

Don't Bite the Hand that Feeds You: *Coercion, Threats, and Vote-Buying in Cambodia's National Elections*

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I. INTRODUCTION

In the run-up to Cambodia's July 27, 2003 parliamentary elections, Human Rights Watch has documented a troubling list of rights violations.¹ These include the government's continuing failure to investigate cases of political violence, arbitrary restrictions on public rallies and party meetings, unfair and unequal access to the broadcast media, and numerous violations of the election law. The United Nations High Commissioner for Human Rights and international and local human rights and election monitoring groups have issued reports documenting these and other problems.²

Political violence during the three elections conducted over the last decade has taken a heavy toll on the voting population. Many Cambodians have been made acutely aware that active involvement in politics, particularly on behalf of the opposition, could result in death. They know that little or nothing is done to bring the perpetrators to justice, especially if the perpetrators are local officials or members of the ruling Cambodian People's Party (CPP). Merely the threat of violence, and the resulting fear it instills, means that opposition party activists no longer need to be targeted and killed in order to convey to Cambodian voters that they should not support the opposition.³

Investigations carried out in six provinces by Human Rights Watch during June and July 2003⁴ found that overt violence is now being supplanted by more sophisticated forms of intimidation, such as threats of social sanctions or coerced membership in the CPP. These pressure campaigns by government officials or CPP members tend to be directed at the voting population and local

¹ "The Run-Up to Cambodia's 2003 National Assembly Election: Political Expression and Freedom of Assembly under Assault," Human Rights Watch Backgrounder, June 2003.

² For an overview on rights violations in the election campaign, see "Anfrel Pre-Election Campaign Observation Report: Cambodia National Assembly Election Observation Mission 2003," June 24, 2003; "Adhoc, Comfrel, Nicfec and Youth Council of Cambodia Joint Statement on Concerns of Violence during the First Five Days of the Elections Campaign," July 2, 2003; "Statement of the NDI Pre-Election Delegation to Cambodia's 2003 National Assembly Elections," June 5, 2003; and "The 2003 National Assembly Elections," a report by the Special Representative of the Secretary General for Human Rights in Cambodia, July 8, 2003.

³ In the run-up to the 1993 National Assembly elections, at least one hundred opposition party activists or supporters were killed. In the final two months preceding the 1998 national elections, the Cambodia Office of the U.N. High Commissioner for Human Rights (COHCHR) received 400 allegations of voter intimidation, death threats, acts of violence against individuals, illegal arrests and detention, forced removal or destruction of party signs or shooting at party offices, coercion of voters to join the CPP, temporary confiscation of voter registration cards by local authorities, and barring of party members from access to communities. Eighty-two of these complaints were deemed credible. During the same period, the COHCHR investigated twenty-nine murders and determined that political motivations played a part in at least five of the cases. In the run-up to the February 2002 commune elections, fifteen members of Funcinpec and SRP, most of whom were prospective or confirmed commune council candidates, were killed.

⁴ Human Rights Watch conducted research in Kompong Som, Takeo, Kompong Cham, Siem Reap, Battambang, and Banteay Meanchey provinces during June and July 2003.

activists in the countryside, rather than high-profile opposition party members. Several themes emerge:

- *Impunity*: Offenses committed by local officials and members of the security forces, most of whom are affiliated with the CPP, are rarely prosecuted. Consequently, village and commune chiefs, village police, and other members of the security forces wield considerable power over their communities, and people often fear them.⁵ Given that these same officials are typically charged with overseeing important aspects of the electoral process, voters reported to Human Rights Watch that they have little confidence in the free expression of their political rights or the neutrality of the electoral process. Many voters feel it is useless to file complaints with the Provincial Election Committees⁶ or local officials about violations of the electoral law.⁷
- *Intimidation*: The fact that many rural Cambodians now consider threats or harassment against those who support political parties other than the CPP as frightening but “normal” should be a point of serious concern. It has become increasingly common for village or commune chiefs to threaten supporters of non-CPP parties with violence, total social ostracization, denial of access to community resources or support systems, or expulsion from their villages.⁸ Many reports have been received of local officials or police standing near the entrance to non-CPP gatherings and recording the names of participants.⁹ As in past elections, local officials continue the practice of collecting voter registration cards, recording the voter’s name and registration number, and then returning the cards. This causes widespread fears that the choices of individual voters will not be secret, and in fact will be monitored by local authorities. Election monitoring organizations and the U.N. have expressed concerns about the fact that village chiefs who have temporarily “resigned” from their duties as chief can act as political party agents for the CPP, which has appointed the vast majority of them.¹⁰

⁵ See Human Rights Watch, Adhoc, and Licadho, “Impunity in Cambodia: How Human Rights Offenders Escape Justice,” *A Report by Adhoc, Licadho, and Human rights Watch*, vol.11, no. 3 (C), June 1999.

⁶ Provincial Election Committees (PECs) are the middle tier of Cambodia’s electoral administration. The National Election Committee (NEC) manages the overall process, while the Commune Election Committees (CEC) administer the local tasks.

⁷ For example, on June 24 in Kompong Cham, a former commune militia member threatened to kill an opposition Sam Rainsy Party (SRP) supporter because of his political affiliation. When the victim complained to the village chief, the village chief dismissed it on the grounds that the perpetrator’s occupation had not been correctly described. After another visit from the perpetrator, the victim withdrew his complaint. Human Rights Watch interview, Au Reang Ov District, Kompong Cham, June 29, 2003.

⁸ Families who are perceived as supporting opposition parties are more likely to lose out in land disputes, as the large majority of local officials deciding such cases are CPP members. Land conflicts are often tied up with politics, with partisan affiliations frequently inflaming an existing dispute. Villagers who have tried to pursue formal or informal means of resolving land disputes often are afraid of the authorities who are supposed to protect them. These problems are exacerbated during an election campaign, when supporting a different political party than the incumbent can bring the conflict to the boiling point, often resulting in violence.

