



**KINGDOM OF CAMBODIA**  
**Nation Religion King**

---

**The Constitutional Council**

**CASE** N° 234/038/2013

Of August 17, 2013

**Decision** N° 132/007/2013 CC.D

Of September 01, 2013

**The Constitutional Council**

- Seen the Constitution of the Kingdom of Cambodia;
- ...
- Seen the August 16, 2013 letter N° 824/13 NEC of the National Election Committee;
- Seen the August 17, 2013 petition of Mr. **Long Bunny**, Representative of the National Rescue Party, filed against the provisional results of the 2013 Elections of the National Assembly for the 5<sup>th</sup> legislature in Prey Veng province constituency;
- Seen the August 16, 2013 power of attorney of H.E. **Sam Rainsy**, President of the National Rescue Party, given to Mr. **Long Bunny** as Representative of the National Rescue Party to file a petition against the provisional results of the 2013 Elections of the Members of the National Assembly for the 5<sup>th</sup> legislature in Prey Veng province constituency;
- Seen the introduction letter N° 855/13 NEC dated August 20, 2013 of the National Election Committee;
- Seen the August 23, 2013 minutes recording the clarification, attaching with 328 pages of the documents as evidences, given by Mr. **Long Bunny**;
- Seen the August 22, 2013 minutes recording the clarification, attaching with 7 pages of the pleadings dated August 22, 2013, given by H.E. **Som Chandina**, Representative of the National Election Committee;

**Having heard the rapporteur,**  
**Having deliberated in compliance with the law,**

- Whereas the August 17, 2013 petition of Mr. **Long Bunny**, Representative of the National Rescue Party, submitted to the Constitutional Council which the Secretariat-General of the Constitutional Council received on August 17, 2013 at 15:37, made within the timeframe as stipulated in Point 2 of Article 27 (New) of the Law on the Organization and the Functioning of the Constitutional Council and the Law on the Amendment of this Law and Article 117 (New) of the Law on the Elections of the Members of the National Assembly and the Law on the Amendment of this Law, is therefore admissible;
- Whereas the petition against the provisional results for the 5<sup>th</sup> legislature of the Elections of the Members of the National Assembly as well as the clarification before Group II of the Constitutional Council was demanded 8 points: focusing on the voter lists, identity documents used for voting, new groups of citizens casting the ballots, chiefs and deputy chiefs of the village stood in front of the polling stations writing the names of the voters, the case of closing the door and windows of the polling stations N° 0934 of Prey Veng town during the ballot counting, releasing identity documents to Vietnamese on the Form 1104 without stamp and filling in insufficient datas and the substitute voters. The plaintiff requested 5 points: reviewing the voter lists for the election in 2013, verifying the election results in Mesang district, recounting the ballots in the polling station N° 0934, re-organizing the election in the entire Kamchay Mear district and allowing those citizens who missed the votes to cast the ballots;
- Whereas during the clarification before Group II of the Constitutional Council on August 22, 2013, H.E. **Som Chandina**, Representative of the National Election Committee, attaching with 7 pages of the written pleading dated August 22, 2013, confirmed that the petition against the voter lists shall be made within the period of the annual voter lists examination and annual voter registration. This matter, based on the Law on the Elections of the Members of the National Assembly for the 2013 Election, was over the timeframe. Concerning the irregularities in releasing the identity documents used for voting, substitute voters, the plaintiff didn't prove the concrete evidences of the polling stations, where there are the identity document holders casting their ballots and the substitute voters. For the Form 1104, Representative of the National Election Committee clarified that it was just copied data from the Form 1102. The evidences based on the Form 1104 proved by the plaintiff, 3 pages were not stamped and some incomplete Form 1104, were just an administrative error. Concerning the requests for verification of the election results in the

Mesang district, recounting of the ballots in the polling station N° 0934, re-organizing the election in the entire Kamchay Mear district and the request for who missed the votes to cast the ballots; the National Election Committee couldn't accept the requests because the plaintiff didn't have logical arguments as stipulated in the Law on the Elections. The plaintiff did not clarify the irregularities of the commissions or its members who made the mistakes, the dates and places of wrongdoing, the names and addresses of the witnesses as well as documents or other evidences as stipulated in Article 114 of the Law on the Elections of the Members of the National Assembly;

- Whereas the election in Prey Veng province constituency, which had totally 1,605 polling stations, had neither violence nor chaos. Citizens had secretly and freely casted their ballots. The turnout of voters was 71.21%;
- Whereas the letter N° 824/13 NEC dated August 16, 2013 of the National Election Committee has legal ground;

### **Decides:**

**Article 1:** The August 17, 2013 petition of Mr. **Long Bunny** is admissible for its legal form, but is rejected for being unfounded.

**Article 2:** Is upheld the August 16, 2013 letter N° 824/13 NEC of the National Election Committee.

**Article 3:** This decision made in the Plenary Session of the Constitutional Council in Phnom Penh on September 01, 2013 shall be final, without recourse, shall have authority over all the instituted powers as stipulated in the Constitution, and shall be published in the Royal Gazette.

Phnom Penh, September 01, 2013  
**On behalf of the Constitutional Council**  
**The President,**

Signed and Sealed: **EK SAM OL**