



## Political Environment of the 2022 Election



Before, During and After the Commune/Sangkat Council Election 5-June-2022

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Address: #3, St 158 Ouknha Trorong Kang, Boeng Raing, Saun Penh, Phnom Penh

Tel: (+855-23) 218 553/210 518/990 544

P.O Box: 1024 – P.O Box 20 at CCC

E-mail: [info@adhoccambodia.org](mailto:info@adhoccambodia.org)

Website: [www.adhoccambodia.org](http://www.adhoccambodia.org)

Facebook: [www.facebook.com/adhoccam](http://www.facebook.com/adhoccam)

Twitter: [www.twitter.com/adhoccam](http://www.twitter.com/adhoccam)

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## I. Introduction

Political freedom plays an important role in reflecting the reality of the society and the environment around the implementation and practice of democracy<sup>1</sup>, Rule of Law, basic human rights, and especially, civil and political rights as stated in the 1993 Constitution of the Kingdom of Cambodia, specifically, Chapter 3 on Rights and Duties of Cambodian Citizens.

Since the dissolution of the Cambodia National Rescue Party (CNRP), we have seen a significant increase in restrictions and threats facing political freedom in Cambodia, for example, many irregularities have been identified before, during and after the recent 5th Commune/Sangkat Council Election 2022 (June 5th)<sup>2</sup>, all of which indicate serious impacts on the progress of democracy and Rule of Law and may also throw adverse effects on the organization of the upcoming 7<sup>th</sup> General Election<sup>3</sup>, which will be slated to take place on Sunday, July 23, 2023.

There are many forms of obstacles that hinder and cause repression in the exercise of political freedom such as creating difficulties to law and policy implementation, discrimination against those with opposite political tendency, practice of double standards in the judicial system, non-neutral use of police force and public officers and non-independent media system. It is weakening the status of the culture of dialogue that has seriously affected the overall political freedom space, such as the restrictions, repression, arrests/detention, violence along public roads and deaths of the political party's activists, that has led to the dissolution of CNRP in 2017<sup>4</sup>.

**Before the 5<sup>th</sup> Commune/Sangkat Council Election (June 5, 2022):** Between January and May, a number of the political party's activists were reported dead with no apparent cause and amidst suspicion, for example, the death of Mr. Choeun Sarim, Deputy Executive Chief of the Candlelight Party in Khan Chbar Ampor, which the local authority has attributed to a traffic accident in Tramkak district, Takeo province, the fatal attack on a candidate of the Candlelight Party by an unidentified in midday in Saang, Kandal province, the arrest of Mr. Siem Phluk, the founder of the Cambodia National Heart Party on charges of fraud and use of forged documents, and the case related to a high ranking police officer (Lieutenant General) slapping Mr. Eng Sruoy, who is the trainer of the development council of national Police and also the Candlelight Party's working group leader in Tbaung Khmum, just because of his opposite political tendency ground. In total, there were 81 irregularity cases observed in various 17 provinces, 50 districts and 60 communes, namely in the forms of threats through the judicial system, rejection/removal from the list of party candidates, threats (on social media)/injury, threats for withdrawal from the list of party candidates, destroying the party billboards, rejecting the display of party billboards and gathering restrictions for the party's activists.

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<sup>1</sup> Democracy and Election "UNTAC 1992: <https://www.un.org/en/global-issues/democracy>

<sup>2</sup> The 5<sup>th</sup> Commune/Sangkat Council Election 2022: <https://www.nec.gov.kh/khmer/content/2419>

<sup>3</sup> Date of the 7<sup>th</sup> General Election: <https://www.rfa.org/khmer/news/politics/nec-announces-the-date-of-the-general-election-in-2023-07012022041634.html>

<sup>4</sup> VOA-17 Nov 2017: <https://khmer.voanews.com/a/supreme-court-dissolves-cnrp/4119029>.

**During the 5<sup>th</sup> Commune/Sangkat Council Election (June 5, 2022)<sup>5</sup>:** A lot of irregularities have been found in the forms of preventing observers from tape recording the ballot counting process, closing access to the site, ballot counting behind closed doors and windows, and showing of local authorities such as chief of village/commune and policemen seated in front of the polling stations as note takers of the turnout.

**After the 5<sup>th</sup> Commune/Sangkat Council Election (June 5, 2022):** A series of events have taken place such as the continued arrests of political activists, large-scale conviction of up to 61 politicians and human rights activists, the lawsuit against the Candlelight Party's leader, Mr. Son Chhay by the Cambodia People's Party (CPP) and National Election Committee (NEC) over defamation allegation, the arrest and court trial of the newly-elected Chief of Chamnar Leu Commune of Kampong Thom province for robbery alleged more than ten years ago, the cancellation of the newly-elected Deputy Chief of Sangkat Chbar Ampov, the attack on the deputy leader of the Candlelight Party's working group in Po Sen Chey district, and the summon of a second-in-charge of the Candlelight Party by the Tbaung Khmum Provincial Court over defamation allegation. So far, it is reported that 40 social/political activists<sup>6</sup> have fallen victims, some seriously injured, some killed and some becoming paralyzed, from the attacks by unknown individuals and many of which the perpetrators have not been arrested by the local authorities. In addition, for nearly 2 months after the announcement of the newly-elected Commune/Sangkat Council (as at August 21, 2022), around 30% of the Candlelight Party's candidates have been left with no clue of work assignment regarding their duty, no uniforms provided and no working office allocated.

**Objective of the report:** To contribute to the democracy promotion, Rule of Law, and open up wider space for political freedom as stipulated in the laws in force in the Kingdom of Cambodia.

**In response to this objective,** we should participate in monitoring the implementation of the actual social environment, as such the questions raised: How good is the political freedom space in Cambodian society nowadays? Especially before the election, during the election and after the Commune/Sangkat Council Election on June 5, 2022; is there neutrality, equality in the use of the media, law enforcement and non-discriminatory policies on those who have opposite political tendency?

**Significance of the Report:** To demonstrate the current realities of the society in using and implementing as well as contributing to finding approaches to address the obstacles that cause serious impact on the political freedom space so that Cambodia will able to follow the path of true democracy and the Rule of Law.

