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Violence at the polls

Widespread Election-day protests sparked by allegations of orchestrated non-citizen voting

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An investigative report by **VOD**

Violence at the polls

Widespread Election-day protests sparked by allegations of orchestrated non-citizen voting

A coalition of 20 civil society organizations under the banner of the Electoral Reform Alliance (ERA) released a joint report in November 2013 claiming that Cambodia's fifth National Assembly Election was neither free nor fair. Some notable members of the ERA coalition include the Committee for Free and Fair Elections in Cambodia (COMFREL), Cambodian Human Rights and Development Association (ADHOC), National Democratic Institute (NDI), Transparency International Cambodia (TIC), Cambodian Center for Independent Media (CCIM), Youth of Cambodian Council (YCC) and Cambodian League for the Promotion and Defense of Human Rights (LICADHO). This group of CSOs is pushing for an in-depth reform of Cambodia's electoral system in order to build trust among the voters and political parties that will participate in future elections.

The ERA report highlighted a number of irregularities related to the 2013 National Election, including the removal of voters from the voter list, changing invalid voters into valid voters and duplication of names.

Distribution of identity documents such as certificate of identity for election and unchanging the number of seats for each province/municipality as were not proceeded as stated in the law. ERA alleges that these issues caused widespread voter disenfranchisement on the polling day, while at the same time serving as a means to allow those who were ineligible to vote to cast a ballot without any valid documents. This affected the fairness of the election procedure, ERA members concluded in the report.

This report also found out that the result of the arising problems affect the polling day in which many citizens with the rights to vote were not allowed to vote while those with the rights to vote were allowed to even without proper documents. Election monitors found out that there was no transparency in the issuance of certificates of identity. The total number of ballot papers issued were more than 2 millions exceeding the number of voters registered (2,6 million ballot papers) and after the election, the invalid ballot papers were not shown in each polling station.

Election monitors expressed concern that these irregularities may have assisted partisan election officials in allowing people who were not in the voter lists or who did not have valid documents to cast ballots for the officials' own political parties.

Cambodian citizens echoed these fears. On the polling day on July 28, 2013, voters alleging that election officials had allowed illegal Vietnamese immigrants to vote sparked violence at several polling stations. The violence prompted election officials to close these polling places before the official time set by National Election Committee (NEC). Among the polling stations affected by Election Day violence was the Stung Meanchey Pagoda in Phnom Penh's Khan Meanchey district, where protestors set fire to a police truck before being forcibly disbursed by armed police forces.

A similar case happened in Damrey Chhlorng Village, Sa Ang District, Kandal Province, where the polling station had to be closed at 9:00 a.m. because of protests over alleged illegal voting by undocumented Vietnamese immigrants.

"We do not allow outsiders to vote because we do not know where they are coming from," a villager in Damrey Chhlorng siad. "If I do not know someone, I will not allow him to vote. They are Vietnamese from Chbar Apov selling clothes up there."

VOD finds Cambodian citizenship, voting rights granted to ineligible immigrants

VOD reporters investigated protestors' claims of illegal voting by Vietnamese citizens as well as the actions taken by election officers on Election Day.

The VOD investigation, conducted from Dec. 16, 2014, to Jan. 16, 2014, focused on Kampong Cham Province, which lies along the Cambodian border with Vietnam, and revealed that many Vietnamese immigrants living in that region did not go to vote due fears of stringent observation at the polling places. However, reporters also found a number of Vietnamese nationals who were able to cast a ballot using

a Cambodian National ID card even though they did not legally qualify for Cambodian citizenship.

Head of the Vietnamese Association in Kampong Cham Province Mr. Yoeung Tang told VOD that his organization serves around 200 Vietnamese immigrant families from four districts in Kampong Cham Province, including Srey Santhor, Memot, Koh Sotin and Kampong Cham. The majority of these immigrants work as fishermen, garbage buyers, coffee sellers or carpenters, he said. Mr. Tang told VOD that not many of the members of his association were able to vote in the 2013 National Election. Of those who voted, he told VOD, only four or five families held Cambodian National ID cards, though he was not sure whether they had legitimately met the citizenship requirements outlined in the Law on Nationality of the Kingdom of Cambodia.

