



Turned Away:

Fraud, Irregularities, and Intimidation During
the 2013 National Assembly Elections

A briefing paper issued in August 2013

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LICADHO

CAMBODIAN LEAGUE FOR THE PROMOTION
AND DEFENSE OF HUMAN RIGHTS

CAMBODIAN LEAGUE FOR THE PROMOTION AND DEFENSE OF HUMAN RIGHTS (LICADHO)

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Fraud, Irregularities, and Intimidation During the 2013 National Assembly Elections

On July 28, 2013, Cambodians went to the polls in the millions, eager to cast ballots in the country's hotly contested National Assembly elections. Many of them, however, were improperly turned away. Observers, who were certified by the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC), also documented other worrisome irregularities, some indicating the use of fraud and vote rigging. As a result of these findings, which are described in this report, LICADHO supports calls for a genuine independent investigation and a polling station level recount with independent observers before the results are finalized.

Executive Summary



This report compiles key observations from 173 staff and partners who visited over 100 polling stations.¹ There are 19,009 polling stations in Cambodia. As such, this report is not intended to be a comprehensive analysis of election day irregularities, but instead offers a snapshot revealing the need for further investigation.

Overall, observers witnessed serious discrepancies in an alarming percentage of the stations visited. The issues can be grouped into three main areas: voter roll irregularities, including inexplicably missing names and similar denials of the right to vote; indications of intentional fraud or vote rigging; and intimidation or harassment.

In most stations visited, LICADHO observers spoke with

individuals who had verified their registration prior to the election day, only to find their names missing from the voter rolls upon arrival at their polling station. Similarly, several individuals were turned away after being told that someone else had already voted in their name – often the earlier voter had used a commune chief-awarded identity certificate in lieu of a photo ID. Would-be voters were also denied their right to vote on improper bases, such as their failure to bring their voter information slip to the polls.

Perhaps more alarmingly, LICADHO observers determined that voter rolls at several of the polling stations visited had been intentionally manipulated. In one, LICADHO observers spoke with individuals who freely admitted that

¹ Partners included Cambodian League for the Promotion & Defense of Human Rights (LICADHO), CamASEAN Youth's Future (CamASEAN), Child Protection Group (CPG), Community Peace-Building Network (CPN), Equitable Cambodia (EC), LICADHO Canada (LC), Messenger Band (MB), Sahnakum Teang Tnaut (STT)

they were part of a large group that had been brought to the commune to vote by their employer, despite the fact that they had not resided or registered in that commune. LICADHO also observed groups of well-dressed individuals arriving at certain stations in convoys of luxury cars. In those instances, local residents approached LICADHO observers stating that the individuals were not from the commune in question. Finally, in Siem Reap, LICADHO observers saw mobile military units arriving to vote in new polling stations – the units had travelled from Oddar Meanchey and Preah Vihear and slept in nearby pagodas before arriving at the special stations to vote. All of these case studies are described in detail below.

LICADHO also observed numerous instances of disturbing intimidation. In some instances, observers heard from residents who felt intimidated by the presence

Background

Certain background issues surrounding the elections deserve a mention before the election day observations are described.

On the night of the elections, Cambodian national television station TVK² began broadcasting the results commune-by-commune. Well into the broadcast, the station abruptly cut to several music videos. When the election broadcast resumed, the anchors shakily attempted to explain that they would no longer be reading the results by commune, but would instead read partial totals by province.³ In other words, they read out the total votes from each province, but noted that some province totals did not include all of the stations yet and were thus incomplete. Nearly three weeks have passed since, and the commune level results are still not available. The National Election Committee (NEC)'s preliminary findings issued on August 12 were again only by province.

This is in sharp contrast to 2008, when the NEC released the results by polling station. The refusal to release more specific figures for this election is unjustifiable. Each polling station's count is observed by party monitors and, in most cases, by independent observers. That count is then written on Form 1102 – an official document which is then signed by the observers. Those forms are then passed up to the commune level, which totals the figures on a Form 1109. That transfer and input process is not independently observed, and is thus not as reliable as the polling station level count.

Further, the NEC's August 12 published preliminary results show that the nationwide difference between the Cambodia People's Party (CPP) and the Cambodian National Rescue Party (CNRP) amounts to 289,793 votes – a margin of just over 4% of the total. At this close of a margin, a polling station level recount should be conducted even in the absence of complaints about voting irregularities.

of party officials and local authorities inside the polling stations. On occasion, those officials were witnessed taking notes on who had voted. In Kampong Cham, LICADHO's observer himself was questioned at length the night before the election. LICADHO observers also witnessed crowds at certain polling stations who were barring individuals from voting based on their apparent ethnicity. Such discrimination also clearly merits further investigation.