⁹ In one incident in June 2003, a village chief in Takeo told seventy Funcinpec supporters that they would be banished from the commune if they did not vote for the CPP; another village chief in the same province denied a group of SRP supporters access to irrigation systems. Human Rights Watch interview, Traeng District, Takeo, June 24, 2003.

¹⁰ The decision by the NEC to allow village chiefs to become party agents during the election period if they resign their duties is in apparent contradiction of the Ministry of Interior and NEC’s joint directive of June 2003, which

- *Gift Distribution and Vote-Buying*: All the major parties are distributing gifts as a reward to their supporters,¹¹ but only the CPP is using the lure of gifts to coerce or force people into joining and supporting the party. The CPP is in some areas making lists of those to whom gifts have been given in order to monitor and report on individuals' political behavior, and in many areas is threatening to repossess what has already been given if the CPP is not re-elected. In some areas, villagers have not only been coerced to swear loyalty oaths in front of Buddhist monks and sign registration rolls for the CPP in exchange for gifts, but they have also been pressured to sign forms resigning from their previous political party membership.

The great majority of the election abuses investigated by Human Rights Watch can be attributed to the CPP. The two other major parties, the royalist Funcinpec¹² party and the opposition Sam Rainsy Party (SRP), have also violated provisions of the electoral law.

The SRP has on several occasions used inflammatory anti-Vietnamese rhetoric; such language contributed to mob killings of ethnic Vietnamese people following the 1998 elections. In addition, the SRP is often quick to claim a political motivation in the deaths of or threats against anyone affiliated with the party. As often as not, such links prove to be unfounded, yet the SRP rarely bothers to retract its allegations. That tendency only contributes to local members' sense of vulnerability. Although the National Election Committee (NEC) does not inspire confidence, particularly with respect to processing complaints, Funcinpec's choice in some provinces to file relatively few grievances has left its local supporters with little recourse. These parties may feel that because the electoral rules are biased, they do not in every instance have to comply with them. The net result, however, is that the rules are not enforced and citizens' political rights not advanced.

The International Covenant on Civil and Political Rights, to which Cambodia is a state party, requires "genuine periodic elections."¹³ But far too many Cambodians continue to report fears for their safety or livelihood if they defy the CPP at the ballot box, and far too few say they can make their choices based on the parties' policy platforms, their personal beliefs, who they like, or other independent criteria.

states that village chiefs must remain neutral and not undertake any activities on behalf of political parties. There is no clear procedure for this resignation, nor is there any way to monitor it, and observers report that PECs are not enforcing these resignations with any uniformity. As a result, village chiefs may be able to gain entrance to the polling and counting stations. See "Directive of the Ministry of Interior and National Election Committee," No. 004 S.N.N, Phnom Penh, June 2003.

¹¹ During the second week in June, for example, Prime Minister Hun Sen presided over several inaugurations and ground-breaking ceremonies in Pursat, Kompong Cham, and Battambang in which gifts and money were given out, with SRP members excluded in some instances. That same week Prince Ranariddh opened a school in Kompong Cham and gave out gifts. The SRP is known for its "vitamin rallies" where packets of vitamins are given out.

¹² Funcinpec is the acronym derived from the party's French name (Front Uni National pour un Cambodge Independent, Neutre, Pacifique, et Cooperatif).

¹³ International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976, article 25(b). Cambodia ratified the ICCPR in 1992.

The July 2003 parliamentary elections may be periodic, but the rampant violations thus far of freedom of expression, opinion, information, assembly, and movement make it likely they will be far from genuine. Human Rights Watch remains deeply concerned about chronic restrictions on civil and political rights it has documented during the pre-election period, which are likely to carry over into the post-election period.

While blatant incidents of political violence appear to have decreased compared to Cambodia's 1993, 1998, and 2002 elections, politically motivated violence immediately before and after the election must be taken seriously.¹⁴ It is important for observers not to become complacent, particularly given the possibility of highly contested voting, counting and complaints processes and a repeat of the post-election demonstrations and civil disobedience of 1998.

II. CASE STUDIES

The following case studies illustrate the pervasive effects of impunity, intimidation, and vote-buying in Cambodia's rural provinces. The recommendations suggest ways to make improvements in the time remaining before polling day.

A. Impunity Intensifies Voters' Fears in Takeo

"Fear exists in our hearts. We have to live with this story every day."

Takeo's southernmost district of Kirivong is a former Khmer Rouge stronghold on the border with Vietnam. Although the legacy of war there continues to yield support for Funcinpec, the district is now dominated by Sok An, the President of the Council of Ministers and a high-ranking CPP official. Even the most remote corners of the district are dotted with schools, pagodas, and clinics bearing his name. At least two-thirds of the homes in the district now feature small CPP party signs neatly tacked up outside their doors. One villager seemed to speak for many when he said the signs were a statement about security—that people joined the party, or at least consented to hang the signs, for fear of what would happen if they resisted.¹⁵

The life of "M"—a fifty-year-old widow—has been dominated by such fears for several years.¹⁶ In January 2002, a month before Cambodia's local commune elections, village and commune chiefs distributed calendars featuring the leaders of the CPP to everyone in Kirivong. M, a Funcinpec supporter, complied by hanging up the calendar because she feared what might happen if she refused. But even hanging it up did not ensure that she would be left alone, as the village chief returned about ten days later and accused her of defacing the calendar.¹⁷ Although

¹⁴ The Cambodia Office of the High Commissioner for Human Rights (COHCHR) has reported twelve cases (thirteen deaths) in which known activists from the three major political parties have been killed since the end of the commune elections on February 3, 2003, until the beginning of the election campaign on June 26, 2003. "The 2003 National Assembly Elections," a report by the Special Representative of the Secretary General (SRSG) for Human Rights in Cambodia, July 8, 2003.