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<sup>5</sup> AFREL-10 June 2022: <https://anfrel.org/preliminary-summary-report-on-situation-of-election-process-on-the-voting-and-counting-day/>

<sup>6</sup> RFA-15 Aug 2022: <https://streamer1.rfaweb.org/stream/KHM/KHM-2022-0814-1230.mp3>

**Methodology:** This report has been prepared by gathering the information through the survey report and information obtained from the coordinating officers of the offices of the Cambodian Human Rights and Development Association in Cambodia (ADHOC) in all 17 provinces and cities across the country and through analysis and data entry at the headquarters in Phnom Penh, as well as collecting additional information on spot from the report writing officers. Some of the information gathered was verified with the credible media coverage, and quoted from spokespersons, government dignitaries and/or staffs of ADHOC provided interviews.

Analytical report writing and complete summary of the key concepts reveal the subject matters, and the resolution procedures of the relevant authorities, and for the complete case reports are available at the ADHOC headquarters and kept in a secure electronic database.

## **II. Root Cause of Repression and Restriction of Political Freedom**

The words: "Democracy and the Rule of Law" in today's society are used and spoken fluently, and sometimes in the form of phrases that are full of meaning and tenor sweet, making the listener emotionally convinced and overwhelmed. At the same time, if we look at the reality in society, it is concealing the facts of actual practice of democracy and the incomplete Rule of Law<sup>7</sup>, for just to deceive the public and the international community. The fact that behind the curtain of the practice of democracy and the Rule of Law is threatening and restricting, especially to the political freedom space in the event of the recent 5<sup>th</sup> Commune/Sangkat Council Elections, which can be identified the root causes such as: Obstacles to the implementation of laws and policies, political tendencies, discrimination against dissidents, double standards in the judicial system, the use of armed forces without procedural neutrality, and non-independent media and the root causes of all these obstacles have critically impacted on the development process of democracy and the Rule of Law in developing countries. These are the factors that instigate social unrest and deteriorate social justice, such as mental justice, legal justice and some law enforcements always use the consolation tactic, threat, accusation, arrest, detain and scapegoat the dissidents. These are the factors that led to the European Union's economic sanctions by removing the EBA (20%), which is seen as having a serious impact on the families' socio-economic situation, such as job loss and immigration and so on. In addition, it also affects the implementation of citizens' rights guaranteed by national and international laws, especially some people are so traumatic that they do not dare to say anything, do not dare to participate in social activities and especially the political activities.

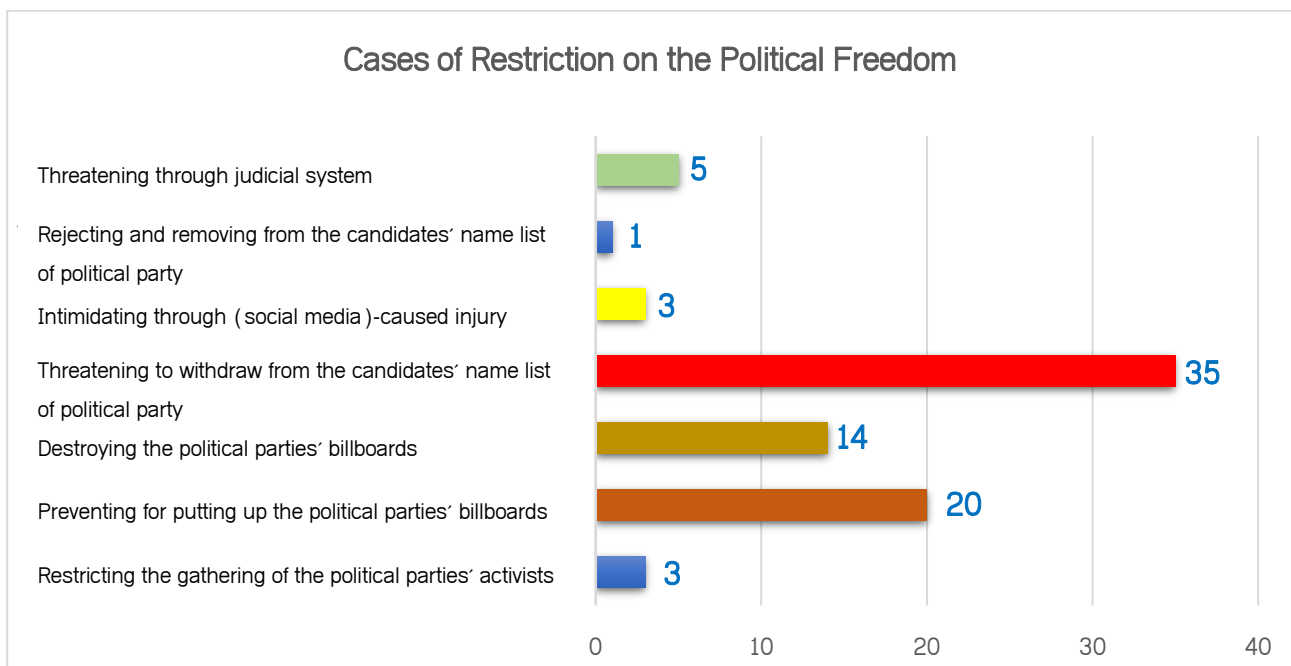
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<sup>7</sup> <sup>7</sup>means that democracy and the Rule of Law are still on the lips of powerful politicians, perfectly designed for public and international hearings, but the reality of practice is the opposite.

