

Phnom Penh, Friday, June 3, 2022

Preliminary Summary Report
On
“Situation of the Commune/Sangkat Councils Election Campaign
Process, 5th Mandate”

During the campaign phase of the Commune /Sangkat Councils Election, 5th mandate 2022, the Committee for Free and Fair Elections in Cambodia (COMFREL) deployed Long-Term Observers in the Capital and provinces to monitor the electoral process.

During this election campaign process, COMFREL observed that the campaign activities were conducted as usual in accordance with its planned schedule. The election campaign activities lasted 14 days, starting from May 21 to June 3, 2022. Of the registered 17 competing political parties running for this election, only two political parties, namely the Cambodian People’s Party (CPP) and the Candlelight Party, were observed to have a huge number of party members participating in their respective party processions. For such election campaign activities, COMFREL has not received any reports indicating violent confrontation activities and injury offences. COMFREL, nevertheless, has observed consequent irregularities occurring during the election campaign process as elaborated in the following.

The observed irregularities include (1) **the use of cars in the party processions with either their license plate concealed or their license plate removed.** Such cases were observed in the CPP’s election campaign processions in Phnom Penh, Pailin and other provinces. The removal of the license plate and the concealment of the license plate led to the suspicion of the use of state resources in violation of the election laws, regulations and procedures; (2) **Non-coordination in allowing political parties’ processions to pass through downtown areas** such as the case of the Candlelight Party’s processions in Takhmao City (with the issuance of a letter prohibiting such activities) and the full non-coordination of other parties’ processions in some other provinces. (3) **distribution of budget to those who join the party processions or to party members.** This type of case is associated with the Cambodian People's Party and the Candlelight Party whose members publicly posted their respective pictures of budget distributing activities on their own Facebook account. This case of budget distribution led to a lawsuit filed by a CPP member in a commune of Kampong Cham province against 15 Candlelight Party members in Kang Meas district, requesting for removing their name from the candidate list and for further imposing a monetary fine against them. The hearing held by Kampong

Cham Provincial Election Commission ruled that the candidacy of those 15 Candlelight Party members be not removed from the candidate list, but decided to impose a monetary fine of five million Riels against them. On the 2nd day, this complaint case was further brought to the National Election Committee (NEC) Jury for hearing. The Jury, then, rejected the complaint and closed the appeal. However, for the above-mentioned case of budget distribution, there were no complaints made against the CPP members who posted pictures of their budget distributing activities. (4) **Destroying political party signs or damaging political party banners.** This type of case was rampant in non-ruling political parties. COMFREL received the reports from the Grassroots Democratic Party in Tuol Vihear village, Sva Yea commune, Svay Chrum district, Svay Rieng province, and from the Candlelight Party in some provinces, namely Battambang and Sihanoukville among others. (5) **The fear and resignation by political party activists and agents.** This case still continues to happen to activists, candidates or agents of the non-ruling parties, especially the Candlelight Party whose members subsequently wrote a letter of resignation from the party for no specific reason, for instance a case in Pailin province. (6) **The contents of political messages expressed during the party campaign.** The contents of messages delivered by one party for its election campaign upset another political party as the former expressed remarks not only in a way that goes against the laws and also in a discriminatory and inciting manner. This case happened in many places, including those in Pailin province where commune CPP members lodged four complaints against Candlelight Party members, accusing them of expressing incitement remarks, leading to misunderstanding, which read, “a current commune chief is a corrupt person, serving nothing but his political party. He is the commune chief that is keen on threatening the others.....” This message was perceived by the plaintiffs as the inciting remarks intended to mislead the public, affecting the public and social order with a dirty will to distort the truth and to go against the laws. With regard to this complaint, the Commune Election Commission issued an order, requiring that the accused persons discontinue expressing such remarks. In this connection, the Provincial Election Commission also released a directive to halt the expression of those remarks. (7) **Participation in party processions from authorities, armed forces and judiciary officials.** This case occurred in many places where civil servants, armed forces and judiciary officials took part in processions or campaign activities of the ruling party. (8) **Unequal and disproportionate use of resources spent on the election campaign by political parties.** This case undermines the fairness of the electoral process.

In pursuance of the aforementioned observed irregularities and to ensure a free and fair election, COMFREL calls on the electoral stakeholders to adhere to the six-point minimum conditions for the Commune/Sangkat Councils Election proposed by Civil Society Organizations. In connection with these minimum conditions, it is requested to review and determine a procedure for civil servants,

armed forces and judiciary officials not to be granted a day leave in order to participate in any political party campaign activities because during the election period, both armed forces and civil servants shall have a crucial role in resolving the issues and safeguarding security for voters as per the requests made by the Election Commissions. Meanwhile, the judiciary officials also have a key role in settling any complaints lodged by the people being victimized by any particular case and seeking a solution from concerned officials. Therefore, the absence of judicial officers from the office will prolong the complaint settlement process for the people, resulting in congestion of more pending complaints.

For more information, please contact

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