambodian Human Rights and Development Association (ADHOC), the Coalition for Integrity and Social Accountability (CISA), the Committee for Free and Fair Elections in Cambodia (COMFREL), the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), the National Democratic Institute (NDI), the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC), the People Center for Development and Peace (PDP) and Transparency International Cambodia (TIC).

The Joint-Report contains many biases in favour of the CNRP. It is noteworthy that, although dated November 2013, the Joint-Report was issued in the second week of December to coincide with the shifting of the CNRP's tactics from holding weekly demonstrations to carrying them out daily and announced to be continuous. This timing shows the close link of the report to the activities of the CNRP, which has been twisting the truth and acting in contradiction to the rule-of-law principle in many different ways, such as disseminating false or manipulated information abroad, campaigns at forums organised by the CNRP leaders in Cambodia, serious destruction of private property, incitement and intimidation carried out to prevent factory workers from fulfilling their work, rallies at Democracy Park and staging street demonstrations in Phnom Penh, calling the elected Prime Minister to step down, etc.

The Joint-Report is disguised as a research report, purporting to be scientific and apolitical. In fact, after a careful reading of the text, we observe that it is political, manipulated, fabricated and twisted, and intended to mislead the public.

The Joint-Report raises a number of points such as election administration, voter registration, media environment and misuse of state resources. It also uses many dubious and contradictory data of certain NGOs in order to support their allegation that the 2013 elections suffered from serious irregularities.

In response to the Joint-Report, the Press and Quick Reaction Unit of the Office of the Council of Ministers is issuing these *Clarifications* concerning the 2013 electoral process. These clarifications are compiled based on interviews and direct examination and verification of facts in cooperation with all levels of the electoral mechanism and concerned authorities.

## **I. Background of Cambodia's Electoral Process**

### **1. Election Administration and Mechanisms**

The Joint-Report makes the accusation that members of the NEC are appointed by an institution under the control of the Cambodian People's Party. In fact, the chairperson, vice-chairperson and members of the NEC were nominated and then submitted to the National Assembly for its approval in conformity with laws. Nominated candidates were elected from a large pool of senior figures with long experience and good reputation, and were required to resign from any political party membership immediately after being appointed. Through experience in organising many past elections, it is evident that the NEC fulfilled its duties with adherence to neutrality, transparency and impartiality. Similarly, members of Provincial/Municipal Election Commissions and Commune/Sangkat Election Commissions were appointed on apolitical basis.

The NEC has already successfully organised eleven elections. Delegations of international election observers, including those from the ASEAN countries, who participated in electoral observations have praised Cambodia's past electoral processes and dubbed the elections in Cambodia a "miracle on the Mekong".

Based on the Law on Election of the Members of National Assembly (LEMNA), the Commune/Sangkat Election Commissions (CECs) are not a permanent mechanism, and shall be dissolved after the announcement of official election results. The NEC shall then delegate powers to Commune/Sangkat Councils to carry out voter verification and registration.

To execute the aforementioned duties, Commune/Sangkat Councils shall appoint Commune/Sangkat clerks as officials in charge of verifying the names on the Voter List. Commune/Sangkat Councils are local authorities which are the representatives of people and are elected by local citizens.

## **2. Voter Registration and Verification**

The Joint-Report raises unfounded criticisms, such as holding voter registration in September and October, which are in the rainy season and thus cause travel difficulties and prevent people from exercising their rights; voter registration managed by Commune/Sangkat Councils representing partisan political interests; no accommodation made for migrant workers to verify their names and/or get registered on the Voter List, etc.

The rainy season (which in Cambodia lasts from May to November) is not in any way an obstacle preventing the processes of the verification of voter names and voter registration since rains do not fall every single day during the

period of a month and a half of this process. And, in any case, should it rain unabatedly, it would equally affect not only the supporters of the opposition party, but also those of other political parties. The verification of voter names and voter registration has been carried out during the period between 1 October and 31 December every year, and has always gone smoothly with strong participation from representatives of political parties and non-governmental organisations. However, during the updating of the 2012 Voter List for the 2013 General Election, the Sam Rainsy Party and Human Rights Party intentionally boycotted this process. This was a planned tactic to support its accusation that the NEC had removed over one million names from the Voter List.

### **3. Media Environment**

The Joint-Report also charges that broadcast media, such as TV and radio networks, are unbalanced in their coverage of the CPP and the CNRP. However, the report deliberately fails to mention social media networks such as Facebook or YouTube, which have been overwhelmingly used by the CNRP activists in an apparent attempt to disseminate false and manipulated information to cause sabotage and unrest in the society. In addition, there have been a number of uncivilised posts on Facebook and YouTube, some of which were written by CNRP activists, using profane, immoral, and untrue words against the country's leaders as well as disseminating other false, manipulated, and fabricated stories. Such acts should have been recorded in the Joint-Report if it had been really neutral; however, it contains only negative reflection against the CPP, the NEC and the Royal Government while hiding all the negative aspects of the Opposition.

During the one-month period of the election campaign of the 2013 General Election, the NEC allocated equal time for all political parties to broadcast their political platforms daily on state radio and television stations, in accordance with the principle of accuracy, impartiality and equitable broadcasting coverage and respective order as stipulated in article 75 of the LEMNA and the Law on Amendment of LEMNA. On the other hand, the CNRP daily broadcast for many hours through a number of radio stations, including FM 105 Beehive radio, FM 93.5 Mohanokor radio, FM 102 Women's Radio, Voice of Democracy and others. Moreover, the CNRP has been supported by foreign broadcasting media, especially the Voice of America and Radio Free Asia which broadcast live in Khmer language. Before and after the election, these two radio networks, which are directly supported by a foreign government, have broadcast biased information in violation of media professional ethics. They are the political instruments serving the interests of the opposition party and much of their news is fabricated and manipulated. Foreign and local newspapers such as the *Phnom Penh Post*, the *Cambodia Daily*, *Moneaksekar Khmer* and *Nokor Thom*, amongst others, have mostly published negative news discrediting the Royal Government and the CPP.

The National Television of Cambodia (TVK) broadcasts are only about the factual achievements made by the Royal Government presenting accurate information to the public. For example, every plenary session of the National Assembly has been broadcast in full to all Cambodian people, including the interventions raised by the members of the National Assembly from the opposition parties.

One must ask if the media overall are unbalanced, as stated in the Joint-Report?

#### **4. Alleged Misuse of State Resources**

The Joint-Report acknowledges that Cambodia has sufficient legal instruments to ensure the transparency and neutrality of the participation of civil servants, armed forces and public servants in the electoral process and in the political parties, but alleges that these standards are not complied with. Further, the Joint-Report misrepresents the legal rights of military personnel, police officers and civil servants by saying (p. 12) that they are prohibited from participating in political parties' activities. Such a claim clearly shows a lack of understanding on the part of the report writers or an intention to accuse and discredit the national institutions. In fact, civil servants, members of the armed forces and other public officials have full rights to participate in any political activities or any activities outside their official working hours in accordance with the Constitution, laws and other legal instruments concerning human rights (including the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights), as affirmed by Mr. Surya Subedi, the United Nations Special Rapporteur on the situation of Human Rights in Cambodia. Furthermore, Article 7.7 of the Regulations and Procedures for the Election of the Members of the National Assembly of the Fifth Mandate clearly states: "After or besides working hours or besides the official work capacity, civil servants, local authorities of all levels, royal armed forces, police and judicial officers may participate in campaign activities to support any political party or candidate, but shall not be in uniform and/or shall not carry weapons."

