



Statement on concerns over the political environment ahead of the fifth mandate of National Election 2013

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The Committee for Free and Fair Elections in Cambodia (COMFREL), The Cambodian Human Rights Action Committee (CHRAC), the Neutral & Impartial Committee for Free and Fair Elections in Cambodia (NIFEC), The Cambodian Human Rights and Development Association (ADHOC), the Cambodian Center for Human Rights (CCHR), the Community Legal Election Center (CLEC), the Democracy and Human Rights Organization in Action (DAHRC), the Cambodian Integrity and Social Accountability (CISA), the Cambodian Center for Independent Media (CCIM), the Gender and Development Network (GADNet), the Gender and Development for Cambodia (GADC), and other civil society organizations monitoring the fifth mandate of National Election, held on 28TH July 2013, strongly express their concern with the intimidation, and rights abuses of opposition politicians and parliamentarians during the past five months.

According to the Political Situation Monitoring, Observing and Investigation Report; political threats, intimidation and disruption have occurred continuously both at grassroots and national level. Despite there having been no serious injuries and deaths from politically motivated violence, in at least 13 cases¹ local authorities, mainly village and commune chiefs, have threatened people that they think do not support the ruling party by banning them from participating in public meetings organized by non-ruling parties, by disrupting public forums organized by opposition parties, or by telling people not to allow opposition parties to update political signs or posters displayed on their houses. At least 7 cases of the destruction of political party logos have been observed or reported between January and May 2013. In one case a Cambodian National Rescue Party (CNRP) poster in Pouk and Bakong district was torn and there were another 3 similar occurrences in Takeo Province. In each case civil society organizations note that no steps were taken to bring legal charges against those suspected of vandalism. Civil society organizations also note that local authorities and officials are biased and are systematically distributing ruling Cambodian People’s Party (CPP) gifts (Sarongs and other materials) during the pre-election campaign. Such gift giving is regarded as ‘vote buying’ during the election campaign and contrary to election law.

Civil society organizations observe that an environment of intimidation and rights abuse exists in the pre-election phase. This cannot completely insure free expression and a level playing field for parties contesting the election. Political intimidation against politicians and party activists has also been observed, notably in the case of the Prime opposition leaders Sam Rainsy’s ongoing criminal court case and the Prime Minister’s threatened law suit against opposition party leader, Kong Koam, who looking at the CPP’s 4 fourth placing on the official ballot paper said “Number ‘Boun’ (Khmer language for the number four) brings ‘Youn’ (Vietnamese) into the country”

¹ Owing to Comfrel and Adhoc report

Civil society organization groups are concerned of the effect on the free will of voter's to express themselves when Prime Minister and CPP vice-president, Hun Sen's comments warn that that civil war will bring a change of government and that war with neighboring countries will breakout if people vote for the opposition CNRP party, encouraging the misconceived idea of a vote for peace or war. Prime Minister Hun Sen reinforced this in claiming that the Khmer Rouge regime would return to power if the CPP lost the election. In reality, the armed forces, police and military police, as well as a large number of the personal body guard forces of the Prime Minister are clearly biased in both their own actions and in support of the Cambodian People Party's activism against other parties.

The Prime Minister's speech in support of mass demonstrations the and negative broadcast by state and private television stations are stoking nationwide resentment of Kem Sokha², acting president of CNRP, and have created an insecure campaigning environment for opposition party leaders. Mr. Kem Sokha has even been physically barred from leaving a rally by members of the public.

The Cambodian Television Network (CTN), National Television of Kampuchea (TVK), and Bayon TV between January and February 2013 were found to be biased in support of the ruling party's leaders while being critical of opposition party leaders³. Over 4000 speeches by, or references, to Prime Minister Hun Sen were recorded, in contrast to 1200 combined mentions of the two opposition leaders, Sam Rainsy and Kem Sokha, on radio FM105. Broadcasts referencing FUNCINPEC leader Nhoek Bunchhay were observed only a 170 times.

More direct state involvement has been apparent in the freezing of salaries and the removal of parliamentarians' for changing party membership from the Sam Rainsy and Human Rights Parties to the newly formed merging of the parties under the name CNRP. This has caused serious controversy as many interpret it to be in contradiction to a number of constitutional laws⁴. There have also been discussions held on the adoption of a new law criminalizing the denial of [Khmer Rouge] atrocities committed during the Democratic Kampuchea regime's rule as these discussions have been held without the opposition parliamentarian participation. Again this law is believed to be serving purely political interests and is a response to Mr Kem Sokha's alledged opinions about Toul Sleng prison. Akk of these decisions have been made by democratic institutions of the government that are under CPP control and in the absence of a multiple party democratic processes during election.

For the above stated reasons and in considering the ongoing problems faced by the over one million voters who are unable to cast their vote for having their personal information missing or incorrectly recorded by electoral bodies, the named civil society organisations believe Cambodia is heading into an election that lacks credibility.

² Demanding Kem Sokha to pardon regarding with Toulsleng prison

³ Comfrel's media monitoring report

⁴ Article 95: If a Member of the National Assembly dies, resigns, or is dismissed more than six months before the end of the term of the National Assembly, a replacement shall be appointed in accordance with the Internal Regulations of the National Assembly and the Electoral Law.

Article 76: The National Assembly shall consist of at least 120 Members.

Article 51: The Kingdom of Cambodia adopts a liberal multi-party democratic policy.

Article 77: Any imperative mandate shall be nullified.

To ensure that the coming fifth mandate national election is free and fair, civil society organizations call for government, local and provincial authorities, and the armed forces to play a neutral role and to build an environment of fear-free free expression prior to the elections and to ensure a level playing field for all participants. We specifically call for the National Assembly and CPP to reinstate all removed parliamentarians to ensure the rehabilitation of Cambodia's multiple-party democratic process. We also call on the NEC to implement the recommendations made by civil society organizations, including COMFREL and NICFEC, relating to voter lists, voter rights and the transparency of the election committee's selection of its officials at all levels with special regard to polling station committees.

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