¹⁵ Human Rights Watch interview, Kirivong District, Takeo, June 24, 2003.

¹⁶ M's name and those of other victims and eyewitnesses identified in this report have been changed to protect their security. The name of M's village has been withheld for the same reason.

¹⁷ The specific allegation was that M had poked a hole through one of Hun Sen's eyes. The Prime Minister has a glass eye, and one of his less flattering nicknames relates to this.

she had done nothing to the calendar, the village chief took it away to examine it and returned a week later with a new one. M was told that she would be arrested if anything happened to the new calendar. She worries every day about the placement of the calendar in her home—for instance, if she hangs it in a locked room so that her grandchildren cannot accidentally damage it, she fears reprisals from the village chief for not displaying it more publicly.

The village police chief attempted in May and June 2003 to recruit M into the CPP. “If you do not ask for entry into the CPP,” he told her, “I will not allow you into the polls.”¹⁸

M’s refusal to join the CPP is not a simple matter of allegiance to a particular political platform. It means living without security or assistance from local authorities. In 2000, Kirivong suffered some of its worst flooding in years, and M lost her rice crop. In order to survive, she sold her few valuable possessions after the village chief reminded her that he would not help her because she had not supported his party. Local members of the CPP, on the other hand, received donations of rice four or five times. In June 2003, the village police chief made lists of villagers who would receive gifts at nearby distributions by the CPP and the Cambodian Red Cross. Although M is at least as poor as others in the village, neither she nor any others who support parties other than the CPP were put on the list.¹⁹

The 1997 Massacre

M has good reasons to distrust the local authorities, particularly when issues of political affiliation and security are at stake. According to the U.N., local officials were complicit in the 1997 murders of five members of M’s family.²⁰ The motives for the killing—described by the U.N. as a premeditated massacre—are thought to have been political because all five victims were affiliated with the Funcinpec party.²¹

M’s husband, “S,” had been a popular Funcinpec activist in Kirivong for many years. He was known in the community for his allegiance to the party and had displayed a Funcinpec sign in front of his house since the mid-1990s. In August 1997, S was taken to Takeo provincial town by his commune chief, where he was asked to defect to the CPP. He declined the offer. His wife explained: “We have always loved Funcinpec, and nothing could make us change our minds.”²²

On October 1, 1997, Leang Teng, a member of the commune militia, and an accomplice reportedly gunned down M’s husband, a son, and three nephews with dozens of horrified witnesses looking on. The commune authorities were immediately notified but did nothing to intervene, and although the provincial court issued a warrant for the perpetrators’ arrest in December 1997, nothing more was done on the case.²³

¹⁸ Human Rights Watch interview, Kirivong District, Takeo, June 24, 2003.

¹⁹ Ibid.

²⁰ Memorandum to the Royal Government of Cambodia submitted by the Special Representative of the United Nations Secretary-General for Human Rights in Cambodia, May 13, 1998.

²¹ Human Rights Watch interview with deputy chief of the Judicial Police, Takeo provincial town, April 8, 1999; Memorandum to the Royal Government of Cambodia submitted by the Special Representative of the United Nations Secretary-General for Human Rights in Cambodia, May 13, 1998.

²² Human Rights Watch interview, Kirivong District, Takeo, June 24, 2003.

²³ For a complete account of the 1997 Kirivong killings, see “Takeo: Massacre of Five Family Members by Commune Militiaman,” in Human Rights Watch, Adhoc, and Licadho, *Impunity in Cambodia*.

No Action by Authorities

More than six years later, however, the provincial police have yet to serve the warrant for Leang Teng's arrest, although he has reportedly been living at a military base in Takeo since 1999.²⁴

In an interview with Human Rights Watch in June 2003, the Takeo Provincial Police Commissioner, who had held the position since 2000, stated that it was not his responsibility to handle cases that had happened during another Commissioner's term. When asked for a copy of the arrest warrant, which is valid until December 2007, he stated that his office could not keep track of such old documents.

The vice-prosecutor of the Takeo provincial court confirmed that the warrant for Leang is outstanding. A senior judge agreed that the case was still of importance. "I would never be so careless [as to lose an arrest warrant]," he said, "Especially given that resolving such a case could be very important for the elections."²⁵

In an interview after the massacre, M's surviving son told Human Rights Watch, "Since my father's death I don't dare to speak out. I have to be quiet; I have to wear a Cambodian Peoples' Party t-shirt...I want justice, but we must keep quiet. We've lost five family members already."²⁶

Six years later, M wept while she described how her fears of the authorities still eclipse her hopes that justice might be served. "Even now I am afraid," she told Human Rights Watch in June 2003.²⁷ Other relatives of the victims expressed a similar sentiment and said they are "afraid something like that could happen again."²⁸

M continues to refuse to join "the party of the killers," as she calls them.²⁹ She says she will vote and vote her conscience in July 2003, despite fears for her safety and the secrecy of her ballot. Even though local human rights organizations visit her a few times a year, M says she has been ostracized within the village and abandoned by the party to which she has sworn her allegiance. Few people will come to her home and she is not welcome at others' homes. "Why do they abandon me?" she asked. "I did not kill anyone here."³⁰

This episode of impunity also looms large in the minds of M's fellow villagers, especially in the days remaining before the election. When asked if they would raise concerns with local authorities about any problems with the electoral process, such as fears about ballot security, those with whom Human Rights Watch spoke said they would not. As one villager said, "It is a time to keep quiet. Fear exists in our hearts. We have to live with [M's] story every day."³¹

²⁴ Human Rights Watch attempted to visit Subdivision 11 on June 26, 2003, but was not allowed to enter. The commander of the battalion at the entrance to the base said he did not know of a soldier by the name of Leang Teng.