Therefore, they have rights and freedom to join in any political activities and vote for any parties like other citizens. To deny these rights would totally contradict legal principles, human rights and public liberties.



The Joint-Report also asserts that state property and resources have been used by the ruling party to support its electoral campaign (p. 13). Such a claim is totally distorting. During the election campaign, the CPP issued letters number 877 dated 28 June 2013 and 878 dated 29 June 2013 reminding its members not to use state vehicles or public working hours in their electoral activities.

## **II. 2013 General Election: Key findings claimed by the ERA**

### **1. Alleged Exclusion of Eligible Citizens from the Voter List**

**1.1.** The Joint-Report relies heavily on the NICFEC-NDI audit of the voter registry claiming that 1.04 million names were missing from the Voter List and the COMFREL audit's findings that 13.5%, equivalent to 1.25 million voters, of eligible voters had been excluded (p. 17). Not only did these two audits claim quite different numbers of missing names, they were both seriously flawed, as attested in a draft memo prepared to brief EU experts who came to Cambodia to monitor the pre- and post-election climate stating: "The analysis of these reports by the delegation leads to a position of extreme caution on their conclusions, some being clearly misleading."<sup>1</sup>

Further, it should be recalled that in 2008, the NDI provided to the NEC 88 names of people whose names were claimed to be missing from the Voter List, but, after a careful examination of the lists, the NEC found the names, disproving the allegation. Nevertheless, as stated above, once again before the 2013 General Election, the NDI provided a new figure

---

<sup>1</sup> Laura Crothers, "EU draft memo defended voter list margin of error", *Cambodia Daily*, 2 July 2013.

stating that the NEC had caused the loss of 1.04 million names from the Voter List; likewise, COMFREL also accused the NEC of 1.25 million names missing from the Voter List, but this time these two organisations did not provide the names claimed to be missing under the pretext of confidentiality of the respondents. The real reason is not confidentiality but rather, if these two organisations provided the names to the NEC and the NEC managed to find the names, as in 2008, then their dirty tricks would have been revealed and the planned tactic of the opposition party in using the said figures to bolster this allegation would not be as effective for mobilising demonstrators.

In Cambodia, absence of name on the Voter List does not mean that those people have been blocked from registering their names because Cambodia has adopted a voluntary voting system, not a compulsory voting system. This means that citizens are free to decide whether or not to register their name on the Voter List or to actually participate in the election on a voluntary basis.

COMFREL makes the allegation that citizens who are eligible to register or to vote did not do so because they had been denied their rights. This hypothesis is invalid in the context of a voluntary voting system. Moreover, the accusation that the NEC or competent authorities did not facilitate the people to exercise their rights is contradictory to the reality.

In October 2013, during the updating in all communes of the Voter List, the NEC had estimated that 330,000 people would register, but in fact only 187,111 people did so, including Mr. Sam Rainsy himself. Furthermore, these newly registered names included youths who have just turned 18. **If the claims made by NDI, COMFREL and the CNRP, as a pretext to**

**reject the results of the election were true, where are the more than one million people whom the opposition party accuses the NEC of excluding from the Voter List? Why didn't these two organisations and the CNRP mobilise those people to register their names on the Voter List in October 2013?**

**1.2.** The Joint-Report also states that the NICFEC-NDI's voter registry audit found that among 4,893 eligible citizens interviewed in 414 communes throughout the country, who did not vote in either the 2008 national election or the 2012 commune elections, "68.8% of eligible citizens who were not found on the voter registry reported that they had planned to vote, an act that would not be possible because they were not included on the Voter List" (p. 19), some of whom misunderstood that the legal framework prevented them from voting. To make the figure look more reliable, LICADHO, TIC and COMFREL had claimed that they came up with similar results in their observations on election day.

The aforementioned figure of 68.8% intending voters being precluded to do so as their names were not on the Voter List is presented in the Joint-Report in support of NDI's groundless allegation that the NEC had removed over one million names. The report claimed that 4,893 people interviewed were not on the Voter List, but in fact they may never have taken steps to register.

**1.3.** The Joint-Report goes on to say that, on election day, COMFREL election observers reported at least 9,052 cases of frustrated people who were unable to find their names on the Voter List while the TIC observations showed that at 60% of the polling stations, voters with proper identification documents were unable to find their names on the Voter List (p. 22).

Regarding these allegations, in order to prove whether **the 9,052 cases reported by COMFREL were true or false, COMFREL should reveal those names so that the NEC can verify the charge.** Furthermore, why didn't those who could not find their names on the lists lodge formal legal complaints on election day according to the law?

**1.4.** The Joint-Report also alleges that over 50% of citizens showing up to vote found that their names were either not on the list or already used by someone else at one polling station in Wat Sunsom Kosal School, Sangkat Boeung Tum Pun, (p. 23) without specifying which polling station they referred to.

According to the NEC's data, in Sangkat Boeung Tum Pun, there were 60 polling stations of which 18 were in Wat Sunsom Kosal School, with a total of 11,122 registered voters on the Voter List of whom 7,852 voters voted (70.6%). According to the election officials responsible for election process in Sangkat Boeung Tum Pun, on election day, a well-arranged group of around 100 opposition activists, among whom only 4-5 lived in Sangkat Boeung Tum Pun while the rest were outsiders, showed up from 7 a.m. until 6 p.m. in order to disturb, shout, and cause chaos by distorting that their names were missing, no names, and the ink was not indelible; and they repeatedly shouted "Number 7..." [the number of CNRP on the ballot]. This group threatened the election officials by using the words such as "after leaving the polling station, you will be killed". Every member of this group used modern mobile phones to take photographs and videos in the polling station. According to LEMNA and procedures of the NEC, such activities are prohibited at polling stations.

On that day, around 10 a.m., Mr. Sam Rainsy had almost arrived at Wat Sunsom Kosal School, aiming to enter the polling

station, but he was forced to leave after people shouted: “Today is not the election campaign; the 30-day election campaign is over. Your name is not on the Voter List in this polling station, so you cannot show up here...”