“Those (immigrants) who married Cambodian women were able to get a Cambodian National ID card, but that only accounts for four or five of the families (who voted),” he said.

The royal decree on the Law on Nationality was signed into law in 1996 by former King Norodom Sihanouk, former First Prime Minister Prince Norodom Ranaridh, former Second Prime Minister Hun Sen, and former Co-ministers of Interior Sar Keng and You Hokry. Article 8 of Chapter 3 of the decree states that a foreign national may be granted Cambodian citizenship through naturalization, as determined by a royal decree issued upon recommendation from the Cambodian Prime Minister following the request of the Ministry of Interior. In addition, the law stipulates a number of conditions foreigners must meet, including residency requirements, background checks and Khmer literacy (see box below for more details). However, in accordance with VOD investigations, some of the Vietnamese immigrants who hold Cambodian citizenship and were able to vote in Kampong Cham Province have not fulfilled these

conditions required for citizenship.

Police Chief of Kampong Cham Province’s Boeng Kok Commune, Mr. Tiem Tong Meng, told VOD that most Vietnamese immigrants in his commune have ‘K2’ resident books as well as immigrant ID cards. He added that only 2 or 3 percent have Cambodian citizenship. Mr. Tong Meng further explained that the ‘K2’ resident book is issued to Vietnamese immigrants living in Cambodia in order to facilitate the work of local police in administering those immigrants.

“We do not allow outsiders to vote because we do not know where they are coming from. If I do not know someone, I will not allow him to vote.”

**DAMREY CHHLORNG VILLAGER
ON THE REASONS BEHIND
ELECTION-DAY VIOLENCE**

However, a VOD investigation revealed that at least one Vietnamese immigrant in Kampong Cham was given Cambodian citizenship without fulfilling the conditions outlined in the Law on Nationality. Mr. Ngueng Vaing Mang, a Vietnamese national, was granted Cambodian citizenship after he changed his name to Sok Mean and falsified details of his birth.

Article 21 of the Law on Nationality specifies that “any person who fakes, scratches to erase, writes over, lends to someone or writes a falsified name on the identity card of Khmer nationality or the passport of the Kingdom of Cambodia or who uses such documents shall be punished with imprisonment from five to ten years.”

However, Mr. Vaing Mang (akak Sok Mean) holds a Cambodian National ID card No. 061357271 which shows his age as 30, and his residence in Kampong Cham City, Kampong Cham Province. The ID card also states that its holder was born in Vihear Loung Commune, Thbong Khum District, Kampong Cham Province and lists his current address in Sangkat Boeng Kok, Kampong Cham City. The ID card is valid from Aug. 24, 2012, through Aug. 23, 2022.

Mr. Yoeung Taing, head of the province’s Vietnamese Association, told VOD that Mr. Vaing Mang obtained Cambodian citizenship after he married a Cambodian woman

Requirements for applying for Cambodian citizenship & National ID Card

Step 1: Apply for citizenship

To apply for citizenship, immigrants must provide evidence of meeting all of these requirements:



Proof of living in Cambodia currently and for at least 7 years previously¹



Written & spoken Khmer literacy and knowledge of Cambodian history



Proof of mental & physical aptitude



Certification of good moral conduct (from commune or Sangkat)



Background check (no criminal record)



¹Immigrants married to Cambodian nationals can apply for citizenship 3 years after the marriage is registered.

Step 2: Apply for ID Card

Only citizens can apply for National ID cards, and they must supply one of these documents:



Birth certificate



Family book



Documents or court judgement proving a parent’s citizenship



Royal decree granting citizenship

and had lived and worked in Cambodia for 13 years. Mr. Vaing Mang married a Cambodian woman in 2002 and was later issued the identity card by local authorities, he said. However, Taing said he did not know about the procedure of applying for Khmer nationality/citizenship because it is beyond his capacity. Government officials came to his community to issue the national ID as a part of national ID making for citizen.