Although LICADHO was only able to visit a small number of stations, relatively speaking, and was unable to monitor stations for the entire duration of the Election Day, the below observations unequivocally demonstrate the need for further in-depth investigations and additional procedures before the vote results can be finalized.



Such a recount has yet to occur.

The NEC's own figures also show the following:

- ▶ The voter rolls contained over 250,000 exact duplicate names (including date of birth and all other ID information)
- ▶ Over 480,000 Identity Certificate for Election (ICE) forms were issued for this election
- ▶ Approximately 290,000 names were missing from the voter rolls, undoubtedly a large underestimation when compared to the estimates calculated by all independent monitoring groups.

These likely conservative estimates show the importance of a genuine investigation into all indications of election impropriety. If just 28% of the above NEC-acknowledged figures were due to intentional voter fraud, it could potentially account for the margin of victory.

An independent audit of 4,900 voters conducted in 2013 also found that 10.4 percent of registered voters simply did not exist, and that at least 9 percent of past voters were unfairly removed from voting lists. The audit was conducted by the National Democratic Institute (NDI) and NICFEC, and covered voters in all 24 provinces. For the 2008 elections, only 7.7 percent of names on the election rolls were found to not match real people. The audit also found that birth dates for voters only matched election rolls 63 percent of the time, compared to 78.97 percent in 2008. This alone could have led to hundreds of thousands of voters being turned away. These figures are doubly troubling when considering that most areas had many more registered voters than residents.

Finally, just 24 hours before the election, the NEC removed the voter rolls from its website, saying they did not want the political parties to "exploit" the lists. It then went a step further and issued a notice that printouts of the

² Television in Cambodia is uniformly owned or controlled by individuals affiliated with the ruling Cambodian People's Party, including several of the Prime Minister's children.

³ <http://www.youtube.com/watch?v=0Nlqx5hWLwo>

voter rolls from before they were removed from the website were forbidden inside polling grounds, because they could “cause confusion.” It is difficult to understand the reasoning for these actions, especially in light of the numerous reported discrepancies between the online voter rolls, on which people had been relying to find their polling stations and verify their registration, and the hard copies then posted at each polling station.

PRIMER ON ELECTIONS LAW

A summary of the country’s voter registration requirements under the Law on the Election of Members of the National Assembly (LEMNA) is helpful to understanding the claims of irregularities detailed throughout this report.

Voter registration rolls are reviewed and modified from October 1 through December 31 of every year.⁴ Voter registrations and voter list modifications are all carried out at the commune level.⁵

In order to be eligible to vote, a citizen’s name must appear on the voter list and they must have a certain listed identifying document with them during the polling.⁶ Voters are not required to carry their voter information notice (VIN) with them to the polls, contrary to information many received upon being denied their right to vote.

The LEMNA provides a list of appropriate ID, one of which is a certification by the commune chief which can be provided where the voter has no other means of official identification. This certification is referred to as an Identity Certificate for Elections (ICE) form. The issuance of these forms at the local level by elected party officials, with little oversight or requirements, is highly problematic. Moreover, commune officials were required to stop issuing such forms on July 12.

To register, an individual must be a Cambodian citizen over 18 and must have a residence in the commune where he/she is going to cast a vote.⁷ Each Cambodian citizen must be registered in only one name and at one polling station.⁸ The process of registration is described in detail in article 54 of the LEMNA, which also provides that once an individual has properly registered in their place of residence, that registration should remain valid until they move out of that commune and register elsewhere, die, or become ineligible to vote through, for example, imprisonment. As such, claims from certain monitors that officials told would-be voters their names were dropped off the lists due to the voter’s failure to re-register, were not in accordance with the law.

These detailed requirements and annual voter list re-evaluations call into further question the widely reported over-registration of voters in comparison to concurrent population figures.⁹ Indeed, many, if not most, of the



Voters examine a registration list in Kandal province during the 2012 commune elections.

irregularities described in this report were observed in areas with voter lists consisting of well over 100% of the reported population total.

Such over-registration and other irregularities are particularly problematic due to the fact that seats for Cambodia’s National Assembly are allocated province by province according to formulas stated in the LEMNA. Kampong Speu, for example, has six seats which are all determined by voters in Kampong Speu only. This seat allocation by province means that irregularities in certain closely contested provinces carry a greater potential for improperly skewing the overall results.

