



KINGDOM OF CAMBODIA
Nation Religion King

The Constitutional Council

CASE N° 213/017/2013

Of August 11, 2013

Decision N° 128/003/2013 CC.D

Of August 15, 2013

The Constitutional Council

- Seen the Constitution of the Kingdom of Cambodia;
- ...
- Seen the decision N° 011/13 N.E.C.D dated August 07, 2013 of the National Election Committee;
- Seen the petition dated August 11, 2013 of Mr. Tol Prasath, Representative of the National Rescue Party, against the decision N° 011/13 N.E.C.D dated August 07, 2013 of the National Election Committee;
- Seen the power of attorney of Mr. Pou Chantheng dated August 11, 2013, given to Mr. Tol Prasath to be his representative in filing a petition and attending the hearing on the appeal against the decision N° 011/13 N.E.C.D dated August 07, 2013 of the National Election Committee;
- Seen the minutes recording the clarification given by Mr. Tol Prasath dated August 13, 2013;
- Seen the August 13, 2013 minutes recording the clarification given by H.E. Mao Sophearith, Representative of the National Election Committee.

Having heard the rapporteur,

Having deliberated in compliance with the law,

- Whereas the aforementioned petition of Mr. Tol Prasath, received by the Secretariat General of the Constitutional Council on August 11, 2013 at 10 a.m, made within the time limit provided by Article 73 (New) of the Law on the Elections of the Members of the National Assembly and the Law on the Amendment of this Law, Article 8 (New-two) of the Rules of Procedure to be implemented before the Constitutional Council, and Point 11.9.36 of Article 11.9 of the Regulations and Procedures for the 5th

legislature of the Elections of the Members of the National Assembly, is therefore admissible;

- Whereas the clash on July 15, 2013 between campaign processions of the National Rescue Party and the Cambodian People Party at Kampong Os Commune, where both parties had already informed the Commune Election Commission of their processions, caused by:
 - The Kampong Os Commune Election Commission only registered application forms of both Parties into the list, but didn't determine the location in the commune in order to avoid the clash of the party campaign processions. As a result, the campaign processions of the two parties moved in the commune on the same day and conducted the campaign on their own. Thus, it was the fault of the Kampong Os Commune Election Commission that didn't clearly arrange the schedule of the campaign in order to avoid the clashes but it was not the mistake of party activists because the provoking activities conducted mutually almost the entire day although there was coordination by the Commune Election Commission and provincial election commission.
 - The road is narrow and there are many people go by.
- Whereas according to the enquiry by the investigation team of the Kampong Os Commune Election Commission on July 19, 2013, people in Prek Ta Mer, Kampong Os and Dorng Korm villages said that they didn't see Mr. Lim Kean Hor in the campaign procession on July 15, 2013;
- Whereas according to the clarification of Mr. Ung Sarem, Chief of the Kampong Os Commune Election Commission, given to the Provincial Election Commission, on July 25, 2013 was that Mr. Norng Narong didn't do any action to block or disturb the campaign procession of the National Rescue Party;
- Whereas measure shall be taken against those who violated the regulations and procedures of the election of the 5th mandate of the Members of the National Assembly and those who do not accept the coordination of the Kampong Os Commune Election Commission and the Kandal Provincial Election Commission.

Decides:

Article 1: The August 11, 2013 petition of Mr. Tol Prasath, Representative of the National Rescue Party, is admissible for its legal form and substance.

Article 2: Is upheld the decision N^o 011/13 N.E.C.D dated August 07, 2013 of the National Election Committee, but rejected for not taking

measure against Tim Savuth, Nut Yannaro, Bo Sambath and Vong Salorn;

Article 3: Is assigned the task to the National Election Committee to warn Mr. Tim Savuth, Mr. Nut Yannaro, Mr. Bo Sambath and Mrs. Vong Salorn, who violate the regulations and procedures of the election of the 5th legislature of the Members of the National Assembly and do not accept the coordination of the Kampong Os Commune Election Commission and the Kandal Provincial Election Commission;

Article 4: This decision made in the Plenary Session of the Constitutional Council in Phnom Penh on August 15, 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, August 15, 2013

**On behalf of the Constitutional Council
The President,**

Signed and Sealed: EK SAM OL

Glossary

CC.D

Decision of the Constitutional Council

N.E.C.D

Decision of the National Election Committee