²⁵ Following inquiries from Human Rights Watch and other local human rights organizations in June and July 2003, the judge agreed to review the case. Human Rights Watch interview, Takeo Provincial Court, Takeo, June 25, 2003.

²⁶ Human Rights Watch interview with S's son, Kirivong district, Takeo, April 8, 1999.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

B. Political intimidation in Kompong Cham

“How can we know we will be safe to vote the way we want to?”

Kompong Cham, Cambodia’s largest province, has a long history of political violence and intimidation. With eighteen parliamentary seats, it is the single largest block of votes anywhere in the country and competition for those seats is always intense. Although the CPP was trounced in the 1993 elections, gaining only 30 percent of the vote while Funcinpec took 54 percent, by 1998 the gap had narrowed considerably to 38 percent for Funcinpec and 34 percent for the CPP. The CPP has made extensive and overt use of the police, military, and local authorities to maintain its hold on the local population, ruling by fear in much of the province. The party’s organization is evident throughout the province, particularly in Kompong Cham’s extensive rubber plantations, as well as the central base of Military Region Two.

In advance of the 1998 elections, some of the country’s most brutal political violence took place in Kompong Cham. In June 1998, police arbitrarily arrested a known SRP supporter in the central district of Tbong Khmum. His mutilated body was found in a shallow grave in a nearby rubber plantation several days later, but authorities insisted that he had in fact poisoned himself.³² Five of the fifteen political murders before the 2002 commune elections occurred in Kompong Cham.³³ Two of political killings are currently under investigation by the U.N. Sustained campaigns of political violence and intimidation, including one against SRP supporters in Memot District prior to the commune elections, have been well documented.³⁴

In June 2003, human rights organizations investigated dozens of cases of death threats, disappearances, signboard violations, beatings of opposition supporters, detention, and chronic intimidation in advance of the July polls.

In several districts in Kompong Cham, people who openly support the SRP have experienced an increasing degree of hostile attention from their local officials. On May 25, 2003, opposition leader Sam Rainsy visited the district of Memot to hold a party rally. Since that time, SRP sympathizers in at least one village in Memot have had their political activities monitored and recorded and their lives and livelihoods threatened by local authorities. Prior to their attendance at the rally, a number of villagers and the village chief said there had been no such problems.³⁵ The village chief did note that Funcinpec was “gone” from the district, a fact that is either hard to believe or alarming, given that the party got the largest number of votes in the district in the 1998 elections.³⁶

Local human rights organizations have reported similar cases of intimidation following SRP gatherings in at least four other districts, including Chamkar Loeu, Steung Trang, Kang Meas,

³² Human Rights Watch, “Cambodia’s Commune Elections: Setting the Stage for the 2003 National Elections,” *A Human Rights Watch Report*, vol. 14, no. 4 (C), May 2002.

³³ “Cambodia’s Commune Council Elections,” Human Rights Watch Backgrounder, January 2002.

³⁴ For a detailed case study on the “flashlight gang” killings in Kompong Cham during the commune election campaigns, see Human Rights Watch, “Cambodia’s Commune Elections.”

³⁵ Human Rights Watch interviews, Memot District, Kompong Cham, June 30, 2003.

³⁶ *Ibid.*

and Tbong Khmum. Given these similarities, it is hard to ignore the possibility that provincial authorities may be systematically organizing these campaigns of intimidation.

Poisoning the Well

About seventy people from one village in Memot district³⁷ attended the SRP rally on May 25. In order to reach the road to the district town, the villagers had to walk over a narrow bridge. The deputy village chief and the commune chief sat by the bridge and made a note of all those who went to the rally. Upon returning to the village after the rally, several of these people were told that unlike those who did not attend the rally, they would not be entitled to ten kilograms of rice donated by the CPP (given the opacity of the national budget and the regular mixing of state and party activities and assets, it is unclear whether such donations actually come from the party or the state).³⁸ A few others who attended the rally reported being cursed at and insulted by their neighbors as “ignorant” for their support of SRP.³⁹

Two nights after the SRP rally, four unidentified men tore down a local SRP signboard in the village. A neighbor in the house next door heard the activity and shone a flashlight on them, at which point they fled. The neighbor chose not to go outside to confront them, as he feared that they might be armed. The next day, a former local militia member instructed another SRP supporter in the village that she had to remove her party signboard because it stood (as does her house) on a curve in the road. If she refused to do so, he speculated that her house might be burned down. On May 29, the signboard disappeared, though it is unclear who removed it.⁴⁰

The situation for SRP supporters in the village continued to deteriorate. During the night of May 31 or the early morning of June 1, a bottle of pesticide was dumped into the water well of “D,” another person who had attended the SRP rally. A neighbor went to take water but noticed an odd smell and found the pesticide bottle before anyone drank from the well. The neighbor took the bottle to D, who took it to the village chief. On June 2, the village chief reported the incident to the village police, who examined the well but did not file a report to the commune authorities.⁴¹ The commune police stated that the case had been brought to their attention by local human rights organizations.⁴²

In late June, the village chief appeared unconcerned about the reports of harassment and intimidation in his village and described the situation in the village as “calm.” When asked about the incident with the well, the chief theorized that children playing with the bottle of pesticide had dropped it in the well.⁴³ While the village chief acknowledged that people in the village were worried about the poisoned well, he said the incident would have no effect on the elections. As for whether opposition party members were being threatened, he said that the people of his village might joke with each other about their political affiliations, but that only party leaders at

³⁷ The name of the village has been withheld to protect the security of informants.

³⁸ Human Rights Watch interview, Memot District, Kompong Cham, June 30, 2003.

³⁹ Human Rights Watch interview, Kompong Cham Town, Kompong Cham, June 29, 2003.

⁴⁰ Ibid.

⁴¹ Human Rights Watch interview, Memot District, Kompong Cham, June 30, 2003.

⁴² Ibid.

