



Illegal transportation

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An investigative report by **VOD**

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The fifth National Assembly Election is over, but debate continues over a number of irregularities identified on polling day in several provinces. In particular, two cases of irregularities were identified in Peam Ro and Kdoeung Reay Communes in Prey Veng Province, where villagers reported, among other irregularities, that they had witnessed the organized transportation of nonresidents or Vietnamese citizens from other provinces into their community to cast ballots at their polling places in Prey Veng Province. Polling stations in both communes saw election-related violence, as citizens attempted to stop alleged illegal immigrants from casting their ballots and accused election officials of working in affiliation with the ruling party.

In the days following the National Election, election monitors and non-governmental organizations (NGOs) received more than one thousand complaints related to illegal transporting of people for the purpose of vote in another polling station. In this special investigative report, VOD reporters uncover how nonresidents were able to vote in these two communes in Prey Veng Province and why were they asked to vote at that location in the first place.

Kdoeung Reay villagers claim they saw mass transportation of non-resident voters

Some villagers in Kdoeung Reay Commune raised concerns that around 95 percent of voters were transported from outside to cast their ballots in the commune. After voting, those nonresidents and including some alleged Vietnamese citizens immediately left the polling stations in waiting cars.

A villager in Kroch Village, Kdoeung Reay Commune, Kanh Chreach District, Prey Veng Province who spoke on condition of anonymity confirmed that at 8:00 a.m. on July 28, 2014, he saw many rental vehicles and luxurious cars transporting hundreds of nonresidents and alleged Vietnamese citizens arrived at the polling station in Kroch Village, Tanal Village and Kdoeung Reay Village.

“All cars were fully loaded. There were three trucks and also tourist vans,” the source said. “They were not people who

had come to vote in previous mandates. Working groups have learned that a number of Vietnamese people came to vote here. We saw with our own eyes around 30 to 40 Vietnamese vote. This is just the number of people that we saw, and we do not know how many came to vote without our knowledge. It is reported that some 700 Vietnamese citizens were allowed to vote in Kdoeung Reay Commune.”

A woman who witnessed the scene and spoke on condition of anonymity recounted her experience on Election Day.

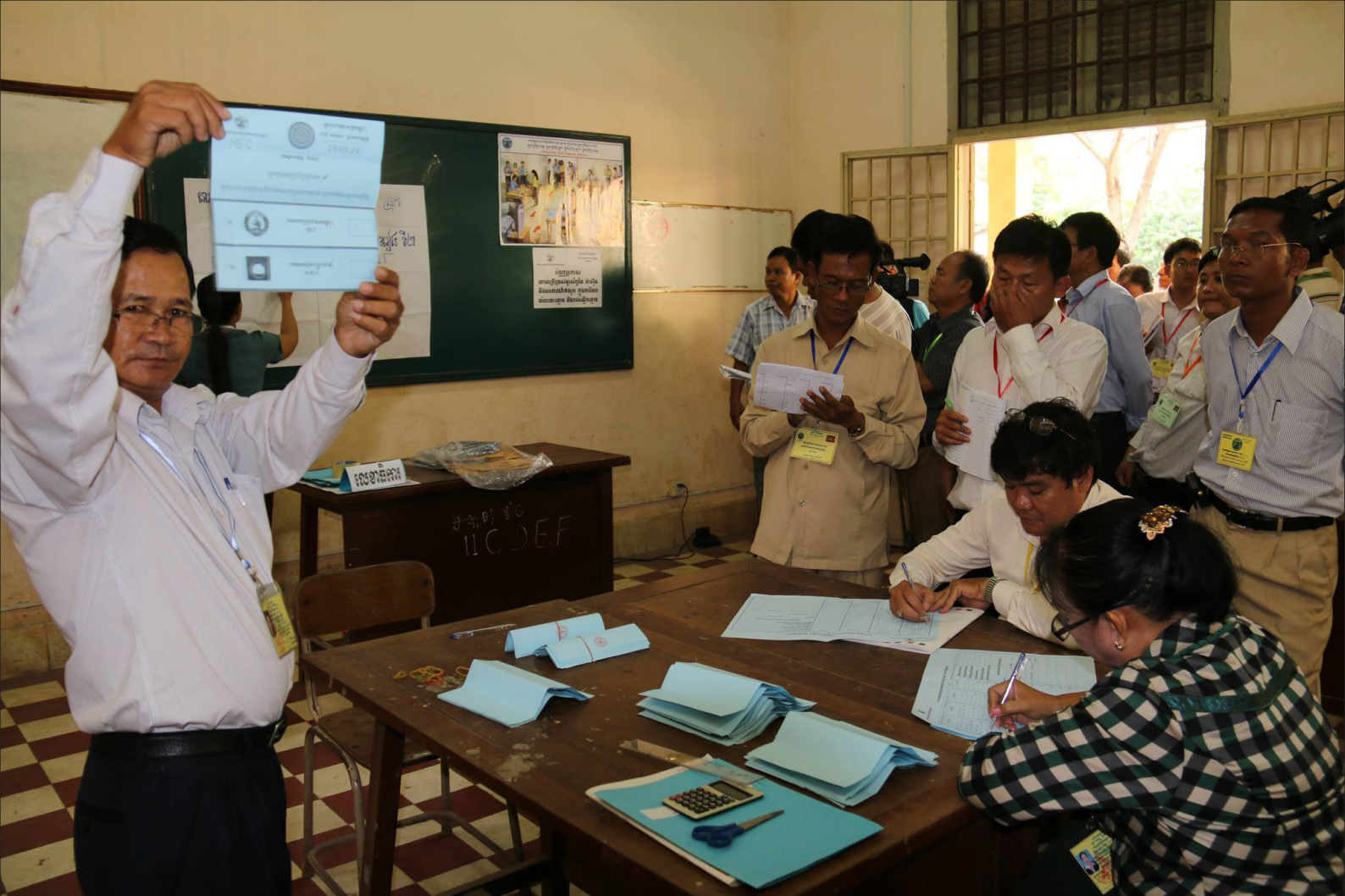
“While I was queuing to cast my ballot, a man intercepted me and took my place. I asked that man how he dared to come before me since he had just arrived. He told me that it is up to him because he was in hurry to vote in another polling station in Udong,” she said.