The head of the CEC stated that on election day there was only one complaint filed, a case of a woman who claimed that someone had already voted for her at polling station number 1555 at Wat Sunsom Kosal School. She returned home, but later her husband returned to make a complaint to the CEC that someone had voted for his wife. The head of the CEC explained the process to him and handed him a form of complaint as requested. In the afternoon, the husband lodged a complaint to the CEC, but because he did that for his wife, the head of CEC explained that the complaint could not be accepted since it was not in conformity with the election procedures, which require his wife to delegate her rights to him. The following day, at 3 p.m., the husband returned with the complaint along with his wife’s delegation letter, but it was past the 11:30 a.m. time limit for lodging complaints at CECs.. Some 30 minutes later, he called the head of the CEC, saying that he was withdrawing the complaint. The responding official said that, as claimed by the woman, “She didn’t know at which polling station her name was listed, but she only showed up on election day and found that her name was listed in the polling station number 1555; then, she rushed to vote, but the election officials told her that someone had already voted under her name.” The head of the CEC did not verify whether someone had already voted under her name as she claimed or not, because at that time the group of the CNRP’s activists was provoking chaos, and he was engaged in dealing with various issues and controlling the situation, but the head of the CEC helped the husband by giving information on what was required to lodge the written complaint, as mentioned above.

During ballots counting, groups of the CNRP activists were standing right in front of the polling stations and provoked anarchy such as by cheering each time they heard the election officials read out a vote for number 7, while using insulting words and throwing water bottles at the election officials whenever they read out number 4 [the ballot number for the CPP].

According to the figures from Wat Sunsom Kosal School, some 70.6% of listed people cast their votes a turnout rate similar to that throughout the country. According to a report by the local authorities, the reason why 29.4% of people did not vote was that some of them were busy; some did not want to vote; while some had relocated or migrated. In fact, there was nothing irregular at that polling station except the case of the one woman who claimed that someone had voted under her name and the groups of planned provocateurs who gathered there.

In another case in Sangkat Boeung Tum Pun as well, but not in Wat Sunsom Kosal School, during the ballot counting process a mob standing outside the station accused the deputy chief of the polling station of fraud, because they saw him placing four invalid ballots and subsequently a further three invalid ballots into a drawer. The deputy chief of the polling station stated that he put the invalid ballots into the drawer because he thought by doing so he would ensure that they would not get mixed up with the valid ballots. This was not against the rules and electoral regulations, as acknowledged by the CNRP representatives at the station, who agreed that there was no fraud. However, the mob outside the polling station kept threatening the deputy chief of the polling station that if he did not kneel down to apologise, they would kill him when he left the polling station. For his own safety, the deputy chief of the polling station did so, and this was video-taped and posted on

Facebook with a comment that a thief was captured and now the thief had apologised.

Last October in Sangkat Boeung Tum Pun, only 200 people newly registered their names on the Voter List, most of whom were youth who just turned 18. The question must be asked as to why the CNRP officials in Sangkat Boeung Tum Pun didn't mobilise those who claimed their names were missing and wanted to vote to have their names registered, or why those who claimed their names were missing didn't go to register their names in the Voter List? The data of this new registration shows clearly that the Joint-Report was not intended to be a serious analysis of the 2013 General Election, but it just fabricated figures to mislead, using the term "research" to shield its manipulations.

## **2. Alleged Invalid Names and Illegal Voting (pp. 24-36)**

**2.1.** On 2 December 2013, His Excellency Tep Nytha, Secretary General of the NEC, acknowledged that there were duplicate names on the Voter List, reporting that the NEC had found 301,000 duplicate names and the NEC had asked the local authorities to take action to verify whether these are indeed duplicates. The reason behind the duplicate names is explained in 2.3 below.

**2.2. The Joint-Report alleges that duplicate names allow multiple ballots to be cast, either through someone else casting the ballot on behalf of the owner, or through polling station officials marking the ballot and stuffing it in the ballot box (p. 26).**

The Joint-Report raises the issue of duplicate names which the local authorities knew about but failed to delete,

suggesting that such cases could happen for people who were forcibly relocated over the past few years. Then, the report draws a conclusion on possible cases of fraud, in which people who were not eligible to vote could cast ballots on behalf of those who had been forcibly relocated. Such a conclusion is not reasonable as those who have moved to a new location (whether by forcible or voluntary relocation or migration) do not necessarily register their names in the new communes, and nor could it be assumed that they did not intend to return to vote in their old communes. If the local authorities had deleted their names from the Voter List, it would be against the law, regulations, and procedures of the elections, and in case they returned to cast their ballots in the old commune, what legal responsibility would the local authorities have to bear before law? Furthermore, according to LEMNA, every year all political parties have the rights to participate in updating the Voter List by means of lodging complaints to include missing names or to remove the duplicate names from the Voter List, but in 2012 why did the opposition party boycott the process intended to safeguard their supporters' interests?

A simple, understandable answer is that the boycott by the Opposition is a part of their planned tactics to reject the elections results in case they lost.

Likewise unreasonable is the report's conclusion that these duplicate names could be used to cast multiple ballots by one person, to enable those who were not eligible to vote to cast a ballot or to stuff marked ballots into ballot boxes.

How could ballot box stuffing possibly happen when political party representatives and/or COMFREL observers were present in all polling stations?



**2.3 The Indelible Ink Issue:** The Joint-Report alleges that the ink used in the voting process was easily removed (p. 26). At the CNRP office in Tuol Kork District, Mr. Kem Sokha said, “We found out that the indelible ink can be washed off by using such simple substances found in the market, at hair salon or a mixture of shampoo with fat.” Concerning this case, Mr. Kem Sokha never proved how many people, after casting their ballots, were able to wash off the ink and cast their ballots again, and no complaints were filed alleging such a violation. At Democracy Park on 6 August 2013, when Mr. Kem Sokha clasped his two hands to greet and show respect to his supporters, his index finger was clearly still marked with the ink. The question to be asked is: if the ink can be easily washed off, why did he not wash it himself to prove the public that the ink was not indelible?

The indelible ink, with which the voters have to dye their index finger after voting, is produced by an Indian state-owned company and the Indian government has donated it to the NEC for each election since 1998. Also, the ink is used for elections in a number of countries such as India, Afghanistan, Malaysia, Nigeria, Singapore, South Africa and Thailand.

If the opposition party alleges that the ink is not indelible, the Opposition itself could conduct an investigation on its electoral use in the above-mentioned countries or put its questions to the Indian state-owned company which produces the ink and the Indian government which donated it to the NEC.

**2.4. The Issuance of the Identity Certificates for Elections (Blue Cards):** Sometimes people misplace or lose documents, including their own identification documents. Some might temporarily have been placed where they could not be found; some might have been spoiled by rain; or some lost

completely. Due to these and similar reasons, Identity Certificates for Elections (ICE, commonly known as Blue Cards) are issued to safeguard the rights of the citizens who are eligible to vote.

For the 2013 General Election, the electoral law, regulations, and procedures mandated the chiefs of communes to issue Blue Cards to eligible voters until 12 July 2013 (15 days before the General Election). The Commune Chiefs issue Blue Cards in a transparent and accountable manner according to strict procedures and only on provision of specified supporting identification documents by the voter or witness testimony of their identity. The NEC issues ICE booklets containing 50 sets of two copies of each ICE. The Commune Clerk fills out identical information on both copies to be signed by the Commune Chief. One copy is then torn from the booklet and issued to the voter (the Blue Card) and one copy is retained as a stub bound into the booklet. The Commune Chief shall allow the representatives of the political parties and non-governmental organisations to verify the ICE stubs during working hours at the communes, but they are not allowed to be copied. Local representatives of the political parties or non-governmental organisations were indeed able to examine such documents, and the NEC did not receive any complaints of irregularities on this process.