⁴³ M’s son rejected this explanation, partly because his family has never used pesticides, so the bottle was not likely picked up on their property.

the national level engaged in any serious verbal jousting. “People here keep quiet for their own safety,” he said, with no apparent irony.⁴⁴

D has been an SRP member and activist since December 2001. He is known throughout the village for helping organize people to attend SRP rallies. His son had discouraged him from going to the SRP rally, telling him that he should instead “stick to the party that takes care of people.” D refused to speculate as to who might have put the poison in his well. He thought that the incident with his well was probably related to his attendance at the rally, but was quick to avoid laying blame on local authorities. D described a general feeling of insecurity, particularly in advance of the elections and when working in his sesame fields, which are far from his home. He also reported a fear of being shot in his house at night.⁴⁵

Activists’ Fears

Local SRP organizers, many of whom have supported the party since 1998, report that they have had no problems until the recent visit to the district of Sam Rainsy. Since that time, however, one of the more active SRP members says he feels his life is at risk because of his political affiliation. “I listen to Voice of America and Radio Free Asia, and I hear of other people who support Sam Rainsy being killed around the country,” he said.⁴⁶ He now gets up several times during the night to move to different parts of the house in the event someone tries to shoot him while he sleeps.⁴⁷ Another local activist also said that he feared being killed for his political views.

The commune police chief said his office had no suspects and could not continue with an investigation until D and his family provided them with a list of possible perpetrators. Due to a lack of resources, the commune police were unable to test the well but instead drank some of the water a few days after the incident to prove that the poison was gone (the villagers say they had already treated the water with some kind of antidote for the pesticide). In order to improve the security situation in the village, the commune police chief has dispatched a former commune militia member, armed with an AK-47, to “keep watch.”⁴⁸ (A former commune militia member is the primary suspect in a nearby commune in the case of a death threat against a local SRP supporter in June 2003. After visits from local officials, however, the victim withdrew his complaint.⁴⁹)

Activists in the village report that only the visits from local and international human rights organizations make them feel more secure. When asked if they would attend another SRP rally—

⁴⁴ Human Rights Watch interview, Memot District, Kompong Cham, June 30, 2003.

⁴⁵ Human Rights Watch interview, Memot District, Kompong Cham, June 30, 2003.

⁴⁶ Ibid.

⁴⁷ Cambodian houses in the countryside are typically raised up on stilts. Killers often shoot from under the house, up through the bamboo floor slats, after having identified the place where the victim usually sleeps.

⁴⁸ Commune chiefs have frequently doubled as chiefs of the armed commune militia during past election campaigns, in which they have implemented CPP directives to conduct surveillance and carry out political violence against opposition party members (with impunity). While the government announced plans to dismantle—or at least disarm—the commune militia in late 1999, many local militia continue to exist, particularly in border areas. The commune police officer interviewed by Human Rights Watch confirmed that in certain border districts in Kompong Cham, the commune militia have been allowed to remain active.

⁴⁹ Human Rights Watch interview, Da Commune Police Station, Memot District, Kompong Cham, June 30, 2003.

mindful of what has happened since then—one local supporter said that he would, though he would be concerned for his safety. Others said they would stay home and “keep quiet” until after the election. “How are we supposed to know what will happen?” said one local activist. “How can we know we will be safe to vote the way we want to?”⁵⁰

C. Gifts and elections in Siem Reap

“The CPP will always give what it promises”

Over the past decade, Siem Reap’s political affinities have reversed course. In the 1993 election, 49 percent of the votes went to Funcinpec and 33 percent to the CPP. Following widespread political violence and extensive reports of vote-buying, gift-giving, and oath-swearing in the run-up to the 1998 elections, however, the CPP earned a decisive victory, garnering about 49 percent of the vote while Funcinpec dropped to about 25 percent.

The use of “gifts” in exchange for votes is once again on the rise across Siem Reap, and local observers suggest that this “peaceful strategy” is being used instead of more violent tactics.⁵¹

Article 124 of the Law on the Election of the National Assembly expressly prohibits the “use of duress, threats, or coercion to secure a promise to vote for a candidate or political party.”⁵² The amended chapter of the election law dealing with the election campaign specifically states that, “Any political party, its representatives and candidate or any individual shall not provide contributions, gifts or rewards in cash or in kind of any form to any institution, organization or individual in order to buy votes.”⁵³ The NEC’s Code of Conduct for Political Parties contains similar language: “Every political party, candidate and its representatives shall avoid...giving contribution, gift or incentives either in form of monetary or material by whatever means to an institution, organization or individual during the election campaign up to the polling day in order to gain support or votes from that institution, organization or individual.”⁵⁴ Bribery is a violation of the criminal law.

All of the major parties have been observed distributing money, food, clothing, vitamins, or water at their rallies, and all ask for the recipients’ support. Only the CPP, however, appears to use the lure of gifts as a tactic to coerce pledges to vote for the party, continuing widespread and well-documented practices from the 1993 and 1998 national elections.

Gifts are given in exchange for public oaths pledging allegiance to the CPP and relinquishing all ties to any other party. Often the oath ceremonies have religious overtones, as they are held in pagodas or in the presence of Buddhist monks, and the participants are given the impression that

⁵⁰ Human Rights Watch interviews, Memot District, Kompong Cham, June 30, 2003.

⁵¹ Human Rights Watch interview, Siem Reap Town, Siem Reap, July 2, 2003.

⁵² “Law on The Amendment to the Law on The Election of the National Assembly,” Kingdom of Cambodia, August 21, 2002, p. 41.

⁵³ “Chapter VII: Election Campaign,” Article 7.10.7, Amendments to the Law on the Election of the National Assembly,” adopted on April 24, 2003, translated by the United Nations Development Program Electoral Unit.

⁵⁴ “Chapter IX: Bribes and gifts,” Code of Conduct for Political Parties During the Election of Members of the National Assembly, adopted on February 27, 2003, translated by the United Nations Development Program Electoral Unit.

violating the oaths is comparable to violating religious tenets.⁵⁵ The CPP's well-organized campaigns in some areas to influence monks and thus their followers is ironic, given the CPP's opposition to allowing monks to vote, as well as warnings issued by local officials to religious leaders who permit the SRP to hold rallies at their pagodas.⁵⁶

Participants are in some cases asked to thumbprint written documents in the presence of local officials, which most villagers cannot read, creating a record of their new political affiliation. After gifts are given, it is not uncommon for local officials, most of whom are affiliated with the ruling party, to threaten to repossess the gifts or cut off future assistance if the CPP is not victorious.⁵⁷

Two general patterns have emerged. Both draw from the CPP's "cell" system, in which a party stalwart is given the responsibility of monitoring a fixed number of people and delivering their support. In the first scenario, a local Funcinpec activist is persuaded by a village chief or local CPP organizer to make a list of those the Funcinpec member would like to see receive gifts. The Funcinpec activist is typically not told that creating such a list will result in the group being called to a meeting or ceremony at which people are forced to swear allegiance to the CPP in order to receive gifts.

In the second scenario, a village chief simply instructs the people in his village to go to the meetings or ceremonies to get gifts—again not telling them that they will be expected to switch parties—and he makes a list of those who go. There are minor variations on the pattern, but three elements are consistent: organization by the CPP, a public commitment to support the party, and creation of lists of new members. A particularly invidious trend was found in Siem Reap, where people received "gifts" after signing forms that later turned out to be loan agreements. They were subsequently told that they would have to repay the money immediately after the election if the CPP was not re-elected.⁵⁸

Gift-giving in this manner is a coercive practice, designed to frighten or entrap voters into casting support for a particular party. The severity of the problem depends primarily on the extent to which voters understand that party membership is irrelevant to their right to vote, that oaths are not in any way binding, and that their ballots will be secret. But the highly organized campaign currently underway in Siem Reap under the direction of a CPP member of parliament and other provincial party organizers is intended to create the impression that membership and oaths matter, that votes will not be secret, and that there will be a high price to pay for supporting parties other than the CPP.⁵⁹

⁵⁵ The CPP's use of pagodas for campaigning and oath-swearing ceremonies has been reported in several provinces, including Kandal, Preah Vihear, and Siem Reap.

⁵⁶ In the past, Buddhist monks have been discouraged from voting on the grounds that political partisanship was incompatible with their Buddhist tenets. However, the Election Law does not prohibit monks from voting. In fact, Article 54 of the Election Law specifically notes that the special identity cards issued to monks are one of several forms of identification that can be used for the purpose of voter registration.

⁵⁷ Human Rights Watch interviews, Siem Reap District, Prasat Bakong District, Sot Nikom District, and Chikreng District, Siem Reap, July 1-3, 2003.

⁵⁸ Human Rights Watch interviews, Siem Reap Town, Siem Reap, July 2, 2003.

⁵⁹ Human Rights Watch interviews, Siem Reap District, Prasat Bakong District, Sot Nikom District, Chikreng District, Siem Reap, July 1-4, 2003.

Increasing the Chance of Victory

Since the end of May 2003, reports of oath-swearing ceremonies and gift-giving have increased dramatically across Siem Reap, and it appears particularly acute in three key districts that offered strong support to the opposition in 1998. Prasat Bakong district is the only one of the province's fifteen districts to have voted in 1998 for Funcinpec, while in Chikreng and Sot Nikom districts the CPP edged Funcinpec by a margin of only 300-400 votes.⁶⁰

In mid-May 2003, CPP provincial party authorities held a series of internal meetings with village chiefs from these districts. Those chiefs were allegedly told that they would get new motorbikes for every ten voters they lured away from other parties.⁶¹ On the evening of June 10, nine Funcinpec organizers from Chikreng, Prasat Bakong, and Sot Nikom districts were invited through their village chiefs to attend a dinner, though its purpose was not clear to them. When they arrived, they learned that it had been organized by the CPP's provincial office. Each was given 50,000 riel (U.S. \$12.50) and five packets of noodles.⁶²

A CPP Member of Parliament for Siem Reap attended the dinner. Using a microphone he named each of the organizers and his village. For those who had already begun "recruiting" new members, the parliamentarian announced how many people they had added to the CPP's roster.⁶³ "L," one of the Prasat Bakong Funcinpec representatives who attended the dinner, reported that the parliamentarian told them that, "If you continue to help us so well, we will give you anything you want."⁶⁴

"P," another Prasat Bakong Funcinpec representative, reported that the same CPP parliamentarian personally warned him to "be smart," "follow instructions," and "go register at least ten people." P's wife added that she was frightened of what might happen to them on the long, dark ride home after the dinner if they did not appear enthusiastic about the parliamentarian's directive.⁶⁵

P had already helped "recruit" new members into the CPP. On June 1, he received a visit from two local CPP organizers. P had never met the men before. They tried to persuade him to join the CPP and to help them recruit more new supporters. P initially resisted, suggesting that this was a task more suitable for the village chief. He also confided that the CPP's failure to follow through on its campaign promises of new roads, schools, and bridges in advance of the commune elections made him distrust the party.

⁶⁰ In Prasat Bakong District, Funcinpec got 9,210 votes (43 percent) and CPP got 5,248 (24 percent). In Sot Nikom District, the CPP earned 12,764 (35 percent) of the vote, while Funcinpec got 12,353 (34 percent), and in Chikreng District, the CPP got 12,928 votes (33 percent) while Funcinpec garnered 12,353 votes (32 percent). See "The European Union Electoral Atlas for the Legislative Elections of July 26, 1998," p. 209.

⁶¹ Human Rights Watch interviews, Siem Reap Province, July 1-4, 2003.

⁶² Human Rights Watch interview with representatives of local human rights organizations and international observers conducting investigations in Northwestern Cambodia, Siem Reap Town, Siem Reap, July 2, 2003.

⁶³ Human Rights Watch interview, Prasat Bakong District, Siem Reap, July 3, 2003.

⁶⁴ The names of the Funcinpec activists have been withheld to protect their security. Human Rights Watch interviews, Prasat Bakong District, Siem Reap, July 2, 2003.

⁶⁵ Human Rights Watch interview, Prasat Bakong District, Siem Reap, July 3, 2003.

But the two men visited him repeatedly over the next few days, and this made P uneasy. “I was afraid to refuse them,” he said. “They would hurt me or bully me if I said no, so I just let them use me. After all, it was just to get gifts.”⁶⁶

Finally he agreed to help make a list of people in the village that would like to receive gifts. The two organizers gave P a form to use when collecting information. The form bears the CPP party logo and is entitled “Name list of FCP [Funcinpec] members who join the CPP” (see Appendix A). The parties’ acronyms are printed in English, such that to someone literate only in Khmer, the connection to party politics is not discernable. In addition to asking for each individual’s name, address, and date of birth, it also asks—in blatant violation of the election law—for the individual’s voter registration card serial number.

Between June 2 and 4, P collected 133 signatures from people of a variety of political affiliations. On June 5 and 6, the village chief used the list to bring those people to the pagoda to receive sarongs and bottled water, and to drink oath water and swear their allegiance to the CPP.⁶⁷ P tried to avoid going to the meeting, but the village chief sought him out and insisted that he attend.

On June 14, “T,” another Prasat Bakong Funcinpec representative who had attended the June 10 dinner, received a visit from his village chief, his commune chief, and three local policemen. The village chief asked T to collect the signatures of people renouncing Funcinpec for membership in the CPP. The chief presented T with a sample resignation letter (see Appendix B), but T refused to perform the requested task. The group came back later that evening and early the following morning, but T continued to resist. Later on the morning of June 15, the chief returned to T’s house and presented him with a list of forty-four Funcinpec and seven SRP members who had supposedly agreed to switch parties. The village chief then asked T to distribute vouchers for gifts, to be claimed later that day at the commune office, and to deliver the resignation letters to the commune chief.

Those who went to the office on June 15 were not in fact given gifts but rather were told they had to take an oath swearing their allegiance to the CPP. Several refused to do so on the grounds that they had not been given gifts, but the gathering dispersed quickly when an international election observer arrived unannounced. On June 16, those who had not yet received gifts were asked go to a nearby pagoda, where they were given bottled water and sarongs after swearing their allegiance to the CPP. Most did so, concerned that their identities were too well known to local officials to refuse. Some report being explicitly told by their village chiefs that, “We will know if you vote for Funcinpec.”⁶⁸

Those concerns appear to be well founded. On July 3, the CPP held another party rally at the same pagoda. About 300 people from surrounding villages attended because their village chiefs had “told them to come to [the parliamentarian’s] meeting.”⁶⁹ At the rally, the attendees were divided into groups according to their villages. Human Rights Watch observed rally organizers

⁶⁶ Ibid.

⁶⁷ The Commune Election Committee office is located in the pagoda compound.

⁶⁸ Human Rights Watch interviews, Prasat Bakong District, Siem Reap, July 3, 2003.

⁶⁹ Ibid.

circulating through the crowd with the same kinds of forms that P had been asked to fill out, presumably for the purpose of checking attendance. One official's opening remarks included a village-by-village recounting of the numbers of sarongs, sacks of rice, and other gifts distributed.

The CPP parliamentarian told the crowd that although he had no gifts to distribute that day, he would be happy to provide more "if after the elections you keep my face here."⁷⁰

"Gifts" that need to be repaid

Other strategies have employed more direct forms of coercion. In mid-March 2003, about 400 families attended a gift ceremony organized by the same CPP parliamentarian at a primary school in Kvav Commune, Chikreng District. He announced that he would give 100,000 riel (U.S. \$50)⁷¹ to anyone who voted for the CPP, and that if the CPP won, he would give an additional 100,000 riel. Those who were willing to accept this deal were asked to thumbprint a document that they understood to be a pledge to exchange their political support for the money. At least half the people present did so, took the money, and went home.⁷²

In early June one of the parliamentarian's assistants returned to Kvav with the thumbprinted documents and explained to the villagers that they were in fact loan agreements.⁷³ Local human rights NGO representatives confirmed with Human Rights Watch that the documents were standard loan agreements.⁷⁴ Those who had unwittingly signed them were told that they would also be charged 2,000 riel per month interest. On June 22, the same agent of the parliamentarian returned to the village and told the people, "If the CPP wins, you do not have to pay us back."⁷⁵ Some of these voters, who have no real access to legal recourse, report that they now have no choice but to vote for the CPP to avoid further impoverishment. In addition, they are encouraging others in their area to also vote for the CPP in order to ensure the parliamentarian's victory.⁷⁶

CPP representatives deny all of these allegations. The chief of the provincial CPP office, when asked about the party's use of commune or village chiefs to recruit new party members, said that anyone making such a suggestion could be found guilty of defamation. CPP representatives deny the late May organizational meetings, the alleged incentives to local officials, and the numerous accusations of oath ceremonies and other forms of intimidation. Officials insist that they only use party organizers, party offices, and party resources. The party claims that no one is being forced to join and that it does not actively recruit new members but rather accepts only "volunteers." It describes its "gifts" as a way of "helping people who have already shown their loyalty."⁷⁷

⁷⁰ Human Rights Watch interviews, Prasat Bakong District, Siem Reap, July 3, 2003.

⁷¹ According to the World Bank, annual per capita income in Cambodia is about \$280 US.