An election observer from the ruling Cambodian People’s Party (CPP) in Tanal Village who also spoke on condition of anonymity confirmed that he did not observe any Vietnamese citizens coming to vote at the polling station that he observed, though he added that around 10 nonresidents — CPP activists of Cambodian citizenship from other provinces who came to cast their ballots in Kdoeung Reay Commune.

“The polling station I observed did not encounter a problem and is not that stringent,” the CPP observer said. “Around 16 (CPP) activists (arrived), but only 11 were allowed to vote. There were some irregularities in nearby polling stations. I was always in the polling station to observe.”

The head of immigration police based at the Prey Vor border checkpoint in Svay Rieng Province, Mr. Pang Leng and his staff members were reportedly sent to vote at the Kdoeung Reay Commune polling place. However, Mr. Leng and his staff declined an interview with VOD. Mr. Leng confirmed that a report has already been submitted to the ministry and that his superiors would not allow him to grant interviews.

Kdoeung Reay Commune Chief Mr. Pen Thon denied the claim that several cars and vans transported nonresidents and Vietnamese citizens to vote in his commune’s polling stations. Rather, he said those vehicles transported CPP activists who had come to work in his commune.



Election officials tally results from the July 28, 2013, National Election. Voters in Prey Veng Province worry that organized transportation of non-residents to vote may have skewed poll results there. ©VOD

“They are not Vietnamese. They are CPP activists who have a mission to this commune,” Mr. Thon said. “All citizens will be allowed to vote if they hold a Cambodian National ID card and have two witnesses. I already issued residential books for them so that they have the right to vote anywhere. It was seven or eight months ago, and we worked together with the Human Rights Party (HRP), Sam Rainsy Party (SRP), Funcinpec Party and CPP to register those people to vote. What the local villagers claim is not true. There were no strangers nor Vietnamese people. They were CPP activists and Cambodians who come to cast their ballots here.”

However, a resident of Mr. Thon’s Kdoeung Reay Commune who spoke anonymously rebutted the chief’s claim.

“As Khmer citizens, we do not agree with that statement. If you claim they were CPP delegates, you should tell us how many would come to which communes and which polling stations,” the villager said. “It would not take a lot of time. A one-day meeting would allow villagers to know about it. If we knew about that, villagers would not have to intervene during the polling day. But we were not informed, so we needed to do so because we wanted to protect our ballots.”

In accordance with the election law, foreigners are not allowed to vote for national assembly members. Moreover, voter registration procedures clearly state that voters must cast their ballots at a polling station in the commune or

Sangkat in which they registered to vote, though they can transfer their name to the voter list in another polling station if there is an approval from responsible officers.

Another villager in Kdoeung Reay Commune who spoke anonymously told VOD that, following the polling day on July 28, 2013, and as of today, there were neither strangers nor Vietnamese citizens living in her commune.

“It is not appropriate because they left after casting their ballots, and from then on, we have never ever met them,” she said. “We have seen only land buyer who came to purchase land here. In accordance with our observation and records, some 100 nonresidents or Vietnamese citizens were allowed to vote. It is reportedly said that around 200 did not vote.”

Kdoeung Reay Commune was not the only community plagued with complaints that nonresidents had been transported en masse for voting. Peam Ror Commune, Peam Ror District, also experienced similar complaints. There, villagers claimed that nonresidents or Vietnamese citizens had been transported into their commune and had voted in most of the commune’s nine polling stations.

Even though transporting people to vote is a prohibited activity under Cambodian election law, on polling day there were no interventions or reactions from any NEC officials associated with this issue.

A 31-year-old villager from Bati Village, Peam Ror Commune, Mr. Chan Tola told VOD that several tuk-tuks were organized to transport eligible voters in Peam Ror commune to vote, and he claimed this transportation was organized under the directive of village chief, a CPP party member.

“The village chief organized tuk-tuks to transport CPP activists — Cambodian and Vietnamese — to vote,” he said. “It was not that many, between 10 to 20 people. They transported four to five people per trip in the morning and lunchtime.”

Another Peam Ror resident, Mr. Phat Chhum served as an election monitor on the polling day and confirmed that CPP activists were transported from Bati and Chak Khlanh Villages of Peam Ror Commune in order to vote.

“In my commune, [CPP] activists were transported to the polling stations. It was under the responsibility of senior activists to organize the transportation,” he said. “Activists in five villages of Peam Ror Commune were transported to the polling station even though they were old or did not have sufficient documents. Transporting voters to polling stations has happened during most of mandates in my commune.”

Peam Ror Commune Chief Mr. Oeu Lux of the CPP acknowledged that voter transportation had occurred, but he claimed that only elderly people were transported due to the fact that they could not travel to polling station on their own.

“It was not that many,” he said. “It was a small amount of elderly people — four to five elderly people in one village.”

Mr. Lux also claimed that the transporting of voters was not organized by CPP but by local authorities, who used motorbikes to transport elderly or sick people. There was no political bias involved in this transportation, he said.

Head of the Peam Ror Commune Election Committee Mr. Ung Chor Virak acknowledged that some people were transported to vote in his commune, but he said it was not clear who took the lead and from which political parties. He was just aware that the transportation had been organized for elderly people and that there were not that many.

“I think that they only transported elderly people who could not travel by themselves to vote,” Mr. Virak said. “It is what I thought. It is not many cases, but it is kind of family form, and I do not know who did that since I do not know them.”

Secretary-General of the NEC Mr. Tep Nytha said that transporting any voters from one province to another province or from one village or commune to another village or commune is against the law, adding that if this were organized in advance, that the perpetrators would be punished or stripped of their right to vote.

“Assume that they are neighbors, and it is fine if they go together. However, if it is the case that they rallied together — perhaps 20 or 30 people — and were transported together to the polling station, it is against the law. If we see what is happening, we will stop them. If they still violate on that day, we will punish them or remove their rights to vote,” the top election official said.

Executive Director of the Committee for Free and Fair Elec-

tions in Cambodia (COMFREL) Mr. Koul Panha said the election law prohibits any form of transporting voters and that organizers of such transportation must face legal action.

“It is against the law,” he said. “The election law prohibits all of forms of transporting voters to polling stations on polling day. The NEC can punish any parties who organized or supported this. The punishment can be in the form of removing their right to vote or their right to stand for election as a Member of Parliament, or they can receive a monetary fine.”

Politics behind transport, villagers claim

Kdoeung Reay Commune Chief Mr. Thon told VOD that the nonresidents who came to vote in his commune were CPP activists who had a mission to work as village security guards and who could not go back to their own polling places. Because of this issue, they decided to register to vote in Kdoeung Reay Commune.

“This group of people work as security guards for voters in this commune. They are from the Ministry in order to organize public order,” the chief said. “When they came here, they could not go back on time to vote in their commune. That is why they registered to vote here.”

In this case, a villager from Cha Chrum Village, Kdoeung Reay Commune who spoke on condition of anonymity voiced suspicions that the nonresidents were transported to vote in his commune because local leaders knew the voters of his commune would like to vote to change their leader.