Mr. Vaing Mang told VOD that this Cambodian National ID card is very convenient for him, as it allows him to travel between Cambodia and Vietnam and has also allowed him to vote in Cambodia.

“When we have a Cambodian National ID card, we are allowed to vote,” he said.

Mr. Yoeung Taing of the Vietnamese Association claimed that any Vietnamese immigrants who had married a Cambodian husband or wife would be allowed to cast ballots in a Cambodian election. However, Article 5 of the Law on Nationality requires citizen spouses to meet additional requirements before receiving citizenship and the right to vote, stipulating that “A foreign man or woman who is married to a Cambodian wife or husband may demand Cambodian citizenship if upon such man or woman has been living together for a period of three years after the registration of a marriage certificate. Formalities and procedures for a request of Cambodian citizenship shall be determined by Sub-decree. The grant of Khmer citizenship following a request shall be decided by Royal-decree.”

The Chief of Statistics and Identification for the Kampong Cham Provincial Police Commissariat Mr. Horm Ratha explained that any foreigners would be granted the Cambodian nationality only if they had met the conditions of the Law on Nationality. Ratha said that the granting of Cambodian citizenship would be based solely on Article 5 of the Cambodian government’s sub-decree No. 60 issued by the Minister of Interior and the Prime Minister of Cambodia and dated June 12, 2007.

“If we talk about granting Cambodian citizenship, all Cambodian citizens aging from 15 years old will be granted citizenship, but foreigners have to rely on the conditions of the law,” Mr. Ratha said.

The sub-decree referenced by Mr. Ratha states that all Cambodian citizens are obligated to obtain a Cambodian National ID card and, in order to do so, must provide a history of and documentation regarding their personal background, including:

- Birth certificates, or
- Family book (K4), or

- A written judgment of a court stating that the individual was born to a Cambodian citizen father or mother, or
- A royal decree proclaiming the recognition of the individual’s request for Cambodian nationality, or
- Documents or evidence proving that the individual was born to a Cambodian citizen father or mother

When asked if he received royal decree recognizing his request for Cambodian nationality before being granted the Khmer nationality, Mr. Vaing Mang, the Vietnamese-born immigrant who was issued a Cambodian National ID card stating he was born in Cambodia under the name Sok Mean, reluctantly said that he don’t know about the procedure of applying for Cambodian nationality because he was depending on the local authorities.

Mr. Ratha with the Kampong Cham Office of Statistics and Identification told VOD that he did not know how Mr. Vaing Mang had obtained Cambodian citizenship, but he also ac-

knowledged that the implementation of the law by lower level officers remains problematic. He added that this institution would not allow any official to implement activities against the law. Any officials who conspires to or helps to conceal activities related to providing a Cambodian National ID card or passport to any person who does not have Cambodian citizenship will face legal action, he said.

Article 19 of the law on the nationality specifies that only Cambodian citizens have the right to receive and hold Cambodian National ID cards

and passports. Moreover, Article 22 of the law states that “any official or government agent or any person who conspires, helps dissimulating or provides an identity card of Cambodian nationality or passport to any person who does not have Khmer citizenship shall be subject to punishment of between 5 to 10 years’ imprisonment.”

Government, civil society at odds over extent and impact of non-citizen voting

There are currently no official reports specifying the exact number of Vietnamese immigrants living in Cambodia nor how many Vietnamese immigrants legally hold Cambodian citizenship, as outlined in the law on nationality.

A spokesperson for Cambodian National Rescue Party (CNRP) Mr. Nhem Ponharith told VOD that his research shows that from 1979 to now, the total number of Vietnamese citizens who have illegally immigrated to live in Cambodia is upward of 3 million. He further claimed that most of these immigrants illegally hold Cambodian nationality because of corrupt officials who took advantage of their ability to grant citizenship.