The Joint-Report throughout uses the trick of writing in generalities, without giving specific details, aimed at making its allegations impossible verify or refute, but in the case of Chan Sann (p. 32), the writer of the Joint-Report must have made a slip, while her name was deleted in one place on the image reproduced on page 32, but on close scrutiny it was found in another place in small letters. The ERA Joint-Report alleges that no photo was attached to the Blue Card whose image was reproduced, but in fact, this image was not of the Blue Card

issued to cast a ballot, but rather the ICE stub in the booklet to be dispatched to the NEC, which cannot be used for voting, and which indeed was lacking the photo.

On investigation, the elderly Chan Sann, aged 80, provided the local authorities with the Blue Card she had received on 13 September 2012 with her photo attached and a commune stamp. The commune clerk stated that the practice is to attach photos to both the ICE stub and the issued Blue Card, but he did not clearly remember whether in the case of the elderly Chan Sann she had provided only one photo or whether he himself had forgotten to attach the second photo of her to the ICE stub. If it was the case that the elderly Chan Sann had provided only one photo, the Commune Chief would have refused to issue her a Blue Card due to the lack of the photo to be attached on the ICE stub, and then she would not have had a Blue Card with which to exercise her rights to cast a ballot.

The case of the elderly Chan Sann is used to mislead the readers and to imply that throughout the country, Blue Cards which did not contain any attached photos were issued, and could be used to vote on behalf of somebody else.

The Joint-Report raises the case of the elderly Chan Sann only to produce allegations against the local authorities and the NEC. Despite the efforts of the authors of the Joint-Report to delete the card holder's name in order to hide the card holder's identity and prevent any further investigations, we were able to reveal the truth in this particular case, unlike the many other generalised cases that this falsified, manipulated, and fabricated report has produced without providing clear evidence that can permit verification or refutation.

In another example, the Joint-Report mentions that over 50% of the voters in one of the polling stations in Wat Sunsom Kosal School went to vote but could not find their names on the Voter List or someone had already voted under their names, but the report fails to mention the name and number of the polling station. Why? Because, as a matter of fact, there was no such a serious incident as fabricated in the report. In yet another example, the report mentions that there were from 100 to 500 invalid ballots in 77 polling stations without specifying the names of the polling stations. Any reader who does not have any broad understanding of the election process or does not conduct a full investigation to the roots of the problem will believe the report as the writer uses dirty tricks in providing false information and fabrication in order to make readers think negatively on the election process in Cambodia.

The Joint-Report draws its own conclusion (p. 32) that the number of Blue Cards issued was close to 280,000 votes, the number of votes that the CPP gained over the CNRP. Such a conclusion is politically motivated since the number of Blue Cards issued for the 2013 General Election amounted to 1,860,491 among which 1,098,893 had been issued for in 2012 for the Commune Elections and 761,598 were issued in 2013, in which 489,501 cards were issued during the verification and voter registration period in 2012 and the remaining 272,447 cards were issued in the election period. Why does the report mention only the figures on the issuance of the Blue Cards in the last phase of the election period, whose figures were close to the number of votes the CPP gained over the CNRP to draw such a conclusion? This is clearly to mislead the public that the NEC issued 280,000 Blue Cards to the CPP supporters, implying that is why the CPP won the election by a margin of 280,000 votes. In fact, the NEC issues Blue Cards to those whose identification

documents were lost or damaged, indiscriminately of political tendency and in accordance with electoral law and procedures.

**2.5. Over-registration:** The Joint-Report states that the number of eligible voters is 9,442,802 compared to the 9,675,453 names on the Voter List (p. 27). But this figure of 9,442,802 was only an estimate made by the National Statistics Institute of the Ministry of Planning in 2008. The actual process of verifying and registering the names on the Voter List was delegated by the NEC to the Communes Councils. It is acknowledged that, in Cambodia there are limitations in terms of access to electricity, financial and human resources at the local level. Indeed, few local officials are able to use information and communication technology, and so the registration process must therefore be done manually, and figures could be inflated for a number of reasons:

Firstly, over the last 20 years, there have been robust developments in every sector, especially in investment and trade causing the movement of people from one location to another throughout the country. Moreover, due to rapid housing development in Phnom Penh city, many of its citizens have moved from one place to another. Most of them register their names in their new area of residence, while neglecting to request the deletion of their names from the Voter List in the Communes where they resided before. So, they could have their names listed in more than one location. The new article 52 of LEMNA, stipulates that “every Khmer citizen, who is having more than one residence in the Kingdom of Cambodia, shall choose to register as a voter in one location only”. Furthermore, according to LEMNA, regulations and procedures of the NEC, the deletion of a name from the Voter List cannot be done unless there is a personal request from that person, or an appeal from anyone supported by genuine documents and evidence. The above-

mentioned possibility alone could account for the difference between the number of eligible voters and the number of actual names on the Voter List.

Secondly, despite the fact that in 2012, the NEC delegated the power to the Provincial/Municipal Election Commissions to set up information centres linked to the main server of the NEC to facilitate people searching for their names, most of the communes either are not able to use or do not have access to the Internet, and so could not verify the new names requested to be registered with existing names on the List.

This Joint-Report (pp. 28-29) mentions some specific neighbourhoods in Phnom Penh where the number of voter names on the list outnumbers the number of actual eligible citizens, for example:

- In Sangkat Tonle Bassac: the number of eligible voters was claimed to be 13,513 while that on the list was higher, at 22,710. The Chief of Sangkat Tonle Bassac explained that the reason why the voter names on the list outnumber the eligible voters who are permanent citizens in this Sangkat is that many people who have migrated in to live temporarily in this area including students, especially those who reside in the pagodas, and workers in rented houses have chosen to register their names on the Voter List in Sangkat Tonle Bassac in accordance with their rights under the LEMNA. Frequent migration, in and out, makes it difficult for the local authorities. This Sangkat was also the site from which people from Sambok Chab and Dei Kraham were relocated elsewhere. It was noted that the majority of new voters registered in this Sangkat were mobilised for registration by the CNRP activists who acted as their witnesses.

- In Sangkat Chaktomuk, Khan Daun Penh: the number of eligible voters was claimed to be 4,463 while that on the list was higher, at 9,029. The Chief of Sangkat Chaktomok also said that the reason why the voter names on the list outnumber the estimated number of eligible voters in this Sangkat is that people migrated to live in this area including students, especially those who reside in the pagodas, and construction workers, and have registered their names on the Voter List here in accordance with their rights. Frequent migration in and out makes it difficult for the local authorities. In the 2013 General Election, a total of 5,315 people turned out to vote. On election day, a large number of political parties' representatives and observers were present at the polling stations and no problems occurred.