“They (the local authorities) already knew that people in this commune wanted a new leader because we do not like current leader. That is why they transported people from other provinces to vote here,” the villager said.

A representative for the Cambodian National Rescue Party (CNRP) in Kdoeung Reay Commune Mr. Yan Horn said that a number of nonresidents cast their ballots at several polling stations in the commune. However, the opposition CNRP defeated the ruling CPP, with CNRP receiving 4,403 votes to the CPP’s 2,586.

Villagers intervened to stop alleged non-citizens from casting ballots

Villagers living in Tanal and Kdoeung Reay Villages have experiences regarding citizen attempts to prohibit voting by nonresidents and alleged Vietnamese citizens. In both villages, citizen interventions began as early as 8 a.m. and continued until the closure of the polling stations. In addition three other polling stations in the area surveyed by this report experienced election irregularities: Polling station No. 1,158 in Kdoeung Reay Village, Polling station No. 0317 and No. 0311 in Tanal Village.

In Kdoeung Reay Commune, Mr. Beou Sinath in sitting under the metal-roofed house in Kdoeung Reay Village, where he was a voluntary election observer on the polling day. He told VOD that he witnessed nonresidents come to vote in his polling station on the polling day. He confirmed that some

village residents tried to stop the nonresidents from voting, but confirmed that some were still able to vote while others were prevented from doing so.

“I saw a couple walking back and forth at polling station No. 0310. A while later, they walked into the polling station but were stopped by villagers since they could not read, write or speak clearly in Khmer. We asked them if they Khmer or ‘Youn’ (Vietnamese). They said they lived in Kroch Village, but nobody from Kroch Village knew them,” Mr. Sinath said. “After that, we told them to go away. I caught around five to six people, but there were around 13 people caught in polling station No. 0310.”

Another villager who spoke on condition of anonymity alleged that at around 8 a.m. or 9 a.m., a number of nonresidents and Vietnamese citizens from Svay Rieng Province and other provinces arrived at Kdoeung Reay Village, Kroch Village, Tanal Village and Cha Chrum Village for voting. They came by motorbikes and cars. However, this villager described witnessing some 300 to 400 villagers intervening to prohibit these people from voting by claiming that they were not local residents.

“After a number of ballots were cast by some of the nonresidents and Vietnamese citizens, the villagers later started to protest and to stop them from voting,” the witness said. “Those who arrived and voted already was estimated at six to seven trucks with 200 people. They told us that they were from Cha Chrum Village, but nobody from Cha Chum Village knew them. The skin of Cha Chrum Villagers is usually black, while these strangers were white. We shouted out together to stop those strangers from voting.”

However, Kroch Village Deputy Chief Mr. Din Soeun, a CPP official, criticized CNRP activists, saying they had instigated a protest in order to stop CPP activists from voting.

“In my observation, there were no Vietnamese citizens — only CPP activists who came to work in this village and commune,” he said. “Why does the other party always accuse them of being Vietnamese? On polling day, all CPP members stood away from the polling stations. Only CNRP observers were inside the polling stations. They caused trouble, and they shouted ‘Vietnamese are voting!’ when, in fact, there were not any Vietnamese voters.”

A representative of the CNRP in Cha Chrum Village, Kanh Chreach Commune, Mr. Loun Savan said CNRP was not involved in interventions to prohibit non-residents and Vietnamese citizens from voting.

“It was the villagers themselves [who stopped them], because they want to protect their ballots,” he said. “It happened in the Tanal polling station since all villagers worked together. Later on, it happened in Kdoeung Reay.”

Mr. Savan confirmed that a day after finding election day irregularities at several polling stations in Kdoeung Reay Commune, he filed a complaint to the Commune Election Committee. However, the CEC has not addressed or responded to any of his complaints.

“I have filed several complaints but have not heard anything as of today,” he said. “I cannot remember how many exactly, but I did lodge lot of complaints.”

Similar concerns were raised in Peam Ror Commune, Peam Ror District, where villagers claimed Vietnamese citizens tried to cast ballots at Bati polling station, one of the commune’s five polling places. As in Kdoeung Reay Commune, local residents here intervened to prohibit alleged non-citizens from voting, though some were still able to cast a ballot.

Some villagers in Peam Ror Commune said they observed people who they claimed were Vietnamese citizens casting ballots at two polling stations: No. 1076 and No. 0557. Election

observers from CNRP prohibited them from casting ballots because they only had outdated certificate of identity #10/18. However, the Commune Election Committee (CEC) eventually allowed them to vote.