⁴ Law on the Election of Members of the National Assembly, Article 49.
⁵ Id. article 53.
⁶ Id. article 50.
⁷ Id.
⁸ Id. article 52.
⁹ “Giving More than 100%”, by David Boyle, Phnom Penh Post, July 24, 2013.

Denied the Right to Vote



In the vast majority of polling stations where LICADHO election observers visited, monitors found problems with incomplete voter rolls and related irregularities.

WAT PHNOM HIGH SCHOOL, PHNOM PENH

Wat Phnom High School is in an area that had 138.6% voter registration. There were 15 polling stations in the school and it was the main voting site for residents of Boeung Kak Lake.

Almost as soon as the polls opened, LICADHO observers began to receive reports from people who were unable to vote. Between 7:30 and 11:00 a.m. the complaints came in a constant stream.

While the observers remained at this polling ground, they observed 77 individuals who were unable to vote, as follows:

- ▶ 16 had correct ID and a voter information notice (VIN) but could not find their name on the list at the polling station
- ▶ 39 had ID but no voter information notice (VIN) and could not find their name on the list (many of these had voter information notice (VIN) from last year's commune elections)
- ▶ 19 had incorrect ID
- ▶ 3 arrived at the polling station to find someone had already voted for them. Details of these cases are set out below.

At polling station #0252, one man¹⁰ had correct ID and his name was on the polling station list but his surname was spelled slightly differently. His address and date of birth were correct. He was told that a man had already voted for him using an ICE with the slightly different surname, but with all other personal information the same.

Similarly, a female would-be voter had her passport and found her name on the list. She had lost her identity card some time ago and reported it to the authorities. She was told that someone else had voted for her using her ID and a voter information slip.

Another woman also had her passport and was able to find her name on the list, but was told that a man had already voted for her. The man had ID with the correct address and a voter information notice (VIN). When the man voted, the election official apparently just amended the sex of the voter on his list from female to male.

Officials in the polling stations offered no help to those unable to vote and had no complaint forms. At around 10:30 a.m. a Committee for Free and Fair Elections in Cambodia (COMFREL) monitor managed to get one NEC complaint form from an NEC official. She sent someone to make copies, which took quite some time.



CHBAR AMPOV PAGODA, PHNOM PENH

One LICADHO observer reported seeing the distribution of ICE forms on the day of the election in Chbar Ampov. Such distribution is clearly illegal. LICADHO observers were also threatened with arrest as they photographed individuals easily removing their voting ink from their fingers. The commune chief actually threatened to assault one LICADHO observer. The individuals demonstrating the ease of ink removal were local residents who were reporting their concerns to the monitors; they were not attempting to vote multiple times.

BOEUNG TUMPUN COMMUNE, MEANCHEY DISTRICT, PHNOM PENH

At polling station #0633 several people stated they had checked their names on the NEC website, but could not find their names on the voter rolls. They also reported that an NEC official used an erasable pencil to tick people off the voting list. Perhaps most alarmingly, several witnesses saw a son of the village chief put many ballots inside the ballot box at about 12:50 p.m. Villagers shouted for his arrest, to no avail. And at polling station #0628, villagers stated that they saw a grade 7 teacher stamp multiple ballots and then hide them at 12:20 p.m.

ANO UWAT SECONDARY SCHOOL, TEAK LA ORK 3 COMMUNE, PHNOM PENH

While LICADHO observers were present, one male was not allowed to vote because someone had just voted for him.

¹⁰ Names have been withheld.

Also during LICADHO's visit, ten people at polling station #0441 unexpectedly could not find their names and had to go back home without voting.

STUNG MEANCHEY HIGH SCHOOL, PHNOM PENH

A large crowd gathered at this polling ground in response to finding many names missing from the voter roll. The Commune Election Commissions (CEC) official refused to assist those being turned away, and instead told them to go home. This escalated the mounting tension.

Rumors soon began to circulate that a monk who was being interviewed by a journalist about missing voter names was assaulted. Bystanders claimed to have found the individual responsible for that beating, and pointed the allegedly responsible party out to the authorities. The authorities removed the accused. The local residents then attempted to file an official complaint about the violence to the CEC official responsible for the polling ground. In response, the CEC official went into the room being used as her office and locked herself in. The official was seen moving around inside the room, thus allegations of fainting made in the media appear unfounded.



Police intervened amongst chaos fueled by missing names in Stung Meanchey.