In the aforesaid cases, Commune/Sangkat authorities did not have legal grounds to request the NEC to delete those names from the Voter List. This is why the voter names on the Voter List outnumber the eligible voters permanently living in these areas. There are many such similar cases in urban areas or in the city due to the frequent migration of the people, while this is rarely the case in rural areas.

**2.6. Printing More Ballots than Needed:** The Joint-Report raises as a concern the so-called “high number of excess ballot papers printed” (p. 33).

There were 9,675,453 voters in the 2012 Voter List and 19,009 polling stations established. The total ballots distributed for use at all polling stations amounted to 11,082,400, of which some 75 on average were reserve ballots at each polling station. The remaining 1,224,750 reserve ballots were kept at the Provincial/Municipal Electoral Commissions (PECs) for quick distribution to the 1,633 Commune/Sangkat Electoral Commissions (CECs) in the event of shortage or eventualities,

such as fire or rain, causing damage to the ballots. According to the NEC's procedures, the ballots were distributed to each polling station according to the following procedures:

First, if there are 650 voters in a polling station, the total ballots issued for use at that station will be 13 books, equal to 650 ballots. As the number of ballots is equal to the number of voters, the NEC adds 1 reserve book, equal to 50 ballots; thus the total number of ballots issued for use and as reserve ballots in that polling station amounts to 700 ballots, equal to 14 books.

Second, if there are 651 voters in a polling station, the total ballots issued for use at the station will be 14 books, equal to 700 ballots. As there are 49 ballots more than the number of voters, the NEC adds 1 reserve book, equal to 50 ballots; thus the total number of reserve ballots amounts to 99. Therefore, the total number of ballots issued for use and reserve ballots in that polling station amount to 750 ballots, equal to 15 books.

Third, if there are 693 voters in a polling station, the total ballots issued for use at the station will be 14 books, equal to 700 ballots. As there are 7 ballots more than the number of voters, the NEC adds 1 reserve book, equal to 50 ballots; thus the total number of reserved ballots amounts to 57. Therefore, the total number of ballots for use and the reserve ballots in that polling station amount to 750 ballots, equal to 15 books.

The Joint-Report alleges that “the NEC has refused to disclose the number of invalid ballots at the polling station level, making it difficult to determine how the ballot numbers were reconciled” and that “excessive number of ballots raises a question about the electoral safeguards.”



Before the announcement of the official election result, the NEC circulated the reports on the use and the verification of ballots in all of the 24 Municipality/Provinces, as follows:

- Total number of ballots	12,325,650
- Sample ballots for training	18,500
- Valid ballots	6,627,159
- Invalid ballots	108,085
- Damaged ballots	21,973
- Remaining ballots (not used)	4,326,012
- Remaining reserved ballots	1,224,000

COMFREL deployed observers, who participated in all stages of the elections including ballot counting, in 15,075 polling stations across the country. The result of ballot counting includes the record of invalid ballots, so if COMFREL wishes to know the number of invalid ballots at any polling station or all polling stations in the country, it can get the data from its observers who were present in 15,075 polling stations and received copies of Form 1104 or from Form 1102 posted in front of every polling station– what is the need for a survey? COMFREL can reveal any specific difference between the NEC’s data and their own to prove irregularities concerning the issue.

In fact, this is included in the Joint-Report only to confuse readers who are not well aware of the real situation as part of an elaborate, systematic plot to discredit the NEC, providing arguments for the Opposition to support its rejection of the election results. Moreover, the Joint-Report in which COMFREL actively participated provides inaccurate information to the public, especially the international community leading to unfounded criticism and judgment against the NEC; consequently, a small number of foreigners support the

groundless allegations by the Opposition that the NEC is not independent and neutral, and is instead a mechanism which is biased and has committed election fraud on behalf of the CPP.

The Joint-Report (p. 35) also raises, as a criticism, that among the 15,075 polling stations where they had observers, 77 polling stations recorded in Form 1109 that they had between 100 and 500 invalid ballots. This is quite misleading.

Throughout the country, 6,627,159 valid ballots and 108,085 invalid ballots were recorded. According to the NEC's figures, six polling stations had the most invalid ballots, namely in Siem Reap polling station number 0326 with 137 invalid ballots, polling station number 0222 with 133 invalid ballots, and polling station number 0482 with 127 invalid ballots; in Ratanakiri polling station number 0122 with 117 invalid ballots; in Kratie polling station number 0024 with 111 invalid ballots; in Kampong Thom polling station number 0414 with 101 invalid ballots. The figures in the Joint-Report greatly exaggerate the actual data circulated by the NEC, in which the highest number of invalid ballots was 137. As so often is the case, manipulators and fabricators forget certain points which can be discovered, an embarrassment for those intending to undermine the election results.

The Joint-Report indicates that in 11% of the 19,009 polling stations there are discrepancies between the total valid ballots recorded by TIC observers and the official results. As stated above, generally, the ballot counting was done manually which cannot be 100% perfect. While there were a few minor errors in three or four cases in the entire country, it was certainly not in the range of 11% as mentioned in the report. This figure is clearly an exaggeration made by the TIC together with the authors of this report. If there are discrepancies, why didn't the

report disclose the specific polling stations where they occur? Why didn't the opposition party immediately file complaints against all those polling stations, rather than these few polling stations?

### **3. Polling Station and Result Analysis (pp. 36-41)**

**The deletion of names from the Voter List in Siem Reap and Banteay Meanchey Provinces:** The Joint-Report raises, as a criticism, that in 2012, the names of more than 50% of voters in 24 polling stations in Siem Reap and Banteay Meanchey Provinces were deleted from the Voter List.

This deletion was indeed carried out, because the majority of the voters in those polling stations are members of the armed forces, many of whom were deployed to other bases during the recent border conflict with Thailand. Therefore, their names were deleted from the Voter List of the previous communes and have been registered in the Voter List of the new ones. Both this deletion of names and the creation of new polling stations were all conducted in accordance with the electoral laws, regulations and procedures and according to actual demographic changes. This is another example showing that the Joint-Report was conducted without comprehensive research, leading to such serious mistakes. The NEC strictly adhered to the laws, regulations and procedures, and this is a manipulation aiming to mislead readers and public opinion into believing that there were irregularities during the 2013 General Election.

### **4. Post-Election Investigation**

**4.1.** The Joint-Report charges that most of the Constitutional Council members are presently members of the CPP Permanent Committee (p. 44).

But membership in a political party, including its leading bodies, is not a violation of the legal provisions governing the Constitutional Council, under which the function of member of the Constitutional Council is incompatible with the following functions: senator, member of the National Assembly, member of the Royal Government, incumbent magistrate, personnel in the public function, President or Vice-President of a political party or President or Vice-President of a trade union. According to the 1993 Constitution of the Kingdom of Cambodia, the Constitutional Council is composed of nine Members of whom three shall be appointed by the King, three elected by the National Assembly and three others elected by the Supreme Council of Magistracy.