⁷² Human Rights Watch interviews with a representative of a Cambodian human rights organization and two international election monitors conducting investigations in Northwestern Cambodia, Siem Reap Town, Siem Reap, July 2-3, 2003.

⁷³ Ibid.

⁷⁴ Human Rights Watch interviews with representatives of two Cambodian human rights organizations, July 2, 2003.

⁷⁵ Human Rights Watch interviews with a representative of a Cambodian human rights organization and two international election monitors conducting investigations in Northwestern Cambodia, Siem Reap Town, Siem Reap, July 2-3, 2003.

⁷⁶ Ibid.

⁷⁷ Human Rights Watch interview, CPP Provincial Headquarters, Siem Reap Town, Siem Reap, July 2, 2003.

It is worth noting that when queried on these subjects all levels of party officials—from provincial party organizers to village chiefs in remote areas in several different provinces—responded with literally the same words and phrases. “We only accept volunteers as new members,” said a commune CPP organizer in Takeo, a provincial CPP official in Takeo, a village chief in Kompong Cham, and the CPP officials in Siem Reap.

When presented with a copy of the form used for Funcinpec members who had “resigned” their membership, one official said that the form is used only for “keeping control” of new members. Officials chose not to respond to a question about the illegality of collecting voter registration card numbers, saying simply that, “CPP members have to carry out their party duties and report it to headquarters.”⁷⁸ They proudly noted that, since the beginning of June, they have enrolled 19,000 new members from other parties.

As a result of this “gift” campaign, some of Siem Reap’s voters face a difficult choice on election day, though that choice is not about differences in the platforms of political parties. Those who have taken gifts will have to consider whether they feel safe defying the CPP, especially now that their names are on lists or other documents making them beholden to the party. If all of a village’s voters have taken gifts, how safe will a few feel if they are the only ones to vote against the CPP? Might such behavior anger not only local officials but also others in the village who want to ensure that the CPP will fulfill its promises? Voters will have to weigh the promises of future largesse against vows to repossess what has already been given, and, even worse, consider threats of violent retribution from local officials. One provincial CPP activist summed up the situation concisely: “The CPP will always give what it promises.”⁷⁹

III. CONCLUSION

These case studies illustrate the legacy of impunity, the vulnerability of those who choose to oppose the ruling party, and the government’s blatant violations of its own electoral laws. It is crucial for election observers to take full account of the kinds of practices described above in considering whether voters and candidates have been able to operate in an environment in which their basic rights to choose and be chosen have been respected. A decrease in the levels of overt political violence, while welcome, should not be confused with an environment in which civil and political rights are respected. Only when all Cambodians can vote solely on the basis of their individual preferences—rather than in accordance with their fears of retribution—can elections be considered “genuine.” Until that time, they will be nothing more than “periodic.”

⁷⁸ Ibid.

⁷⁹ Ibid.

IV. RECOMMENDATIONS

- The Cambodian government should move quickly to begin prosecuting serious violations of the Law on the Election of the National Assembly, especially those committed by candidates and party officials. Offenders should be punished in accordance with Article 124.
- If there is credible evidence that officials at any level, but especially village and commune chiefs, have violated the Election Law, those officials should be suspended from their positions until after the elections.
- Members of the national, provincial or commune election committees who act in a partisan manner should be suspended until after the election, in accordance with Article 126 of the Election Law.
- In accordance with the Election Law, village chiefs should be allowed in the polling stations only to cast their ballots. They should not be allowed to linger outside polling stations.
- Members of the police, military and militia should respect the Election Law and be prohibited from entering the polling stations other than to vote. This will help minimize an intimidating atmosphere.
- Village and commune chiefs should, under the direction of the PECs and CECs, hold public meetings at the village level immediately to assure voters that they will be treated equally regardless of the outcome of the vote.
- The NEC, all political parties, all donors, and all election observers should immediately try to reinforce the message that voters can cast their ballots for whomever they choose, regardless of the receipt of gifts, the statement of an oath, or any other forced affiliation. National media should be made available free of charge to publicize this message.
- All political parties should abide by Article 7.10 of the Election Law and refrain from using inflammatory or racist rhetoric.
- All political parties should do their utmost to report properly on violations, particularly those involving threats to their members. If, however, parties' initial suspicions of political motivations for the violence are not substantiated, the claims should be publicly retracted.
- Domestic and international human rights organizations and election monitors should try to visit areas where violence and intimidation have been particularly problematic. Rural Cambodians continue to report that the presence of such observers contributes to their sense of security on polling day.
- International donors, particularly those concerned about human rights, governance, and corruption, and especially those that have financially supported the elections (see Appendix C), should insist that the Cambodian government promptly investigate and prosecute all electoral violations.

**APPENDIX A: “Name list of FCP [Funcinpec] members who join the CPP”
(English Translation)**

**CAMBODIAN PEOPLE’S PARTY
SIEM REAP PROVINCIAL COMMITTEE**

**INDEPENDENCE PEACE FREEDOM
DEMOCRACY NEUTRALITY AND
SOCIAL DEVELOPMENT**

CPP LOGO

Name list of FCP members who join CPP from day __, month __, year 2003

to day __, month __, year 2003,

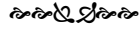
in commune _____.

for Form 2/Jan 03

Number	Name	Sex	Date of Birth	Village, Commune, District	Office Code No.	Serial No.	Voter Card No.	Misc.

APPENDIX B: Sample Resignation Letter (English Translation)⁸⁰

**Kingdom of Cambodia
Nation Religion King**



Announcement to resign from a political party

My name is (name deleted),

born in year _____ in (name deleted) Village,

_____ Commune, Prasat Bakong District, Siem Reap Province.

Having seen Article 13 of the Political Party Law, I would like to announce that I resign from membership of (Funcinpec) Party, and become a normal citizen effective from the day I put the right thumbprint on this announcement.

Received by _____, