



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

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**The Constitutional Council**

**CASE** N° 228/032/2013

Of August 17, 2013

**Decision** N° 136/011/2013 CC.D

Of September 02, 2013

**The Constitutional Council**

- Seen the Constitution of the Kingdom of Cambodia;
- ...
- Seen the August 16, 2013 letter N° 832/13 NEC of the National Election Committee;
- Seen the August 17, 2013 petition of Mr. **Ruos Suor**, Representative of the National Rescue Party, filed against the provisional results of the 2013 Elections of the Members of the National Assembly for the 5<sup>th</sup> legislature in Banteay Meanchey province constituency;
- Seen the August 16, 2013 power of attorney of H.E. **Sam Rainsy**, President of the National Rescue Party, given to Mr. **Ruos Suor** 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 Banteay Meanchey province constituency;
- Seen the introduction letter N° 871/13 NEC dated August 23, 2013 of the National Election Committee;
- Seen the August 24, 2013 minutes recording the clarification given by Mr. **Ruos Suor**;
- Seen the August 24, 2013 minutes recording the clarification, attaching with 2 pages of the pleadings of August 23, 2013, given by H.E. **Mean Satik**, Representative of the National Election Committee;

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

- Whereas according to Article 115 (New) and Article 117 (New) of the Law on the Amendment of the Law on the Elections of the Members of the National Assembly and Point 2 of Article 27 (New) of the Law on the Amendment of the Law on the Organization and the Functioning of the Constitutional Council, the August 17, 2013 petition of Mr. **Ruos Suor**, 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 14:45, was filed within the timeframe of 72 hours after the party had received the August 16, 2013 letter N° 832/13 NEC of the National Election Committee, is therefore admissible;
- Whereas the essences of the petition of Mr. **Ruos Suor**, submitted to the Constitutional Council as well as the clarification before Group I of the Constitutional Council, he clarified the demand as follows:
  - 1- The official 2012 voter lists had many wrong spelling and duplicate names;
  - 2- Many voters lost their names from voter lists;
  - 3- The Substitute Voters;
  - 4- The indelible ink could not be removed;
  - 5- The identity documents used for voting didn't have photos and seals;
  - 6- To verify the provisional election results with the Form 1104;

The plaintiff confirmed more that all polling stations in Banteay Meanchey province were safe with neither problems nor violence, except the loss of the voters' names only, but the plaintiff had no evidences to submit to the Constitutional Council. Mr. **Ruos Suor** requested the Constitutional Council to kindly review and reconsider the decisions (in fact, it is a notification, not a decision) of the National Election Committee;
- Whereas during the clarification before Group I of the Constitutional Council, H.E. **Mean Satik**, Representative of the National Election Committee, attaching with 2 pages of the pleadings of August 24, 2013 confirmed that the National Election Committee rejected the petition of Mr. **Ruos Suor** through the letter N° 832/13 NEC dated August 16, 2013 based on the grounds that:
  - 1- The plaintiff just mentioned the irregularities, but he wasn't confident in himself;
  - 2- Mr. **Ruos Suor** confirmed that he didn't have any evidences;
  - 3- The observers representing the National Rescue Party signed the minutes in all the polling stations and ballot counting stations in Banteay Meanchey province constituency. Meanwhile, the

representative of the National Election Committee rejected the point 6 in the petition because it was not mentioned in the petition submitted to the National Election Committee. For the appeal or objection against the voter lists and voter registration, it was over the timeframe since the end of 2012. The plaintiff didn't certify 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 the documents or other evidences as stipulated in Article 114 of the Law on Elections of the Members of the National Assembly;

- Whereas the election in Banteay Meanchey province constituency, which had totally 962 polling stations, had neither force majeure, violence nor chaos. Citizens had secretly and freely casted their ballots. The turnout of voters was 54.6 %;
- Whereas the letter N° 832/13 NEC dated August 16, 2013 of the National Election Committee has legal ground;

### **Decides:**

- Article 1:** The August 17, 2013 petition of Mr. **Ruos Suor**, Representative of the National Rescue Party is admissible for its legal form, but is rejected for being unfounded.
- Article 2:** Is upheld the August 16, 2013 letter N° 832/13 NEC.D of the National Election Committee.
- Article 3:** This decision made in the Plenary Session of the Constitutional Council in Phnom Penh on September 02, 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 02, 2013  
**On behalf of the Constitutional Council**  
**The President,**

**Signed and Sealed: EK SAM OL**