**4.2.** The Joint-Report charges that many of the CNRP's complaints were not resolved by the NEC, and so the CNRP appealed to the Constitutional Council, which then decided to examine only a certain number of polling stations in Battambang, Kandal, Kratie and Siem Reap Provinces. Even though the Constitutional Council accepted some complaints and made limited investigations, it alleges that problems and fraud were revealed (p. 44).

The Joint-Report's charge of fraud is completely in contradiction to the truth. After resolving 13 complaints and issuing four judgments in conformity with the electoral law and procedures, by directly examining the plaintiff as well as examining evidence provided by the plaintiff, the NEC announced the provisional results of the election on TVK on 12 August 2013.

The 15 complaints lodged by the CNRP against the decisions made by the NEC to the Constitutional Council were all resolved. The NEC was ordered to open certain Safety

Packages “A” in four Provinces, namely Kratie, Battambang, Siem Reap and Kandal. The *White Paper on the 2013 General Election for the 5<sup>th</sup> Mandate of the National Assembly* by the NEC provided a comprehensive explanation of the process of complaint resolution in the four provinces, as shown clearly in the case of Kandal Province, which the Press and Quick Reaction Unit would like here to give as an illustration.

In Kandal Province, all Safety Packages “A” checked were properly sealed. In the Safety Package “A” of a single polling station, officials had mistakenly placed two copies of Form 1101 instead of one copy of the Form 1101 and one copy of 1102, while the remaining two copies of Form 1102 were put into Safety Package “B” which was itself sent to CEC alongside Safety Package “A”. Significantly, Form 1108 and the tally sheets at the polling station recorded the same figures, and so the results of the vote remained unchanged. Furthermore, the complainants from the CNRP admitted that the signatures on the forms attesting to the vote counting really belonged to their representatives.

After receiving the results from the opening of the Safety Packages in certain provinces as requested by the CNRP’s complaints, the Constitutional Council rendered the following decision on 9 September 2013:

- To uphold the whole decision made by the NEC.
- This decision was definitive, non-appealable and had its highest legal authority as stated in the Constitution and was to be published in the Royal Gazette.

## **Conclusion**

1. Based on the above clarifications, the Press and Quick Reaction Unit firmly rejects the Joint-Report published by the Election Reform Alliance. It also wishes to point out that all organisations and associations authorised to operate as NGOs shall respect the principles of independence, impartiality, and non-affiliation to any political parties, as stated in their respective statutes. These NGOs shall fulfil their respective missions, and shall not be involved in politics in this way. The Joint-Report which was compiled based on the research by various so-called “independent organisations”, whose agents are also called “independent”, does not reflect the adherence to those principles and neither do the current activities of these NGOs in Cambodia.

According to reliable sources, the presidents of these NGOs, particularly one involved in compiling the Joint-Report, recently met with Mr. Sam Rainsy and Mr. Kem Sokha to advise them on how to topple the Royal Government through “people power” or staging a “colour revolution”. Are such activities considered independent?

2. The ERA’s Joint-Report was published in the second week of December 2013 coinciding with the changes of the Opposition’s tactics from weekly demonstrations to daily demonstrations and the announcement to demonstrate ceaselessly. This clearly reflects the link between the Joint-Report and its issuing NGOs and the political tactics of the Opposition CNRP to reject the results of the election.

3. It is clear that the authors of the Joint-Report are talented experts having knowledge concerning elections and

experience in tricky writing to mislead readers concerning the electoral process. The essence of the report is to conceal the Opposition's bad faith and planned tactics by blaming local authorities and the NEC, as well as other election-related institutions for their electoral loss. It was produced to discredit the 2013 electoral process by manipulations and fabrications, aiming to bring its readers to view the electoral system in Cambodia as not fair, acting in favour of the CPP, and not effective – misleading the public into believing that this is the reason behind the CNRP's loss and additionally to attract more financial, spiritual, political, and public support both in the country and from abroad.

4. The CNRP is relying heavily on the ERA's Joint-Report's influence, based on data from COMFREL and the NDI, to accuse the NEC of conspiring with the CPP to exclude more than one million voters who are Opposition supporters from the Voter List, alleging this to be the reason behind their loss. But paradoxically, when in October 2013 -- after the election-- the NEC updated the 2012 Voter List for the 2013 General Election, only 187,111 people came forward to register. So, where are the one million who were allegedly excluded from the Voter List by the NEC? Why didn't these two NGOs and the CNRP mobilise those people to register? The new registration in October discloses that the one million people allegedly excluded from the Voter List, is a ghost number fabricated as a pretext for the current demonstrations.

5. Although the Joint-Report attempts to draw a conclusion about election fraud, it does not provide specific, scientifically proved data to support its arguments that the NEC had committed such fraud, nor the claim that the Opposition gained 76 seats or 63 seats rather than then real number of 55. The report only touches upon general issues by using the term "research" as a shield to gain trust from readers. On the few

occasions when the report raises specific points, these have been shown above to be fabrications or based on incomplete research in contradiction to the truth.

**6.** The Royal Government acknowledges that, in spite of improvements in the electoral process from one election to another, shortcomings still exist due to the weak infrastructure supporting the electoral process as well as limited human and financial resources. However, such shortcomings do not significantly affect the election results. Globally, no electoral system is perfect, and electoral reform does not mean that the existing electoral system is erroneous. Electoral reform, in Cambodia as well as in other countries, is conducted to improve elections.

Previously, the NEC has carried out a number of electoral reforms. In fact, the electoral laws and procedures for the 2013 General Election were further improved on the basis of the recommendations from national and international stakeholders, including those from the European Union after the 2008 General Election; from Mr. Surya Subedi in 2012; from civil society including COMFREL in 2012; as well as from the legislative and executive bodies.

After the announcement of the official 2013 General Election results, the Royal Government, under the leadership of Samdech Akka Moha Sena Padei Techo Hun Sen, announced its commitment to undertake further electoral reform. This reform does not mean that the NEC committed mistakes and the election result is unacceptable, as charged by the Opposition and the Electoral Reform Alliance, but it is aimed at a further improvement of the electoral system in Cambodia. Hence, during the recent visit of the Prime Minister of Japan to Cambodia, Samdech Prime Minister requested assistance from the Japanese government in undertaking this electoral reform. Japan, in response, agreed to provide such assistance to Cambodia.



## **Addendum**

1. After 1979, the legacy of the genocidal regime left Cambodian people with killing fields, desperation, misery, physical and mental disabilities, and extreme poverty. Since then, Cambodia has opened a new chapter and accelerated development in all sectors such as agriculture, industry, tourism, and investment and has integrated itself into the regional and global communities. People across the country have benefited either directly or indirectly from the development; yet, some people have not fully received such benefits, a fact which places economic burdens on their daily lives. Accordingly, the Royal Government has been committed to gradually develop the country towards economic sustainability and prosperity to extend these benefits to all Cambodian people. However, street demonstrations and strikes, the use of non-violent demonstrations as a pretext to make political gains by the opposition, the destruction of public and private property, and driving the country to brink of social insecurity, potentially undermine the country's development process and make existing and potential foreign investors shy away from doing their business in Cambodia. Consequently, all Cambodian people are adversely affected.