### III. Before the 5th Mandate of the Commune/Sangkat Council Election (January-May 2022)

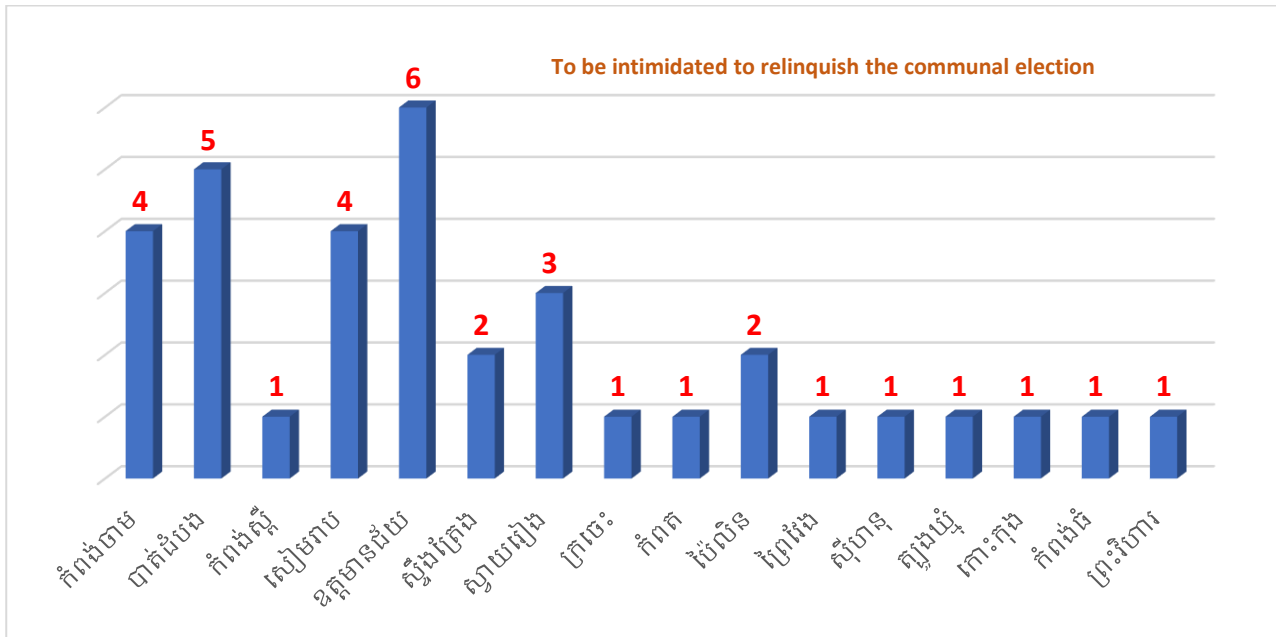
For the 5<sup>th</sup> Mandate of the Commune/Sangkat Council Election in June 2022, there were 17 political parties<sup>8</sup> running for the election, two of which were from the Cambodian People's Party ranking first for nominating nationwide candidates and second from the Candlelight Party.

According to the survey and the complaints received, in the first half of 2022, showed that the political freedom space continues to shrink, severely restricting those who participate in a peaceful political life. Significant increase in the crackdowns, discriminations, scapegoats, intimidation of arrests and detentions of dissident political activists, especially the local authorities are still exploring all means to restrict, threaten and intimidate the members of political parties when they gather or put up the political parties' billboards, threatening the activists running for the Commune/Sangkat Council Elections to withdraw from the party name list, rejecting and removing the candidates from the party name list, as well as using judicial system to detain them to intimidate the political party activists. In particular, the discovery of 81 cases of restrictions on the political freedom (78 cases of the Candlelight Party and 3 cases of the Khmer Patriotic Party) that actually occurred in 60 communes/ Sangkats of 50 districts in 17 provinces in Cambodia.



<sup>8</sup> <https://www.nec.gov.kh/khmer/content/5606>

## 1. To be intimidated to withdraw the party candidacy from the list of candidates standing for communal election



35 cases (34 candidates) occurring in different 16 provinces were associated with the intimidation of candidates to withdraw their party candidacy from the list of candidates standing for commune council election and from the list of election observers of the Candlelight Party (CP) and Cambodia National Love Party (CNLP).

**Figure showing the intimidation committed by local authority:** By copying the list of candidates standing for commune/council election after the executive party representative had brought this list to make verification at the communal hall and to check the photos and names of candidates running for communal/council election which was kept by the commission for commune/council election:

- Go to the house of the party candidate standing for commune/council election: if not meet the party candidate, they ask the family members of the candidate such as mother or/and wife and children to convey the threatening message to the party candidate (page 8, Siem Reap Province).
- Go to the house of the party candidate standing for commune/council election: they force the candidate or their family members to bring identification card and family record book for a copy without giving the reason for the copy.
- The village chief and/or village security guards always keep watch on the activity of the party candidate.
- Make a threaten to remove the candidate from a position via phone call: The office of cults and religion in Chetr Borey District of Kratie Province made a phone call to threaten the Chief of Buddhist Monastery of Anlung Vien Pagoda (Page 8: Kratie Province).
- Summon the candidate to appear at the commune hall and commune headquarter of Cambodian Peoples' Party (CPP)

- Take a photo of those who receiving the present or gift (20.000 riels or 50.000 riels) and warn them not to vote for the party they favor or support.
- Force those, who coming to receive a present, to make a pledge to vote for the party (party distributing present).
- Drive moto to chase, use wooden stick to hit or/and throw a piece of stone into the house.

** The basic methods used by the authority to threaten the party candidates to withdraw their candidacy from the list of candidates standing for the commune/council election:**

- Stop rendering monthly financial assistance to the poor people: Each person receives 100.000 riels per month and this cash relief program was launched during the Covid-19 pandemic.
- Terminate ID Poor Card or stop providing ID Poor Card.
- Cut off the scholarship fund.
- Deny the provision of tenure: A chief of Tnaot village in Kampong Rou district and Svay Rieng province reject the issuance of land titles to those who join the Candlelight Party (CP).
- Becoming members of Cambodian Peoples' Party (CPP): According to those activists' assertion: "they unwittingly become members of CPP - Chief of village forced them to register their names as members of CPP in exchange for receiving the monthly cash reliefs during the Covid-19 pandemics."
- Expel from the village: A claim of a Chief of Boeung Ampel village, Rotanak Mondul District, Battambang Province.
- Threaten to arrest and say that you make the problem for yourself in the future: An assertion of a Chief of Sereyvonn Village, Andaeuk Haeb Commune, Rotanak Mondul District, Battambang Province.
- Make a comparison between the rich condition and the poor condition: A Chief of Tuol Sala Commune, Barsedth District, Kampong Spue Province claims that "my family has 2-3 cars, not to mentioned several motors under the leadership of Cambodian People's Party."
- Remove from contract teachers list: Claim of a Chief of Chob Ta Trav Administrative Police Post, Chob Ta Trav Commune, Angkor Thum District, Siem Reap Province.



