



Press Release

On Summary of Parliamentary Watch Reporting for the 5<sup>th</sup> Mandate of the National Assembly

According to the results of COMFREL’s observation of the National Assembly MPs for the fifth legislature, October 2013 to June 2018, found that early in the fifth legislature the NA was deadlocked and conducted illegal initial sessions with only N/A members of CPP, while the 55 elected MPs of the CNRP boycotted. The boycotted in context of widespread dissatisfaction with the result of general election for the fifth legislature of the NA. The CNRP’s elected NA members protested the result of general election, and they refused to join the initial session after the election even after it was convened by the king of Cambodia. Even with the boycott by the CNRP, the CPP’s NA members still held an initial session, not sanctioned by law, to confirm the validity of each MP’s mandate and vote separately to choose its President, Vice-Presidents and all members of various Commissions of the National Assembly and also passed a vote of confidence on the proposed candidates for Prime Minister and all members of the Royal Government.

In the fifth legislature of NA only two political parties obtained seats in the National Assembly. The Cambodian People’s Party (CPP) held 68 NA seats, and the Cambodia National Rescue Party (CNRP) gained 55 NA seats. The leaders of N/A structure including candidates for the President and Vice-Presidents of the National Assembly, as well as the Chairpersons and Vice-Chairpersons of the Commissions of the National Assembly were divided among CPP and CNRP, and the President and the second Vice-President were led by CPP and the first Vice-President was led by CNRP since August 2014.

Because of mistrust of election results in 2013, the CNRP boycotted the parliaments initial session for the fifth mandate. However, in 22 July 2014 the CNRP decided to negotiate with the CPP, and then decided to participate in the NA session in August 2014. During that time, leaders of the NA including candidates for the President and Vice-Presidents of the National Assembly, as well as the Chairpersons and Vice-Chairpersons of the Expert Commissions were restructured by division of power between CPP and CNRP by using formula 7 to 6. The newly established tenth expert commission, the Investigation and Anti-Corruption Commission, which separated from the fourth expert commission, and led by CNRP.

COMFREL found that during the fifth legislature, the major opposition party CNRP’s parliament members faced intimidation, violence, and illegal removal of parliamentary immunity conducted unilaterally by the ruling party parliamentary majority. CNRP’s parliamentary immunity was seriously violated by the courts and NA votes by the ruling party as following:

- In 2014, seven parliamentary members of CNRP were locked up and charged them with conducting illegal action.
- On April 2016, His Excellency Oum Som Arn, Siem Reap constituency parliamentary member of CNRP, was kept back by Siem Reap national police and was accused two different criminal offences by Siem Reap court. Moreover, CPP’s parliamentary members also approved the accusations and detention of the accused.
- On 13 December 2015, the Phnom Penh court of first instance issued a summons to charge H.E Sam Rainsy with defamation in public and inciting allegedly occurring on 17 April 2008 at Choeung Ek History Museum Sangkat Dongkor Khan Dongkor Phnom Penh city of Cambodia. During this time, CPP’s parliamentary members issued its declaration letter

ទីស្នាក់ការកណ្តាល ៖ ផ្ទះលេខ ១៣៨ ផ្លូវ ១២២ សង្កាត់ ទឹកល្អក់ ១ ខណ្ឌ ទួលគោក រាជធានីភ្នំពេញ ព្រះរាជាណាចក្រកម្ពុជា

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Vision: A democratic society that democratization in particular democratic elections are promoted and qualified to bring benefits to people.

ទស្សនៈវិស័យ ៖ ដើម្បីឱ្យការបោះឆ្នោតតាមរបៀបប្រជាធិបតេយ្យ និងល្អប្រសើរត្រូវបានលើកកម្ពស់ និងគាំទ្រដោយប្រជាជនកម្ពុជា។

which mentioned that H.E. Sam Rainsy's rights, privileges and parliamentary membership for Kampong Cham province constituency, was no longer valid.

- On 30 October 2015, CPP's parliamentary members voted to demote H.E Kem Sokha from vice president of the parliament and also approved the competent authorities to charge him for having an extramarital affair. On September 2017, H.E. Kem Sokha was arrested at midnight in his Phnom Penh home and was accused for treason of colluding with foreigner. CPP's parliamentary members held an extraordinary meeting to vote approval for competent authorities to proceed with prosecution and detention.

Moreover, during October 2015, two CNRP's parliamentarians H.E Kong Sophea and Nhay Chamroeun were savagely beaten and left seriously injured by pro-government protestors that had been organized outside the National Assembly to demand the deputy party leader of the opposition CNRP, Kem Sokha, resign from the position of first vice president of the NA. At the same time, opposition N/A members and senate members that were active on issue of the Cambodia-Vietnam border were prosecuted by the court and censored by the NA. H.E. Son Chhai the second vice chairperson of N/A expert commission was threatened with removal from his position because of discussing irregularities in the NA national budget allocations.