2. The Press and Quick Reaction Unit would like to recall that last 35 years was a bitter experience in which some countries supported the Democratic Kampuchea regime, which killed millions of Cambodians, and continued to support them to be the representatives of Cambodian people in the United Nations after the country was liberated from this cruel regime. Likewise, in the present time, some countries that base their understanding of the electoral process in Cambodia on this

misleading report have believed and supported the Opposition's manipulations and fabrications to accuse the electoral system in Cambodia, the Royal Government, and electoral mechanisms of being unfair and not transparent. The campaign launched nationally and overseas by the Opposition and its allies to discredit the election and to accuse the legal electoral mechanisms of voting fraud has only one purpose – to overthrow the Royal Government by using “people power” to stage a coup, as shown by the Opposition's calls on the leader of the Royal Government to resign and to call for a new election. In all its forums, the Opposition misrepresents a relatively small number of people (if compared to the 15 million population) as an expression of popular will and incites workers to demand a minimum wage of 160 dollars a month, regardless of the levels of expertise, quality, or productivity, so as to mobilise them to join their political demonstrations and arouse the discriminatory and racist sentiments, aimed purely at increasing the number of participants in the demonstrations.

**3.** In various forums, the Opposition leaders accuse the NEC of committing election fraud, despite the fact that the CNRP was able to gain 55 seats. During the voting and counting process within each polling station around 12 people, among whom were 6 electoral officials and up to 7 representatives and observers, who witnessed the entire process and signed to acknowledge the accuracy of all the forms. If they were all thieves, as accused by the CNRP, this would mean that the representatives from CNRP and FUNCINPEC and observers from the Sam Rainsy Party, the Human Rights Party, and COMFREL are also thieves, as they endorsed the supposed election fraud.

Apart from calculations of the elections results by the NEC, each political party or organisation also had the ability to

calculate preliminary results themselves based on the figures in Form 1104 they received from their representatives or observers presented in the polling stations or on the figures in Form 1102 publicly posted in front of all polling stations. In the evening of 28 July 2013, the CNRP declared it had won the elections without reference to any specific source, but immediately after the announcement, Mr. Sam Rainsy withdrew the claim. This was an obvious fabrication to cause unrest. In contradiction to the CNRP's announcement, on 29 July 2013 COMFREL announced that the CPP had received 67 seats and the CNRP 56 seats. But since that initial announcement, COMFREL has no longer circulated the figure in order to defend the fabricated election results by its ally.

Meanwhile, on one occasion, Mr. Kem Sokha announced that the CNRP had won 76 seats while at another time that they had won 63. In order to bolster the reliability of these figures, Mr. Kem Sokha at one time gave as his source an unnamed NGO, and on the other occasion said that an embassy had told him. The above comments were only fabrications in order to mislead people and the international community, as the only person who reported such election results to diplomats was none other than Mr. Kem Sokha himself. Questions to be asked are: which organisation was that? Which international organisations, diplomatic missions and NGOs knew that the CNRP had won the General Election and from which source? Where were the figures in Form 1104 received by the CNRP's representatives in all polling stations or where were those in Form 1102 publicly published in front of all polling stations? And were those figures used in the calculations?

If these claims were based on the figures in the original Form 1104 that representatives of the CPP and the CNRP as well as COMFREL's observers received from the chief of each

polling station, or based on the figures in Form 1102 publicly posted in front of all polling stations, the calculations of the election results would not have been different and would have been the same as the election results announced by the NEC.

4. In an attempt to lure and incite demonstrations and strikes, on 23 December 2013 at Democracy Park, Mr. Sam Rainsy and Mr. Kem Sokha misled the crowd of demonstrators. Mr. Kem Sokha stated falsely: “Yesterday, I was informed that his [Samdech Techo Hun Sen’s] closest associate said that they could not stay in power if the struggling is that hard. Many CPP leaders’ children left the country last night and today it is not sure.... Yesterday, he [Samdech Techo Hun Sen] was about to step down, but now they [Vietnam] have summoned him immediately... I am afraid that they will give him some medicines and when he comes back he will no longer want to step down...” “... yesterday he was about to resign and certain forces were preparing to confess to the people.”

In Cambodia and other countries alike, visits of top leaders to any foreign country are normally planned at least two to three months ahead, so Mr. Kem Sokha’s claim is untenable, but was fabricated to dupe those demonstrators who have little knowledge of state affairs in order to: (1) encourage them to continue their demonstrations as they would possibly believe that their protests would soon be successful, but then unfortunately Samdech Techo Prime Minister was summoned to take some medicines in Vietnam; and (2) incite hatred against Vietnamese among the demonstrators. Such dirty tricks should not be used by any leader of any political party; moreover, those who play such dirty tricks should never become leaders of a country.

5. In various forums, the Opposition keeps inciting the overthrow of the Royal Government through the demand for Samdech Prime Minister to step down and organise a new election. These demands go completely against the Constitution. The only condition under which elections could be re-organised is stipulated in Article 78 of the Constitution: “The legislature of the National Assembly is of 5 years and shall terminate on the day of the new National Assembly entering in function. The National Assembly cannot be dissolved before the end of its mandate, except in the case of the Royal Government being voted out twice within a period of 12 months. In this case, the King shall, on the proposal from the Prime Minister and with the approval of the President of the National Assembly, dissolve the National Assembly. The election of the new National Assembly shall take place at the latest within 60 days, counting from the date of dissolution of the National Assembly. During this period, the Royal Government is only in charge of dispatching day-to-day affairs.”

The overthrow of the legitimate government cannot be done without these votes of no confidence from the National Assembly in compliance with the Constitution. Moreover, new elections for the National Assembly can be organised only if the National Assembly is dissolved in conformity with Article 78.

Therefore, any attempt to unseat the Royal Government which is not in compliance with Article 78 of the Constitution, is a violation of the Constitution, which can be called a constitutional coup.

Samdech Akka Moha Sena Padei Techo Hun Sen repeatedly reiterated that he took office as the Prime Minister in conformity with the Constitution and would step down only in conformity with the Constitution.

The CNRP's problem is the unrealistic promises it has made to its supporters and demonstrators through fabrications and manipulations. It is as if the CNRP has climbed to the top of the ladder and the ladder is then taken away; thus, they now have no means to come down.

6. Last September, during the negotiations between the leaders of the CPP and the CNRP, Mr. Sam Rainsy and Mr. Kem Sokha made a clear statement that they no longer demanded the establishment of a joint committee for investigation of electoral irregularities; they acknowledged the election results of 68 and 55 seats; and they accepted Samdech Techo Hun Sen as the Prime Minister. However, they continued to demand the position of the President of the National Assembly and insisted on having an equal share of commission chairs in the National Assembly. They say that, if the CPP had agreed with those conditions, the CNRP would have joined the National Assembly and would have no longer made accusations about election irregularities. It appears that the CNRP accused the NEC and the CPP of election fraud only to pressure the CPP to agree with its conditions, which go against the principles of democracy.