- You won't get any intervention from authority whenever you face a problem and you won't get any presents or gifts whenever there is a distribution of gifts or presents from government.
- Being a member of the Candlelight Party will bring you problems, insecurity and revulsion in the future.
- Will get \$200 to \$300 for switching membership from the Candlelight Party to Cambodian People's Party.
- **Kien Chrey Commune, Kampong Siem District, Kampong Cham Province:** Four activists of the Candlelight Party, standing for the commune/council election, went together to meet a Chief of Kien Chrey Commune at the Cambodian People's Party Headquarter on March 6, 2022. After the meeting, two of four activists of the Candlelight Party decided to withdraw their candidacy from the Candidacy list of Candlelight Party. Similarly, two activists of the Candlelight Party were convinced by a Chief of Kaoh Prak village to join the Cambodian People's Party if they want to get monthly cash relief or ID Poor Card.
- Chief of Sereyvonn Village, Andaeuk Haeb Commune, Rotanak Mondul District, Battambang Province.



**Andaeuk Haeb Commune, Rotanak Mondul District, Battambang Province:** A chief of Sereyvonn Village summoned a candidate of the Candlelight Party who standing for the commune/council election to meet him at his house and told him that: "If you want to desert Cambodian People's Party (CPP), you have to submit an application form of membership withdrawal". The activist replied that "I had never applied for CPP membership, how could I submit an application form of membership withdrawal?" The village chief added that "If you don't submit the application form, you won't be allowed to do anything. If you do something, you will be arrested." The village chief forced the activist to fulfill the application form and mark a thumbprint on it at his house. Due to his concern over this personal security, the activist fulfilled the application form with the suppression or intimidation from a village chief.

**Chob Ta Trav Commune, Angkor Thum District, Siem Reap Province:** A Chief of Chob Ta Trav Administrative Police Post came to the house of a CP candidate who standing in number 1 for the commune/council election of Ta Trav Commune and threatened his mother that "I saw your son standing for Ta Trav Communal election again and if you do not involve with your son regarding this matter, you have to report to a village chief about your disengagement with your son. As you knew, your other son was removed from the contract teacher list because of his entanglement in political party. Thus, this new son will be removed from the contract teachers list one day in the future with the same ground.

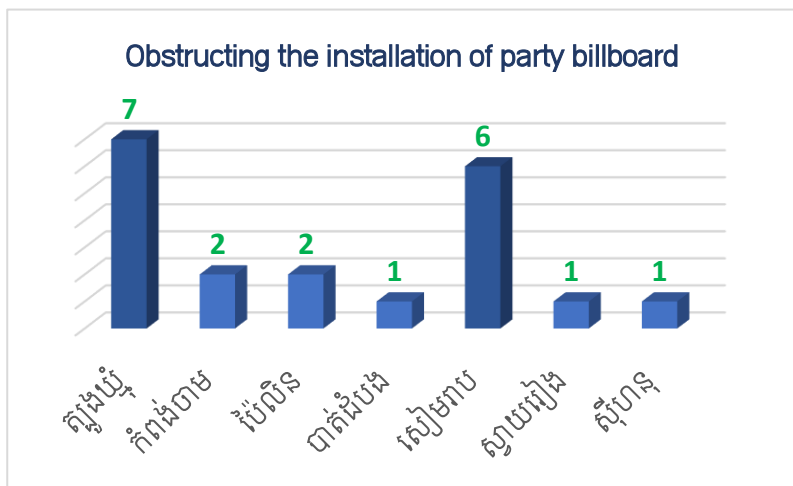
**Bak Anloun Commune, Trapeang Prasat District, Oddar Meanchey Province:**

A chief of Srae Laor Village came to the house of the Candlelight Party activist who stand for CP in the commune/council election and said that "I saw our photo glued on the candidacy list of the Candlelight Party held by Communal Election Committee of Bak Anloun Commune...you should submit a letter of complaint requesting for the removal of your name from the Candlelight Party's candidacy list; otherwise, you won't get any intervention from the authority whenever you have problems or you won't get any present whenever there is a distribution of present from government....Please submit a letter of complaint to withdraw your candidacy immediately.

**Kantuot Commune, Chetr Borei District, Kratie Province:** The Bureau Chief of the Department of Cults and Religion made a phone call to the chief monastery of Anlung Vien Pagoda in Anlung Vien village and warned that: Why a laymen of Anlung Vien Pagoda stands as a candidate in the commune/council election? You must remove the candidacy of that layman. If you are hesitated to do so, I will do it by myself. This matter was resolved as the Bureau Chief of the District Department of Cults and Religion made a public apology after the executive director and executive deputy director of the Candlelight Party for Kratie Province had contacted and discussed with the Director of the Provincial Department of Cults and Religion and Provincial Election Committee about the intimidation of the layman.

**Tnoat Commune, Kampong Rou District, Svay Rieng Province:** A Chief of Tnoat Commune led one group including assistant of commune chief, village chief, deputy chief of village to go to the house of Candlelight Party activist, standing for the commune/council election, and asked: Why do you run as the candidate of the Candlelight Party for the commune/council election? The commune chief added that: How many estate or land do you have and how many hectare are they? If you joint the Candlelight Party, we won't issue the land titles and ID Poor Card for you. Also, whenever you have a trouble, you won't get any intervention from the authority.

**2. Obstructing the installation of the Party Billboard**



There are twenty cases, occurring in 07 different provinces, are associated with the obstruction of the installation of the Candlelight Party Billboard both in the private and public place. According to the reports, we must inform the local and provincial authorities in advance for the permission to install every party billboard.

**✂ Figure showing the local authority using force to obstruct the installation of party billboard:**

- Chief of Commune and/or Chief of Administrative Police Post led the chief of village and police forces of the administrative police post to place where the working group of the Candlelight Party had been installing the party billboard and asked for a permission letter.
- Summoned the land owner, offering the land for the installation of the party billboard, to give a clarification and sign a contract at the commune hall.
- Diverse authorities including polices in uniform and councilor of the Commune/Sangkat Council led by the Deputy Governor of city and Deputy Governor of District took state cars and cars equipped with siren to monitor the place where the working group of the Candlelight Party had been installing the party billboard. Some walked around, some were taking a photo with phone and some were observing the situation.
- Summoned the working group of the Candlelight Party to meet a city inspector and sign a contract before starting the installation of the party billboard (after receiving the informative letter on the party billboard installation)
- Deputy Inspector of the City ordered the police forces to uproot the party billboard out of the hole even as the working group of the Candlelight Party had been installing the party billboard into the hole.