“I observed the old 10/18 form, but the head of the CEC still allowed those who hold the 10/18 form to vote,” a CNRP election observer said. “What is noticeable is that most of them were Vietnamese. Election observers from the CNRP did not allow those who held the old 10/18 form to vote. However, the head of the CEC allowed them to vote by claiming that he already made a phone call to the NEC in Phnom Penh who had said ‘yes’ to those forms. Those people cast ballots at 9 a.m.”

“The election law prohibits all forms of transporting voters to polling stations on polling day. The NEC can punish any party that organized or supported this.”

**MR. KOUL PANHA
COMFREL EXECUTIVE DIRECTOR**

In relation to this case, Ms. Mao Samorn, an election observer from CNRP, claimed to have seen many Vietnamese citizens being transported to vote. When she saw that they did not have acceptable documents, she tried to stop them. However, they were still able to cast their ballots because the head of CEC allowed them to do so.

“Some Vietnamese people came to cast a ballot on the polling day but we, as election observers, stopped them by saying that the 10/18 form could only be used in 2012. However, the head of CEC announced that the 10/18 form can also be used to vote in 2013 to avoid delays,” she recounted. “I said that we cannot allow them to vote, as we are Cambodian and haven’t had a chance to vote yet. I asked the CEC to stop the process, but the head of the CEC still allowed those Vietnamese people to vote.”

The head of the Peam Ror CEC, Mr. Ung Chor Virak, acknowledged that officials at Bati polling station did not prohibit Vietnamese citizens from voting, adding that they were allowed to vote because they held a certificate of identity,

and, based on the election law, the 10/18 forms from 2012 could be used in 2013.

“Yes. I already knew about that, but I told them that the 10/18 form can be used from 2011 to 2013, because I went to collect the certificates of identity from commune clerk, who calculated this data from 2011,” the local CEC official said.

However, Mr. Nytha, the Secretary-General of NEC told VOD that the NEC had publicly announced that the 10/18 forms from 2012 would not be accepted for use as identification in the fifth National Assembly Election in 2013. He further clarified that those who had allowed voters with only a 10/18 form to vote would face legal action.

“We issued a new 10/18 form for the commune council election in 2012, and generally, the form 10/18 is not allowed to be used after the commune council election,” he said. “We stopped using this form, and, as of the 2013 National Assembly Election, we officially announced that the 10/18 form would no longer be used.

In case any voters held this form, they would not be allowed to vote. If election officers did allow them to vote, they will face legal measures.”

COMFREL Executive Director Mr. Panha said that prohibiting any eligible voters from casting their ballots is against the law. However, he clarified that if the prohibition is to avoid irregularities, it would not merit a serious punishment.

“If anyone stops voters from casting their ballots, it cannot be tolerated,” Mr. Panha said. “However, if the purpose of the prohibition is to avoid irregularities, (the responsible election official) will not face legal action because they have a clear mandate to prevent irregularities. Nevertheless, this action is really against the election law; the law does not allow them to do so.”

Mr. Hang Puthea, President of the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC) told VOD that villagers decided to prohibit strangers from voting because they did not trust election officers. They had to do this because they wanted to protect their ballots, the elections advocate said.

“Legally, prohibiting anyone from casting their ballot is against the law or procedure of elections. However, maybe they were sick of this issue and they do not trust election officers any more, or perhaps the authorities could not stop the voting,” he said. “In this scenario, what they have done is to protect their political rights, election rights and their ballots.”

Election Day voting affected the polls

In one commune in Prey Veng Province, villagers’ interventions to prohibit alleged non-citizens from voting resulted in violence and a police crackdown. A youth from

Kdoeung Reay Commune, Mr. Hem Kosal told VOD that around 300 villagers staged a protest to prohibit 100 non-residents and alleged Vietnamese citizens from voting. He said that during the protest, one young man was beaten by four armed police forces before being sent to the provincial police commissariat for questioning.

“A while later, three or four trucks with police, soldiers and military police arrived at the scene. They started to crack down, and one young man, Chea Chean, who was the leader of those trying to protect the polling station was arrested and sent to provincial police commissariat.”

District Police Inspector Mr. Chan Narith asserted that 60 armed, police forces were sent to polling stations in Kdoeung Reay Commune because the villagers had stopped CPP activists from voting. He said that the authorities did not violate the villagers’ rights.