In 2016, COMFREL reporting found that NA efficiency declined, as CNRP NA immunity was violated, CNRP NA power was reduced and the position of minority leader of the NA was also abolished. The ruling party amended and approved the NA internal-regulations to abolish the legality of minority group leader. Moreover, the RGC encouraged partisan political involvement by the security forces and promoted government officials including arm force and national security guard who had assaulted on CNRP N/A members.

In 2017, COMFREL reporting found continuing declines in the performance of the A when compared with 2016. A serious setback to democracy occurred with the unilateral amendment by the ruling party of the law on political party, used to suspend and remove lawmakers of the CNRP from NA positions and dissolved opposition party. On the legal basis provided by the newly amended political party law, the major opposition party CNRP, which was read to compete in general election 2018, was dissolved. The political party law amendment also restricted action of lawmakers of CNRP including field visit, comment of NA session etc... which are guaranteed by constitutional of Cambodia and internal regularity of NA. The four Electoral Law amendments which deal with the redistribution of seats of a party that has been banned by the Supreme Court, are seriously detrimental to genuine elections and representation, and an unfair violation of voter's will and rights, because the distribution of CNRP's seats does not reflect voter support.

By the end of the fifth legislature in 2018, COMFREL found that upon the dissolution and distributing its seats to the CPP and other parties which did not win seats in an actual election and received extremely little voter support in 2013, the efficiency of NA continued to decline, and there were less activities than in previous years. The field visits conducted by NA members had thinned out, and most of field visits focused attention on party reinforcement. Moreover, the comments expressed by lawmakers during the N/A session are not actively discussing and debating the ratification, amendment or approval of laws.

**NA Plenary Sessions:** In the fifth mandate (2013-2018), National Assembly carried out 10 session with 139 agenda items. There was an increase of 9 agendas, equal to 7%, when compared to the fourth mandate, in the fourth mandate the NA had held 9 session with 130 agendas. Within the sessions of the fifth mandate, 139 agenda items were discussed. Items that were approved included: 18 draft laws and proposed amendments, 2 hearing clarifications, 2 approvals for the withdrawal of immunity for NA members, 10 election for votes of confidence, 3 approvals of laws for creating institutions, 11 approvals of laws on the national budget, 19 approvals for ratification of international agreements, 50 approvals on other proposed draft laws. 23 others agendas items included royal letters and reports on activities of parliamentarians.

**Expressing Comment of Representatives:** As a result observation, it was found that in fifth legislature there were 58 lawmakers who took the floor to make comments for a total of 296 times and 2586 minutes (equal to 43 hours and 6 minutes). The amount of time for expressing comment by

lawmakers decreased approximately 5361 minutes (89 hours and 21 minutes) equal to 67% when compared with the same period of fourth legislature when MPs spoke for a total of 7947 minutes (equal to 123 hours and 27 minutes). In the fifth legislature, the lawmakers expressing comment including 30 lawmakers from ruling party made comment in total 186 times equal to 1480 minutes, while 23 lawmakers from CNRP made comment in total 103 times equal to 1049 minutes. Additionally,, lawmakers of FUNCINPEC party which got 41 seats upon CNRP was dissolved by the supreme court of Cambodia made comment in total 7 times equal to 47 minutes.

**Parliamentarian’s constituency/field visits:** According to COMFREL record of fifth legislature showed that 145 parliamentarians conducted the field visits for a total of at least 7003 times, for the purpose of greeting, distributing, inauguration the achievements, strengthening the internal network of its party, accompanying the high ranking officials, and participation in public forum and interventions to solve constituency problems. The field visits for the fifth legislature decreased 22% when compared with the fourth legislature (2008-2013), at least 8726 field visits were conducted by parliamentarians in the fourth legislature. For the fifth legislature, 3315 field visits were conducted by lawmakers from the Cambodian People’s Party (2311times in constituency and 1004 times out of constituency), while at least 3552 field visit were conducted by lawmakers from the Cambodia National Recue Party (1905 times in constituency and 1647 time out of constituency) and at least 136 field visits were conducted by lawmakers from FUNCINPEC party (56 times in constituency and 78 times out of constituency).

**Letter of Parliamentarian:** COMFREL found that 537 letters were issued by 59 parliamentarians including 4 parliamentarians from the CPP and 55 parliamentarians from CNRP. The number of letters in the fifth legislature increased nearly two times when compared to the fourth legislature. There was an increase of 326 letters from the fourth legislature when there were only 211 letters issued by 26 parliamentarians (an increase of 150%). COMFREL observed that the 537 letters included 165 intervention letters, 362 letters for calls to take measures or action, 1 comment letter, 2 question letters, 6 clarification letters, and 62 responsible letters (responses to expert committees).

**For further inquiry, please contact:**

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