**✂ The reasons for local authorities to obstruct the installation of party billboard:**

- Land for the installation is a sidewalk. Thus, it could affect the road expansion (there are party billboards and advertising billboards in the immediate vicinity).
- The installation is closed to the bridge. Thus, it could block or hind the front panel of the vehicle when the vehicle crosses the bridge.
- No permission letter and approval signature or remark of the district hall and provincial hall.
- The installation of party billboard in front of the pagoda fence could block the view of pagoda which is a sacred or worship place (There are party billboards of other parties in the immediate vicinity).

**Peus 2 Commune, Krouch Chhmar District, Tboung Khmum Province:** A Chief of Ampel Village obstructed the installation of the Candlelight Party billboard in front of and inside of two individual houses in Ampel village by telling the working group of the Candlelight Party that I (village chief) have been ordered by the district hall to stop the installation of party billboards. The installation of another Candlelight Party billboard, planned to be installed in Tuol Sambath village, was prevented by two police officers in

uniform because it is not yet approved by the local authority. Moreover, two houses' owners, providing land for the installation, received an invitation letter to give a clarification at the commune hall related to the permission for the installation of the Candlelight Party billboard in front of their houses. After giving a clarification at the commune hall, there was a report that seven members of the Candlelight Party withdraw their membership.

**Ta Ong Commune, Chamkar Leu District, Kampong Cham Province:** A chief of Ta Ong Village and the first assistant of Ta Oung Commune Chief, along with polices of administrative police post and the Deputy Inspector of District who were observing the situation over there, prevented the working group of the Candlelight Party from installing the party billboard in place that is next to electricity pole in Ta Ong market under the ground that the installation in this place could affect the road expansion (Notice that: there are advertising billboards of beer companies in that place or area)

**Chob Ta Trav Commune, Angkor Thum District:** A group of authority accompanied by police forces of the administrative police post arrived the place, took photos and asked for a permission letter from the working group of the Candlelight Party who were installing the party billboard in the area in Prasat Village. Worse than this, they also warn the chef not to cook foods for the working group of the Candlelight Party.



### **3. The Destruction of Candlelight Party Billboard**

The billboards of the Candlelight Party and Cambodia National Love Party had been destroyed at 08 places in 05 provinces with 3 cases in Tboung Khmum province, 01 case in Siem Reap province, 01 case in Svay Rieng province, and 02 cases in Sihanouk province.

#### **✎ The figure showing the destruction of party billboards:**

- Uprooting the party billboards and laying it next to the hole
- Setting the party billboards on fire
- Deforming the party billboard with solid tools such axe, cleaver, iron stick with sharp edge etc.

#### **✎ Identity of the perpetrators destroying the party billboards**

- Unidentified or anonymous person
- Local authority and police force in uniform
- Person with mental disorder

**In Stueng Kach commune, Sala Krau District, Pailin Province:** Almost one hour after the Candlelight Party Working Group had completed the installation of the Candlelight Party billboard at the side and in front of the private house and within its'campus locating in Phsar Prom Choeung village, ten local authorities with some in police uniform and some in plain cloth came to uproot, destroy and dumped it about five meters away from the other side of the house on the ground that the installation has no legal approval. Emphasizing that: While they were uprooting the Candlelight Party billboard, the female house owner saw it and felt very shocked. Then, she ran to the neighbor's house to borrow the phone for taking photo of the uprooting. However, one of them noticed that she was taking the photos of that activity, he ran to her and suddenly grasped the phone from her to delete those photos. They left that place about one hour later.

**Chrung Popel Commune, Roduol District:** The Candle Party billboard was destroyed by a mentally-disordered person by using axe to slash it in front of the house of the Candlelight Party activist, locating in Kruoch village. It is worth noticing that: the fore-mentioned person also used to destroy the billboard of Cambodia National Rescue Party for 5 years ago.



#### 4. The intimidation by judicial system

Anti-Party activists and anti-party's candidates, standing for the communal election, were summoned by the court and eventually detained. For instance, regarding two cases in Pursat province, the court rendered a judgement to detain the election candidates of Candlelight Party in the provincial prison for forgery. As for the case in Stueng Treng province a former activist of the Cambodia National Rescue Party (CNRP) was arrested in Thailand and extradited to Cambodia on the charge of using social media to rebuke the Royal Government of Cambodia. Concerning the case in Oddar Meanchey province, one activist of the Candlelight Party was arrested for the conspiracy in accordance with the arrest warrant and sent to the provincial jail temporarily. Later on, the court rendered a judgement to release him on bail.

**Srae Sdok commune, Kandieng district, Pursat Province:** The candidate of the Candlelight Party, standing for communal election of Srae Sdok commune, was accused by the court for forgery and was later arrested. It is worth noticing that: the candidate of the Candlelight Party, standing for communal election of Srae Sdok commune, was arrested and sent to the police station of Srae Sdok commune for interrogation on March 7, 2022 and later sent to Pursat Province Commissariat of Police until March 11 2022. Finally, he was sent to the provincial court of Pursat and charged with forgery and eventually sent to the provincial jail of Pursat. This case occurred on March 06, 2022 when the above-mentioned candidate brought the name list of CP candidates standing for communal election to Srae Sdok commune chief for verification. At that time, one police officer copied this name list to share with the other police officer of Srae Sdok Administration for further action. One day later, five candidates, whose name are listed in the name list, made a request for withdrawing their candidacy for the name list. One among five candidates said that "Srae Sdok Commune Chief asked him to go to Cambodian Peoples' Party Headquarter to receive

the gift or present. Later, he was asked to go to Administrative Police Station of Srae Sdok Commune to write a letter of complaint to sue the CP candidate who stood for the communal election, but he rejected to do so."