“We invited [Chea Chean] to the provincial police commissariat, but we did not detain him. There is no any transferring form,” the police inspector said. “I do not know about that because I am always in my office. However, I am not really sure what happens outside. I am really sure that I did not handcuff him.”

However, Mr. Chean, the young man who was taken to the police commissariat, said that on Election Day, around 100 armed police forces arrived in his commune, and four of them proceeded to beat him before sending him to the police commissariat in Prey Veng.

“I was arrested, and everyone in Kdoeung Reay witnessed it,” he said. “It was different from what (the police said). There was violence. My head was pushed down under their legs, and they handcuffed me. They sent me to the Kdoeung Reay Commune office for 10 minutes, and then they transported me to the provincial commissariat.”

The mother of Ms. Yun Hai, Chean’s mother, told VOD she was very disappointed that the local authorities could perform their role and responsibility to protect the commune’s citizens, and that they detained her son while allowing non-residents who came to vote.

Mr. Panha of COMFREL explained that authorities should never use violence against voters, regardless of the circumstances. He said violence against voters is a criminal act.

“Any violence is against the law. It is a violation and is not allowed under any circumstances. Torture of suspects is also prohibited. It is criminal and is a violation of human rights,” the COMFREL director said.

The NEC confirmed Mr. Panha’s assertions, with NEC Secretary-General Mr. Nytha telling VOD, “In general, violence is against the law, including during elections.”

“They were sick of this issue and they do not trust election officers anymore ... What they have done is to protect their political rights.”

**MR. HANG PUTHEA
NICFEC PRESIDENT**

Strangers who were transported into this commune were facilitated to cast the ballot by election officers from CPP and CEC officials.

A villager from Kdoeung Reay Commune, Ms. Boeu Sina, said that on the polling day, election officials strictly checked the identification documents of eligible Cambodian voters who were not CPP activists but were less stringent with nonresidents and voters that she claimed were Vietnamese citizens.

“They did not want to allow me to vote even though I have all of the valid documents. They checked and verified everything two or three times before allowing me to vote,” she said. “However, those election officers did not check or verify the documents of the Vietnamese people. I witnessed it three times — they just allowed them to cast the ballot straight away.”

Another villager who spoke on condition of anonymity confirmed that whenever nonresidents or Vietnamese citizens came to vote at polling station No. 1158, some election officers helped them to cast their ballots. He claimed the election officers were biased and partisan.

“There were lots of Vietnamese (who voted). I stopped one and brought him to the village chief, who told me that he lived in Cha Chrum village. However, nobody in Cha Chrum Village knew him, so we stopped him and kept his motorbike key,” the villager said.

The CNRP representative in Kdoeung Reay Commune, Mr Horn, claimed that election officers at the Svay Romeat polling station had arranged for Vietnamese citizens to cast ballots there before the official opening time assigned by the NEC.

“It was at polling stations No. 0313, No. 0314, No. 0315, No. 0315. The NEC rules specify that the polling stations are to open for citizens to cast their ballots at 7 a.m. However, these polling stations were opened to cast the ballots at 6:30 a.m., and most of the voters were Vietnamese. It is against the law,” he said.

Civil society organizations urge election reforms to cut Election Day irregularities

Mr. Panha of COMFREL said that blaming election officers for irregularities this is not appropriate. Rather, he said, the irregularities result from the process of issuing certificates of identity and from flawed voter registration processes.

“It is really hard for the election officer to make any decision if the voters have eligible documents. We cannot say they work in partisan manner. It is all about the irregularity of the voter registration process and the issuing of certificates of identity. This has led to many irregularities,” he said.

COMFREL recommends election reform as the best method for reducing election irregularities. Among the reforms recommended by Mr. Panha’s organization are changes to the voter lists, requirements for identification documents and a transparent selection process for election officials.

“One voter must have one identity — not two or three. The voter lists should also be taken into high consideration — make sure the names are spelled correctly. Also, voters need to have a document to certify their identity that includes photos or a code number. Election cards should be issued for voters. Voters’ registration should be revisited, and those who hold this position (election officials) have to be transparent,” Mr. Panha said.

Executive Director of the Cambodian Defenders Project, prominent attorney Mr. Sok Sam Oeun likewise provided a number of recommendations that he said would help election authorities to avoid irregularities in future elections, including:

- The NEC should provide voter lists to all political agents in each commune in order for them to easily check and verify the registration process.
- The election law should be amended to specify the consequences of election irregularities and must clearly state what types of irregularities will invalidate the vote.
- The criminal punishment for each violation should be included in the election law.

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