Since their conditions were not met, in order to conceal their power ambitions, the Opposition incited various forms of demonstrations such as luring the participations of workers, civil servants, teachers, and armed forces through promises of increased wages to 160 dollars and 250 dollars, as well as roping in other issues such as land disputes and the high price of gasoline as pretexts. However, the Opposition's luring tactics influenced only a small number of workers. Although their lawmakers were dispatched to the factories to incite the workers to join the demonstrations and organise a number of mobs to intimidate workers in the factories to stop working and those staying at home to come out and join the demonstrations. As

well, they threatened factory owners to shut down their factories in order for the workers to join the demonstrations, but in reality only a small percentage of workers came out to join them. Some elected CNRP lawmakers, such as Mr. Ho Van, distributed food to groups of demonstrators while Mr. Sam Rainsy and Mr. Kem Sokha went to some factories, where workers were working as usual, calling for the workers to join the demonstrations through loudspeakers to demand a 160 dollar wage.

In its demonstrations and forums, the Opposition has recently started to link political issues with the wage demands of workers, teachers, civil servants and members of the armed forces, aiming at mobilising forces to serve its sole objective of demanding Samdech Prime Minister to step down and to organise a new election. Therefore, these workers' demonstrations are not isolated from those of the Opposition, but are closely linked.

To gain support from the people and the international community, Mr Sam Rainsy and Mr. Kem Sokha held a press conference on 28 December 2013 misrepresenting to the public that this year their party shall have new ideas and wishes to seek solutions through cooperation between civil society, NGOs, and the CPP. But in contrast to such a stated intention, the Opposition incited a small number of workers and anarchic groups to commit crimes and acts of turmoil, such as burning car tyres, throwing bottles filled with gasoline at the authorities, destroying factories and other private property. These acts could be witnessed through the incident on 2-3 January 2014, which required the Royal Government to take measures against those violent provocateurs in order to ensure security and restore public order in conformity with the Constitution and existing laws. To exploit political benefits over their planned tactics, the CNRP announced the termination of negotiations with the CPP

under the pretext that the CPP used fatal violence against the demonstrators. Looking closely into the sequence of these events one may notice that they are systematic and inter-linked designed to mislead the public into believing that the CNRP was willing to negotiate with the CPP in seeking the solutions to national problems. However, they claimed that the killing of the demonstrators by the security forces of the government led by the CPP made the CNRP stop the negotiation with the CPP.

Those involved NGOs as well as Mr. Sam Rainsy and Mr. Kem Sokha must bear full responsibility for leading the anarchic demonstrators to commit violent acts and for demanding, in contradiction with the Constitution, laws, and the principles of democracy, that the Prime Minister step down and organise a new election.

Since they were well aware that the situation could get out of hand, the Embassies of the Republic of Korea, China, and Japan requested the strengthening of the security for their nationals and companies, in accordance with the government's responsibilities under the Investment Promotion and Protection Agreement and existing laws. In response to the allegation in the *Global Post* that the Republic of Korea was behind the violent crackdown by the military on protestors in Cambodia, the Ministry of Foreign Affairs of the Republic of Korea stated that: "...as demonstrations led to bloodshed, posing a greater threat to the safety of the Korean nationals and companies...".

In this regard, the CNRP's leaders, especially Mr. Sam Rainsy and Mr. Kem Sokha, and ERA should take responsibility for the consequences as well as the loss of lives resulting from this violence, especially the impact of the ERA's Joint-Report.



Is there any responsible government that ignores and allows anarchy and destruction of public and private property as well as threats to spread out across the city that may affect the lives and property of its people?

Those Opposition leaders are well aware and understand in advance that inciting innocent demonstrators through organising disturbance and destruction of factories is to have them face danger. The Royal Government has the duty to safeguard the general interests of the people throughout the country; while acts of inciting innocent demonstrators to take risks are truly, undeniably irresponsible and inhumane behaviour.

After the nerve centres of the demonstrations, especially at Democracy Park, were dismantled, the factories resumed their activities and almost all workers went back to work.

7. The Opposition intoxicated the social and political environment in Cambodia through dissemination of extremist ideology among youth, particularly those who have just reached voting age, in order to change their perceptions, making them immoral by using profanities to describe the country's leaders who have devoted their lives to liberate the people from the Pol Pot genocidal regime and rebuild the country from scratch.

CNRP activists openly accuse Samdech Prime Minister of being a dictator and not respecting the democracy and human rights at public forums and social media networks. If there were no respect of human rights and democracy principles in Cambodia, how could they use such profanity to describe the leader, who is loved and respected by the majority? Such unethical and immoral behaviour of this small group, resulting from the extremist ideology of the Opposition leaders who manipulate and incite internal racism and xenophobia, in contradiction to the principles of democracy and human rights and is in contrast with the behaviour of the majority of youths

who are highly moral, humble, gentle and value democracy and human rights, and usually follow the good examples of and support the leadership of the CPP.

8. The CNRP's tactics, which have received support from the NGOs who call themselves the Electoral Reform Alliance with financial assistance from overseas sources, have escalated their actions, attempting to attract and mobilise support through calls for a minimum wage of 160 dollars per month for workers and 250 dollars per month for teachers, civil servants and armed forces in order to get them to join the demonstrations, from small-scale, non-violent demonstrations to large-scale, violent ones; then leading to the demand for the resignation of the Prime Minister and a new election; and the final front is to embark on strikes and calling for the overthrow of the Royal Government.

As a matter of fact, the CNRP is well aware that the CPP did win the 2013 election, and that the CNRP has not gained enough support to overthrow the Royal Government by means of "people power". Thus, they seek to use the influence of the fabricated ERA's Joint-Report as a tactic in their political power struggle by:

- cheating people all over the country, especially some youths who are not well aware of the electoral process in Cambodia into believing that the NEC committed election fraud in order for the CPP to win.
- continuing to incite, enrage, and exploit, which is a tactic to maintain support, because there might be a certain number of voters who had not previously intended to vote for the Opposition did so due to the influence of the Opposition's psychological warfare without basis in the present reality of Cambodia.
- attracting the CPP's supporters to support the CNRP through intoxicating the political environment and

alleging that the NEC and the CPP committed election fraud conspiracy. Such repeated allegations may mislead some CPP supporters into believing that the CPP is bad and, therefore, into voting for the CNRP.

- according to the five-year population forecast, the number of newly eligible youth voters (turning 18) will increase to nearly two million by the next election. These youths, at the age of mental and physical growth, are innocent and could be easily misled. When the CNRP injects them with false, fabricated, and manipulated ideology about election fraud and other problems, they will be led into confusion in deciding which political party to support and, ultimately, negatively affect the society as a whole.