“When we have a Cambodian National ID card, we are allowed to vote.”

MR. VAING MANG,

A VIETNAMESE IMMIGRANT IN KAMPONG CHAM WHO WAS GRANTED A NATIONAL ID CARD WITHOUT KHMER CITIZENSHIP

“It is actually true that there were many Vietnamese immigrants going to vote in Kampong Chhnang and Siem Reap,” Mr. Ponharith said. “Even though the CNRP has lodged a complaint to the NEC for intervention, we have not yet received any solution.”

However, according to statements made by Prime Minister Hun Sen during the election campaign, only around 100,000 Vietnamese immigrants are currently residing in Cambodia.

The ERA report on the 2013 National Elections estimated the total number of certificate of identity issued from 2011 to 2013 was around 1,800,000 copies, while the NEC has claimed that the total number of the certificate of identity up to 2013 was only 270,000 copies.

The certificate of identity for election was approved for use by Ministry of Interior and the NEC, giving commune and Sangkat officials the duty to issue this certificate to Cambodian citizens who do not have National ID cards for use as identification during elections. However, this new document caused concerns among politicians and voters alike, who worried that illegal Vietnamese immigrants might be able to vote without earning Cambodian citizenship and the National ID card that comes with it.

Independent Researcher Mr. Kem Ley told VOD that, based on statistics from the Ministry of Interior’s Sub-National Democratic Development Program in 2010, only about 100,000 Vietnamese immigrants were residing in Cambodia. However, based on his own research study, Mr. Ley said the real number is much higher than that.

“If we compare the (official) statistics of 90,000 or 100,000 with the number of Vietnamese immigrants in just one province, it will be equal to the statistics of Ministry of Interior — so it means that the statistics are wrong,” he said. “In addition, those who registered in the Ministry of Interior already have a Cambodian family book and Cambodian National ID card.”

Mr. Ley added that a government policy from 2005 to 2013 of making economic land concessions to development firms along the Cambodian-Vietnamese border, including Ratanakiri and Mondulakiri, has led to a large number of Vietnamese people immigrated into Cambodia for work.

However, Ministry of Interior Spokesman Mr. Khieu So-

phreak told VOD he did not have any knowledge of the exact number of Vietnamese immigrants living in Cambodia at the moment, neither did he know how many Vietnamese immigrants currently hold Cambodian citizenship, but he said that it might not be that many.

“It is not many,” he said. “It is only Vietnamese investors who have the meetings, but I am not sure how many.”

Mr. Ley recommended that the Cambodian government provide data on Vietnamese immigrants residing in Cambodia in order to allay citizens’ concerns and to allow for more effective enforcement of immigration law. Moreover, he added, releasing the data would help the ruling party avoid attacks from the opposition party and would prevent racism and violence during the elections.

Executive Director of the Cambodian Defenders Project and prominent attorney Mr. Sok Sam Oeun said that granting Cambodian citizenship to foreigners is still problematic and there is big gap in implementation, since some foreign nationals have received naturalized citizenship even though they failed to meet the requirements of the law on nationality.

“If this happens, it means that our government officials are disqualified and are careless or poor in administration duties, since the granting of Cambodian citizenship can only be determined by royal decree,” he said.

Mr. Sam Oeun further clarified that foreigners can only be granted Cambodian citizenship upon the approval of the King of Cambodia. He confirmed that if any foreign nationals hold Cambodian citizenship without approval from the King, it constitutes falsification of public documents punishable by imprisonment.

He further encouraged the government to increase its human resources in each specialized department, to strengthen law enforcement, reform the election system, and amend law on election in order to achieve election results acceptable to all political parties and civil society.

Nevertheless, the two political parties (the Cambodian People’s Party and CNRP) that won seats in the fifth National Assembly Election in 2013 have agreed to implement an in-depth reform of the electoral system in order to ensure a free and fair election for the next General Election. ■

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