## **5. Restriction on Freedom of Rally - Removal from the Name List of Candidates**

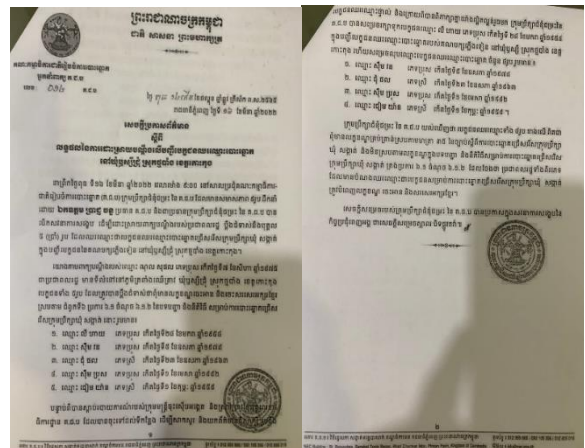
Through the observation, notable cases such as the restrictions on the freedom of rally of party activists in Tbong Khmum and Kampong Speu provinces were reported that the local authorities, village protectors, commune chief and councilors of communes have threatened the party activists not to hold the political rally at the private houses. If they do not listen, they will be removed from the name list of the party candidates by making excuses that they have bad handwriting or are illiterate, as such the cases reported in Koh Kong and Pailin provinces. There has a case of death threat on the social media in Pailin province, which the activist from the Candlelight Party has been chatted on the social media, threatening to kill by sending the picture of a pistol.

**The case of the restriction of freedom of rally: In Kampong Speu Province, Bor Seth District** (Tuol Sala Commune): While the activists of the Candlelight Party were gathering to prepare a list of the candidates standing for the Tuol Sala commune council election, suddenly Tleuk village chief and five village protectors arrived the rallied house and threatened: "What are you doing?" You want to form another party? Why not request for permission from me who is the village chief first? After a while, the commune chief and other three commune councilors arrived and violently shouted: Catch them, don't let them run away ... The commune chief added: Why didn't you request permission from the commune authorities? You want to overthrow the government? Beware of imprisonment! A party dies and cannot be resurrected... Do you want another party to die as well? Later, the commune chief, who accompanied by the village protectors, went to threaten the rallied house owner saying that you dared to allow them to engage in political activities without the consent of the village chief and commune chief; if anything happens during the rally, you the landlord must bear the responsibility before the law; be aware of going to jail! ... what else do you want to oppose? Look! How far the country has progressed under the leadership of the Cambodian People's Party ...I own two to three cars, not to mention motorbikes .... Why do you want to overthrow the government? It is impossible! From today onwards, any activities banned including raising the party billboard; if do not comply, you will be jailed!

**Death threat on social media: In Pailin province, Pailin town** (Sangkat Pailin): A political activist, living in Pahi Cheung village, of the Candlelight Party, who stands for the commune council election at the Sangkat Pailin III, was threatened by an unidentified person on social media by sending a picture of a pistol with the caption: "Shoot people" and sent a voice message: "Shoot the people who tell lies and exaggerate; your group use your party to harm other again... Who is the liberator of Pailin ...From the Candlelight Party to Cambodia National Rescue Party, and now back to the Candlelight Party... how much they give for trying that hard?". Due to the safety concerns, the victim fled the house to temporarily stay at a safe place.

**The case of rejection and removal of party candidates: In Koh Kong province, Thmar Bang district (Russey Chrum commune):**

The activists from the Cambodian People's Party have filed a complaint to the Provincial Election Committee against five candidates from the Candlelight Party for the commune council election accusing them of illiteracy. In this case, the Thmar Bang district administrator sent a threatening message to the Reusrey Chrum commune polling station: If all five of them refuse to withdraw from the Candlelight Party, there must be problems in the future. The National Election Committee has decided to remove the names of four candidates from the name list of the commune council election.



**IV. During the Election:** Through the observations during the 5<sup>th</sup> Mandate of Commune/ Sangkat Council Elections, held on June 5, 2022, showed some irregularities such as:

- Authorities<sup>9</sup> are present - standing in front of the polling station and noting the names of those who came to vote.
- Citizens failed to cast the vote due to the difficulties in finding their names and could not find their names in the voter list. In addition, the data in the identification documents differs from the data in the voter list or does not have the identification documents used for voting and the expired or lost Khmer Identity Card.
- Prevent observers from entering and recording the ballot counting process at most polling stations.
- The ballot counting process at some polling stations have been observed that polling stations are disallowed to enter, doors and windows of polling station counters are closed, and did not allow people to view the counting of ballots.
- Some polling station officers did not post the ballot counting records in front of the polling station after the election process was over.
- Some polling stations did not fill in the information set out by the laws, regulations and procedures on the results of the vote count for each political party in the ballot counting record (៩.១១០២) which was to be posted in front of the polling station.

<sup>9</sup> Authorities refer to members of the village, village chief, commune chief/sangkat, administration officers

## V. After the Election (between 14 May - September 2022)

Through the observation of the situation after the commune/sangkat commune council election, significant political events occurred remarkably 9 days after the election, such as:

- Phnom Penh Municipal Court sentenced Seng Chantheary to six years in prison on charges of conspiracy in Sam Rainsy's repatriation case in 2019 and sentenced 61 politicians and human rights activists to prison ranging from 5 years, some 6 years and some up to 8 years in conspiracy and incitement cases.
- The Cambodian People's Party and the National Election Committee have filed a lawsuit against Son Chhay, vice-president of the Candlelight Party, accusing him of criticizing the recent commune council election process as a fraud, false information, putting the blame which caused the reputation of the Cambodian People's Party and the National Election Committee.
- The arrest of the newly-elected commune chief of the Candlelight Party, Mr. Nhim Sarom, who was arrested and sent to the court while performing his duty in Chamnar Leu commune, Santuk district, Kampong Thom province, on charges of unreasonable robbery more than ten years ago, but a day after, the court allowed him to be out of the prison.
- The removal of the elected second deputy chief of Chbar Ampov I commune, who is from the Candlelight Party, Mr. Keo Somony was dismissed from the state's civil servant by the Ministry of Health based on the grounds that he had misbehaved, despite knowing that when he ran as a candidate for the Candlelight Party, he had already applied for a permit with a valid letter to the Ministry.
- Deputy chief of the working group of the Candlelight Party in Khan Por Sen Chey, Mr. Nol Pongthirith was hit on the head by a group of perpetrators on a motorcycle, causing serious injuries. So far, 40 social activists<sup>10</sup> and political activists have been seriously injured by unidentified individuals, some of whom have died, some have been paralyzed by the attack behind their backs, and most have not been apprehended by authorities. The perpetrators have not been punished in accordance with the law yet.
- Tbong Khmum Provincial Court summoned Ms. Sok Sreynuon, the second deputy councilor of commune from the Candlelight Party, on the allegation of public defamation on Facebook.



Ms. Seng Theary, while the police grabbed her dressing as a statue of freedom on the day of the verdict announcement on morning of June 14, 2022. Photo / AFP

<sup>10</sup> RFA-15 Aug 2022: <https://streamer1.rfaweb.org/stream/KHM/KHM-2022-0814-1230.mp3>



- Approximately 30% of Commune/Sangkat Councils from the Candlelight Party have not yet been assigned their roles, duties, uniforms, and seats after being in the office for almost two months since the week fourth of August, 2022.
- Fourteen former Cambodia National Rescue Party's activists were transferred by prison authorities from Correctional Center I, Sangkat Prey Sar, Phnom Penh to Trapeang Thlong Prison, Tbong Khmum Province. Not only that, three activists were kicked by the gangsters in the prison (same inmate) until they were seriously injured without the attention of the prison authorities.

## VI. Legal Framework

<p>Constitution of the Kingdom of Cambodia 1993</p>	<ul style="list-style-type: none"> <li>- <b>Article 31 (Paragraph 2):</b> Khmer citizens are equal before the law, have all the same rights, freedoms and without discrimination on the basis of race, color, sex, language, religion, belief or political trend...</li> <li>- <b>New Article 34:</b> Khmer citizens of both sexes have the right to vote and to stand for election</li> <li>- <b>Article 35:</b> Citizens of both sexes have the right to participate actively in the political, economic, social and cultural life of the nation. Citizens' suggestions are thoroughly examined and addressed by government agencies.</li> </ul>
<p>Law on Political Parties</p>	<ul style="list-style-type: none"> <li>- <b>Article 4:</b> All political parties have equal rights to receive equal privileges and attention from the Royal Government and authorities at all levels.</li> </ul>
<p>RFA-15 Aug 2022: <a href="https://streamer1.rfaweb.org/stream/KHM/KHM-2022-0814-1230.mp3">https://streamer1.rfaweb.org/stream/KHM/KHM-2022-0814-1230.mp3</a></p>	<p>I party is a free of choice of every Cambodian citizen. No one shall be deprived of his or her right to exercise civil, political or professional rights whether the person is a member of or not a member of any legitimate political party.</p> <ul style="list-style-type: none"> <li>- <b>Article 15 (Paragraph 2):</b> Priests, court officials, the Royal Cambodian Armed Forces and the police force can join as members of any political party, but must not act in support of or against any political party.</li> </ul>
<p>Law on Commune/Sangkat Council Election</p>	<ul style="list-style-type: none"> <li>- <b>Article 69.</b> Political party billboard may be displayed in public places with the coordination from the authorities of commune/sangkat</li> </ul>

	<p>based on the principles of equality, security, public order and public aesthetics.</p> <ul style="list-style-type: none"> <li>- <b>Article 71.</b> All political parties and candidates must refrain from committing acts of intimidation or violence against citizens and political parties or other candidates.</li> <li>- <b>Article 72.</b> Civil servants, local authorities at all levels, the Royal Cambodian Armed Forces, the National Police and court officials must not: ...</li> <li>- <b>Article 79.</b> Prohibit the use of budget, materials, means of transportation that are the property of the state to conduct election campaign activities.</li> <li>- <b>Article 118.</b> No person shall be allowed to interfere with or assist the voter while the voter is in the inner precinct or in the polling station, except as permitted in accordance with the provisions of this law.</li> </ul>
Guidelines on raising the sign of political parties for the 2017 Commune/ Sangkat Council Election	<ul style="list-style-type: none"> <li>- <b>Point 2:</b> The raising of political party billboard in public places must be based on the principle of equality, first and foremost, and the raising of billboard in private houses or private places must be approved by the owner of that place.</li> </ul>
Notification of the Ministry of Interior No. 316 សជណ, dated 07 February 2022	<ul style="list-style-type: none"> <li>- To facilitate all political parties to participate in the election of Commune/Sangkat Councils of the 5<sup>th</sup> Mandate, such as: raising party billboard and political rally.</li> </ul>
ASEAN Human Rights Declaration 2012	<ul style="list-style-type: none"> <li>- <b>Article 25:</b> The right to participate in the political life of the country.</li> </ul>
Universal Periodic Review Mechanism Round 3 (UPR-2019)	<ul style="list-style-type: none"> <li>- <b>Norway:</b> Recommends that Cambodia should restore democratic and political spaces by ensuring the participation from political parties, civil society and independent media.</li> </ul>

## V. Conclusion and Recommendations

Restrictions on political freedom have increased significantly compared to the 2017 commune council election, resulting in a concern for the decline in democracy, the Rule of Law and the implementation of sustainable development goals. For the first three quarters (9 months) of 2022 from January to September, ADHOC has found many irregularities related to the people's right to participate in political life and freedom to engage in politics,

which are in contrary to the enforcement of the law and the legal framework in force by the sub-national competent authorities. The local authorities have used all means to threaten, persuade, intimidate and discriminate against those with opposite political tendency, especially activists of the opposition party, which have ultimately made them panic and no longer dare to participate in politics. These include threatening one to resign from party candidate list, denying and removing one's name from the list of party candidates, legal threats through the court system, rejecting to issue privilege cards for the poor, discontinuing the monthly allowance for the poor, cutting off scholarships, rejecting to grant real estate titles and other disturbances.

Perceiving that the implementation of these practical activities are not yet in line with the national principles, laws and international norms and norms, as well as human rights mechanisms and in order to contribute to the promotion of democracy and the Rule of Law in Cambodia, in particular to ensure the political freedom of the people in accordance with the constitution, ADHOC proposes the following recommendations for consideration:

1. Punish in accordance with the law for any person or local authority that fails to comply with the law and other legal frameworks.
2. The National Election Committee must resolve all relevant disputes arising on the basis of the principles of independence, neutrality and non-discrimination of political parties. Electoral disputes should be resolved based on the election law.
3. The National Election Committee strengthens the capacity of local sub-national officials on election procedures, dispute resolution, laws and regulations related to elections and the code of conduct for civil servants.
4. The Ministry of Interior issues the instruction to local officials at the sub-national level to stop all harassment and intimidation in all forms, which can be a sign of intimidation for activists, political parties and dissidents, as well as the electorate.
5. The National Election Committee widely disseminates, especially in rural areas-indigenous peoples, about the examination of names on the voter list and other relevant documents for the election.
6. The National Election Committee issues instructions to polling station officials to be transparent in counting ballots, such as closing polling stations and/or closing polling station windows and not allowing citizens to observe the counting of the ballots.
7. The Ministry of Interior must urgently review and resolve all forms of discrimination against elected political parties by arranging for all elected candidates to be able to perform their duties and responsibilities in accordance with the law.
8. The Ministry of Justice strengthens the social justice, eliminates all forms of impunity, especially the crimes committed for the political purposes, such as injuring political activists and persecuting political activists through the judiciary.

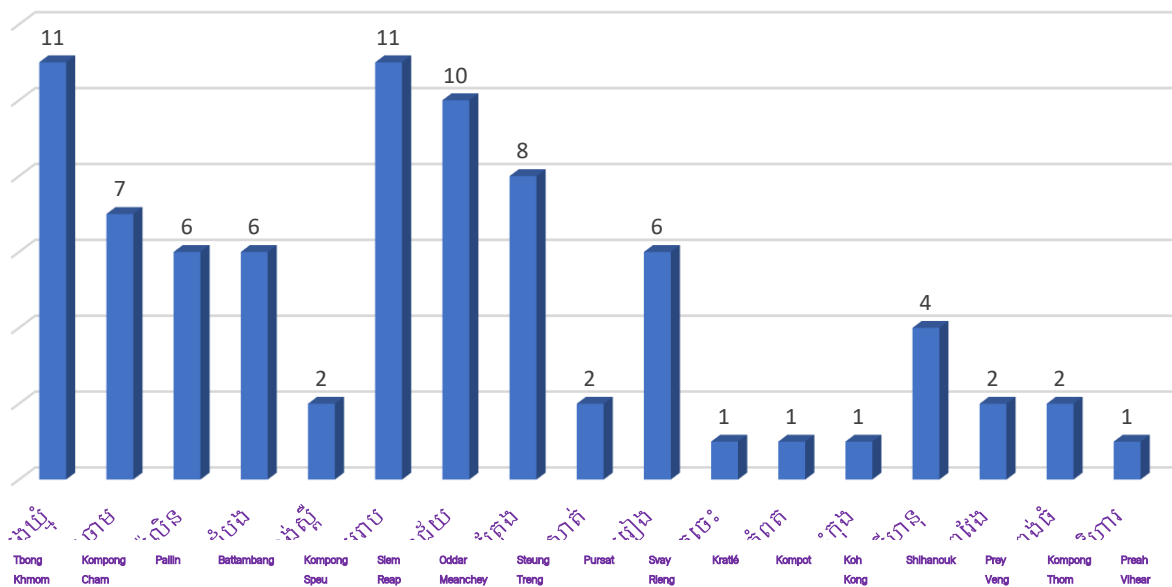
## V. Appendix

No.	Case	Tbong Khmom	Kompong Cham	Pailin	Battambang	Kompong Speu	Siem Reap	Oddar Meanchey	Steung Treng	Pursat	Svay Rieng	Kratie	Kompot	Koh Kong	Kompong Thom	Preah Vihear	Shihanouk	Prey Veng	Total	
1	Restricting on rally of political activists	1				1			1											3
2	Preventing of raising political billboard	6	2	2	1		6	1			1							1		20
3	Destroying political billboard	3	1				1		4		2				1			2		14
4	Treathening withdrawal from the name list of political party candidates (*)	1	4	2	5	1	4	6	2		3	1	1	1	1	1	1	1	1	35
5	Threatening (through social media)-caused injury			1				2												3
6	Rejecting and removing from the name list of political party candidates			1																1
7	Threatening through judiciary							1	1	2										5
Total case (province)		11	7	6	6	6	11	10	8	2	6	1	1				4	2		81

(\*) For a case can be one up to seven persons (Total 45 persons)

No.	Number	Tbong Khmom	Kompong Cham	Pailin	Battambang	Kompong Speu	Siem Reap	Oddar Meanchey	Steung Treng	Pursat	Svay Rieng	Kratie	Kompot	Koh Kong	Shihanouk	Prey Veng	Kompong Thom	Preah Vihear	Total	
1	provinces	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	17
2	District/Khan	7	5	2	5	1	6	4	4	2	4	1	1	1	3	1	2	2	2	50
3	Commune/Sangkat	10	7	3	4	1	3	8	6	2	5	1	1	1	3	2	2	2	2	60

Total: 81 cases (17 provinces-50 districts-60 communes)



**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

**ការប្រកាស**

ខ្ញុំអង្គប្រតិបត្តិការ: [redacted] ភោគប្រតិបត្តិការ: [redacted] មុខរបរ: [redacted]  
 លេខស្នាក់នៅ: [redacted] លេខទូរស័ព្ទ: 006-577-2257

**សូមអានច្បាប់**

**លោកប្រធានសមាគមអនិច្ចក្រឹត្យ**


កម្មវិធី: ប្រតិបត្តិការ [redacted]

មូលហេតុ: [redacted]

អាស្រ័យដ្ឋាន: [redacted]

លេខស្នាក់នៅ: [redacted]

កាលបរិច្ឆេទ: ១៧ ខែ ០១ ឆ្នាំ ២០២២

**ស្នាមមេដៃ**  


**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

**ការប្រកាស**

យើងខ្ញុំជាប្រជាជនប្រមូលខ្លួន 3 គ្រួសារចំនួន... ៣០៥០០០... ៣០៥០០០... ៣០៥០០០... ៣០៥០០០... ៣០៥០០០...  
 លេខទូរស័ព្ទ: 0612199077

**សូមអានច្បាប់**

**លោកប្រធានសមាគមអនិច្ចក្រឹត្យ**

កម្មវិធី: ប្រតិបត្តិការ [redacted]

តាមការណែនាំរបស់លោកប្រធានសមាគមអនិច្ចក្រឹត្យ យើងខ្ញុំបានជ្រើសរើសយក [redacted] ជាប្រតិបត្តិការ [redacted]

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តាមការណែនាំរបស់លោកប្រធានសមាគមអនិច្ចក្រឹត្យ យើងខ្ញុំបានជ្រើសរើសយក [redacted] ជាប្រតិបត្តិការ [redacted]

អាស្រ័យដ្ឋាន: [redacted]

លេខស្នាក់នៅ: [redacted]

កាលបរិច្ឆេទ: ១៩ ខែ ០១ ឆ្នាំ ២០២២

**ស្នាមមេដៃ**  