Subsequently, about 20 military police attempted to disperse the crowd gathered in front of the CEC official's office. The crowd insisted that the official must deal with their complaints. At this time, the incident remained peaceful. Eventually, however, approximately 100 military police responded, walking arm

Kampong Cham Province

At Tropeang Kor commune, the LICADHO observer saw 15-20 ICE forms used in just one hour.

At the Dey Dot primary school, Village 2, Veal Vong commune, observers noted that 15 people could not find their names on the voter roll and 20 had their names duplicated across stations.

At polling station #1696 in Sralob commune, Tbong Khmom district, LICADHO was told that on the day after the election, a CPP working group distributed money to those who had voted for the CPP. Also in this district, there were a large number of people whose names were inexplicably dropped off the voter rolls since the commune elections last year.

Kampong Som province

Observers were told that more than 100 people could not find their names on the voting lists at Sakura primary school, Sihanouk city, commune 1. A crowd was gathering to protest the missing names. One man also reported that he had been turned away for supposedly already voting. Several stated that they had always voted at that station so they were especially surprised to find their names missing.

At Hun Sen Mittapheap Primary School, observers counted five people who were not able to vote because their names were unexpectedly not on the list. And at polling stations #0187 and #0034, in Commune 4, observers spoke with a man who showed them two different voting letters for two different polling stations enabling him to vote twice. At polling station #0036, in Commune 4, observers spoke with a woman who was not able to vote despite having all of the proper paperwork, because someone had supposedly already voted in her name.

and arm towards the gathering. This eventually resulted in a period of some violence, including the burning of two military police vehicles. The military police also fired about 10 gunshots into the air. One man was beaten by the rioters and had to be sent to the hospital.

The events at this polling ground were widely reported in the media.

SANDAN COMMUNE, SANDAN DISTRICT, KAMPONG THOM PROVINCE

Observers reported that 10 people could not find their names on the voter list at polling station #0619.

PREY VENG PROVINCE

At Kdey Kandal primary school, Pram village, Kampong Leav commune, Prey Veng district, observers reported that approximately 200 people were unable to vote because they were told they did not have the proper ID.

PREY THNORNG HIGH SCHOOL, TEK CHHOU, KAMPOT PROVINCE

At polling station #0465, a crowd gathered and grew increasingly upset because so many names had been

deleted from the voter roll.

OU Dong DISTRICT, KAMPONG SPEU PROVINCE

Observers reported seeing CPP activists distributing ID cards just 100 meters from polling stations #0595 and #0287. Also in Oudong district, seven voters' names were inexplicably missing from the lists at polling stations #0633 and #0310.

WAT DAMBOK KPHOUS SCHOOL, PHNOM PENH

At Wat Dambok Kphuos school, LICADHO received a complaint that in three polling stations (#0629, #1672, #1092), officials used erasable pencils instead of pens for ticking voter names.

BAK TOUK HIGH SCHOOL, PHNOM PENH

According to several observers, many names at Bak Touk High School were inexplicably missing from the voter rolls. People who were being sent away became quite agitated. One man who was not allowed to vote offered to gather names, and was reportedly threatened with arrest for this action, which increased the crowd's discontent.



A group of voters at one polling station in Prey Veng province were unable to vote due to improper ID. An agitated crowd grew as a result.

Fraud and Vote Rigging



A group of voters labeled as outsiders by local residents arrived in luxurious cars. Local residents gathered to prevent them from voting.

In multiple instances, LICADHO monitors observed large groups of individuals arriving all at once to vote in communes where they were admittedly ineligible to vote. They often arrived in convoys of luxury vehicles. The fact that the names of individuals in these groups appeared on the voter rolls, often in newly created polling stations and despite them admitting they did not and had never resided in those communes, lends troubling credence to allegations of intentional registration fraud. These incidents must be genuinely and independently investigated.

DOMREI CHHLANG SCHOOL IN SA'ANG PHNOM COMMUNE, SA'ANG DISTRICT, KANDAL PROVINCE

At Domrei Chhlang school in Kandal province, LICADHO observers arrived to find a crowd blocking the door to polling station #1204. Upon further investigation, LICADHO learned that the local residents had formed the blockade after determining that large groups of individuals slated to vote in #1204 had been improperly brought to that location to vote.

The individuals who were being blocked from voting stated that they had never voted in Kandal province before. On the contrary, they hailed from all over Cambodia – LICADHO spoke with individuals from Siem Reap, Svay Rieng and Kampong Speu, and Phnom Penh. Yet their names all appeared on the voter roll in Kandal.

LICADHO was able to interview several members of one of the groups being blocked from voting. Those individuals stated that the group was composed of at least 100 workers from a rock quarry in Kampong Speu, allegedly owned by a Cambodian People's Party (CPP) official from the Sa'ang Phnom commune.

According to one individual in that group, their

employer had brought them to Sa'ang Phnom commune in Kandal to vote for the first time this election. Last year, for the commune elections, the group members stated that they had each traveled to their home provinces to vote. This year, however, they had been told that the quarry could not afford for them to take enough time off work to take such trips to vote properly. As such, they were told to vote in Kandal.

LICADHO also approached one Cambodian man who was among the few voters in polling station #1204 before the station was completely blocked off. When asked, he openly admitted he had no residence in the commune, but said that his name was on the list. Following this discussion, district officials came and initially tried to argue with LICADHO staff, saying that Cambodians had the right to vote everywhere in the country. When challenged, one district official said that while these people had no residence in the commune, they had built bridges there.

Villagers also described the arrival of the ineligible voters, who had driven in groups of SUVs with Phnom Penh and Siem Reap license plates.

During the commotion, as the local residents began to realize the group of outsiders was voting, one man was arrested. He was detained for the rest of the day, but was never informed of any charges.

After several hours of the blockade, and as the crowd continued to grow, approximately 15 police carrying protective shields and armor arrived. A commune official then spoke at length into a megaphone, attempting to move the crowd away from the polling station, to no avail. The official even stated that if the crowd would move and allow the outsiders to vote, they would release the detained man immediately. The crowd, now numbering in

Peam Sala School in Sa'ang Phnom Commune, Sa'ang District, Kandal Province

When LICADHO observers first arrived at Peam Sala school, they noticed a suspicious group of young and older Khmers sitting in front of a private home on the other side of the school. Upon entering the school ground, the villagers approached the monitors immediately to explain that strangers were voting in polling station #0969. As they were talking, the group of young Khmer from across the street tried (for reportedly the 3rd time) to go in and vote. They were met with a group of local residents barring the polling station.

LICADHO staff approached one of the men trying to vote and asked whether he had the right to vote. He replied "yes, my name is on the list." The staff then asked whether he could show us his voting documents. The man provided two separate ICE forms with his photograph and name on both forms. The forms were for two different polling stations, one of which was Peam Sala.

When the observer asked him about how he apparently was given the right to vote twice, the man took one form out of the observer's hands and said it was a mistake.

The same thing was observed first hand at Chroy Takeo commune, Koh Thom, in Kandal. A man holding an ICE form showed a LICADHO observer that he had two such forms with his photo and name on both in two different polling stations.

Rik Ray Commune, Roveang District, Preah Vihear Province

LICADHO received reports that CPP members were bringing villagers to vote in polling stations #0066 and #0067, and then staying near the station counting voters. A stunning 96% of the people listed voted at these two stations.



Police in riot gear attempted unsuccessfully to disperse the crowd blocking polling station #1204 in Sa'ang district, Kandal province

the hundreds, stayed in front of the door. To loud cheers, they raised a collection to buy food and water to allow the human blockade to remain in place.

Polling station #1204 was newly created in 2012, which partly fueled local residents' suspicions. An analysis of the voter list for this new station revealed an unusually high rate of duplicates: more than 30% of the names are also listed elsewhere in Cambodia. The nationwide duplicate rate is less than 2%. This is consistent with the statements from the groups targeted by the protestors who were accused of having no residence in that commune.

Following the polling station visit, LICADHO and UNOHCHR tried to gain access to the detained man, but were refused by the district police.

This incident clearly reveals an example of intentional, preplanned fraud on the part of officials charged with administering the voter rolls. It also provides a concrete example of individuals who have voted in previous elections and were prevented from voting in this election despite desiring to do so, as they were apparently prevented from traveling to the polling stations where they were legally registered. Again, the enormously high percentage of duplicate voters in this commune further corroborates these observations.



The Sa'ang district police station, where the arrested villager was detained; the buildings all had "Donated by Samdech Hun Sen and his wife" signs

LUXURY MOTORCADE BROUGHT LARGE GROUP TO VOTE IN KIEN SVAY DISTRICT, KANDAL PROVINCE

In Koki Thom commune, Kien Svay district, Kandal, individuals from a large gathered crowd reported that earlier in the day about ten luxury vehicles with perhaps 80 well-dressed passengers had arrived to vote. Local residents did not recognize the arriving group members. Over local protests, however, most of them voted. Pressed about who they were, some described themselves as coming from a CPP grassroots strengthening committee. Two individuals from the group left namecards: Ngo Sovann, Delegate Minister Attached to the Prime Minister and

Secretary of State at the Ministry of Justice, and Heng Seksa, Deputy Secretary General of the Royal Government. Verification with voter rolls determined that Ngo Sovann was registered to vote in two other polling stations as well. An observer was threatened with arrest for vocally attempting to stop the group from voting.

GROUP OF VOTERS TURNED AWAY BY LOCAL RESIDENTS IN TAKHMAO COMMUNE, TAKHMAO MUNICIPALITY, KANDAL PROVINCE

Shortly before the closing of polling stations at 3 p.m., LICADHO visited the Preak Samraong school in Kandal province. Just before LICADHO's arrival, armed military police and police officers had been dispatched to intimidate a group of citizens gathered at the school.

When the group was approached by LICADHO observers, an outspoken woman recounted how local commune officials had led several trucks of voters in to vote in one big group at polling station #1261. The local residents also said that the group of voters were outsiders and that several of them were voting using ICE forms. One woman reportedly voted with an ICE form claiming a male gender. Local residents tried to prevent her from voting but the local commune chief said that he was vouching for her and pushed her into the station.

While LICADHO didn't witness the incident first-hand, monitors saw a significant number of military police and police who stayed behind at the entrance of the school and confirmed the incident with other observers.



Villagers at multiple stations were observed pooling their money to buy food allowing them to stay at the polling ground throughout the day to monitor irregularities

ARMED FORCES ARRIVED IN LARGE GROUPS TO VOTE IN NORTHERN SIEM REAP PROVINCE

At Trapeang Krasang School, polling stations #1143, #1103, #1173 and #0815 in Kouk Tnaot Village, Varin district, Kouk Chak Commune, approximately 1,200 soldiers from Special Forces Unit 911 (which hails from the Bos Sbov region in the eastern part of Preah Vihear and from Trapeang Trav commune, Anlong Veng district, in Oddar Meanchey), were brought to vote. The Trapean Krasang village is new, with two new polling stations.

Also in Varin district, LICADHO observers at polling stations #1142 and #0877 at Rourun Thmey primary school witnessed 600 soldiers from the same Special Forces Unit 911 arrive to vote all at once. They arrived in six trucks with military plates. Observers reported that out of the 600 who voted, only about 20-40 were civilians. The soldiers were also all witnessed sleeping at a local pagoda. Polling station #1142 is also a new polling station, established this year. Adding further doubt, the station showed a highly unusually low female to male ratio on the voter list.

Hundreds of Chenla University students sent to vote in Kandal's Lvea Em district

Hundreds of Chenla University students were unjustifiably registered to vote at newly created polling station #0774 in Boeng Krum commune, Lvea Em district, Kandal province. Although their names were on the voter list, the vast majority of the students had no legal right to vote in that commune as they had no residence there. After local residents recognized that this wave of student groups coming to vote – allegedly under instruction by their school teachers -- were actually ineligible, they gathered together to prevent the remaining students from voting. It is worth noting that Boeng Krum commune's voter roll showed 114.66% of the commune's recorded population registered to vote.

This is not the first time Chenla University has been implicated in apparently officially sanctioned partisan politics. The school's official Facebook page has previously posted a photo album depicting students staging an anti-Kem Sokha protest during what many observers believed was a politically motivated character assassination campaign against the second in charge of the Cambodian National Rescue Party. The Dean/Owner of Chenla University was an Under Secretary of State as of 2007, though his current status could not be verified.

At Chan Kiri primary school, Kork Kandal village, L'vear Krang commune, Varin district, Siem Reap, there were 2 polling booths. Booth #0781 was clearly set up for civilians while booth #1115 was for soldiers. There were 692 voters in total at #1115, 690 were men and two women. This was also a new polling station.

Observers also noted that there were many voters using ICE forms in Chong Kneas commune.

The above demonstrates clear-cut cases of illegal vote manipulation that require intensive investigation. In stations where only ineligible military units voted, those votes should be reallocated to the communes where those voters were eligible, where such determinations are possible. Ineligible votes should not be otherwise counted. In polling stations where both local residents and ineligible soldiers voted, there should be an examination of the voter roll and a re-election.

LOCAL RESIDENTS GATHERED TO DISPUTE LARGE GROUPS' ELIGIBILITY TO VOTE

In Rea Tor commune, Preah Sdach, Prey Veng province, observers monitored a large conflict between CNRP and CPP observers, as a result of allegations that more than 400 individuals who could not speak Khmer and appeared to be of Vietnamese ethnicity were brought to the commune, reportedly solely to vote. Two stations were forced to close for a couple of hours, but then reopened. The CNRP supporters were attempting to prevent the group of alleged outsiders from voting.

The Rea Tor commune chief reported to LICADHO that

the area not only had the highest over-registration rate in Prey Veng, but also had an unusually large number of ICE documents issued. Indeed, LICADHO has since confirmed that 1,331 ICEs were handed out in Rea Tor. That figure reflects over 30% of people registered in the commune. The national average of ICE forms in a location is less than 10%. It is simply implausible that 30% of the population of Rea Tor managed to lose all of the many acceptable forms of photo ID required to vote and thus needed to obtain ICE documents.

This commune should also be investigated for potentially improper disenfranchisement of eligible voters based on ethnic discrimination, an issue discussed later in this report.

In Kdeang Reay commune, Kansreach district, observers also monitored large protests against reportedly ineligible groups of voters. The authorities threatened to arrest the protestors, eventually detaining two. One of the men, however, was able to escape from the police vehicle. The LICADHO observer was also followed by police. Uniformed soldiers, military police, and police were present at the polling station grounds. Prior to the protest, the officials and men with CPP stickers on their phones were taking close-up photos of monitors and other individuals in a transparent effort to intimidate them.

At Ampil Krau School, Ampil Krau commune, armed forces mobilized to prevent citizens from protesting against reportedly ineligible voters at polling stations #0982 and #0981.



Soldiers and military police took action at a polling ground in Prey Veng

WAT PREY TOUCH IN PREAK KUY COMMUNE, SA'ANG DISTRICT, KANDAL PROVINCE

An unusually high number of ICE forms were used at the small Wat Prey Touch polling station #0922 in Preak Kuy commune, Sa'ang district, Kandal. LICADHO observers were told by a local Preak Kuy commune council member to visit the small one-station polling ground at Wat Prey Touch due to high rate of ICE forms used.

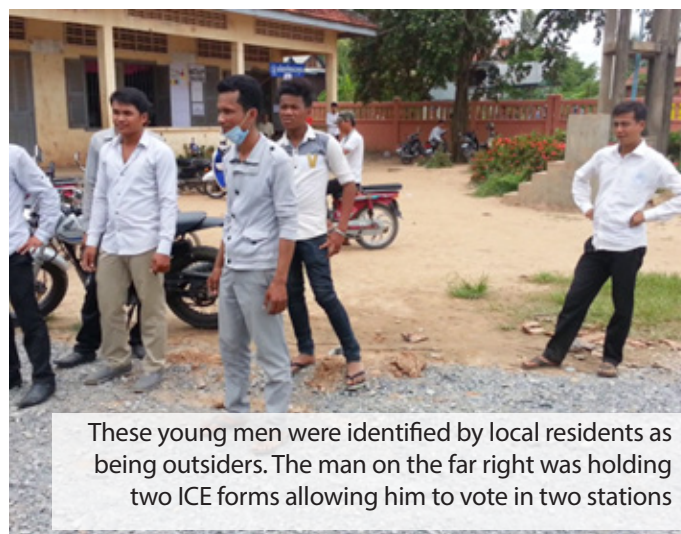
Upon arrival, LICADHO witnessed four people in a row of ten holding ICE forms. The local authorities became clearly unnerved by the presence of the observers at the pagoda, and immediately discussed this over walkie-talkies. The local population whispered to LICADHO observers to remain visible at this pagoda to help prevent waves of outsiders coming to vote using ICE forms. LICADHO monitors eventually left to move onto another polling station.

Upon looking at the voters' list for this station, a relatively high number of Vietnamese family names were noted. This area does, however, have a notably large ethnic-Vietnamese community. It is thus important to note that, without proper access to the issued ICE forms, it is near-impossible to separate the Cambodian citizen of Vietnamese ethnicity from non-Cambodian citizens.

Preak Kuy commune's over-registration is among the worst in Kandal province, with a rate of 139.63%. A visit to the commune by LICADHO investigators prior to election-day confirmed the over registration issue as local commune council members from SRP and HRP were worried about the high number of names in comparison to the number of residents in the commune.



An election monitor is photographed up close in Prey Veng



These young men were identified by local residents as being outsiders. The man on the far right was holding two ICE forms allowing him to vote in two stations

Intimidation



LICADHO observers throughout the country were also troubled by instances where voters and potential voters were intimidated by authorities - and, in some cases, private citizens - in various ways. Examples include:

TROEUY SLA COMMUNE, SA'ANG DISTRICT, KANDAL PROVINCE

In one instance, at the Khet Oudam polling station in Troeuy Sla commune, Saang district, Kandal province, LICADHO observers noted that a large group of several hundred local residents were blocking individuals from voting apparently due to their alleged Vietnamese ethnicity. The local authorities present made no effort to enforce the individuals' voting rights. A neighbor of one of the blocked individuals stated that the man was long term resident of the area. Local residents in this station expressly stated that they were blocking the individuals in question from voting due solely to their apparent ethnicity.

Such ethnically-motivated disenfranchisement carried out by local residents was also noted at several other

polling stations, including a school in Russei Keo district, Russei Keo commune, Phnom Penh and in Khuo Koshteav commune, Leuk Teik district, Kandal province. These incidents potentially also involve human rights abuses and must be investigated. Such investigation should also, however, take into consideration the widespread availability and documented use of false documents in voting fraud, as noted throughout this report.

KAMPONG CHAM PROVINCE

On the eve of the election, a police chief in Kampong Cham province arrived at the home where two LICADHO staff members - one foreigner and one Cambodian - were staying prior to conducting election monitoring the next day. The Cambodian staff member was questioned extensively on why he had brought a foreigner to the province without getting prior permission from the village chief. The police chief then questioned the foreign consultant about whether he smokes or drinks. When asked why he was asking such questions, the police chief stated that the foreign consultant could be a drug dealer.

The police chief eventually left the home and there were no further issues with their monitoring efforts the next day.

Also in Kampong Cham, the head and deputy head of polling station #0787 in Kroch Chmar commune, Kroch Chmar district reportedly threatened villagers to vote for CPP. The officials made a small mark on the ballots to note whether villagers voted for the CPP or not. CPP members then distributed gift kits to villagers who voted for the CPP.

MALAY DISTRICT, TAKONG COMMUNE, BANTEAY MEANCHEY PROVINCE

Observers noted that the village chief, Chhoeun Chhan, was walking around polling compound #0919 and to providing transportation for villagers to come vote. His wife, meanwhile, was sitting outside of the polling station

telling people to vote for the CPP. Villagers complained of being intimidated by the authorities' presence and by police officers walking around the station.

INTIMIDATION BY PRESENCE OF LOCAL AUTHORITIES OR PARTY MEMBERS

In many locations, observers were approached by local residents who claimed they felt intimidated by the presence of local authorities or party officials inside the polling stations. At Prey Thnorn high school polling station #4065, Tek Chhou, Kampot Province, for example, several voters reported feeling intimidated by the village chief's presence inside the polling station. Similarly, in Klang Meas Commune, Battambang province, observers reported that CPP members stood about 150 meters from the polling booth, writing down villagers' names.

RECOMMENDATIONS

The incidents described in this report were gathered by LICADHO observers in the course of visiting over 100 polling stations for up to a few hours each on Election Day. They reveal troubling indications of intentional voter roll rigging and manipulation, as well as numerous other improprieties. As such, LICADHO recommends the following:

- ▶ ▶ ▶ The LEMNA's requirements for registering voters and maintaining up-to-date voter rolls have proven impossible to implement reliably or effectively. There is no justification for having over 100% of the population registered to vote, for high rates of unexpectedly missing names, or for the high percentages of exact duplicates nation-wide. The current process must be examined and a different mechanism, perhaps such as the previous voter ID cards used successfully in 1993, should be considered. Such ID cards have, for example, proven effective in other countries and are recommended by elections experts.
- ▶ ▶ ▶ The NEC and Constitutional Council should be restructured in a manner to ensure their independence from partisan bias.
- ▶ ▶ ▶ There should be a recount based on the sealed official polling station level 1102 forms, with independent observers present. The recount should proceed in order of the most competitive provinces.
- ▶ ▶ ▶ There must be a genuine, independent investigation of improprieties.
- ▶ ▶ ▶ A re-election in certain polling stations is warranted.
- ▶ ▶ ▶ The ICE forms are altogether far too vulnerable to abuse, while serving little benefit. Individuals should be able to get one of the many other forms of official ID allowed for by the LEMNA.
- ▶ ▶ ▶ The procedures required to create new polling stations must be reviewed and safeguards must be put in place to prevent the creation of stations used to manipulate the results. In the event that polling stations are properly created for only a specific military unit, there must be safeguards in place to protect the individuals' anonymity.

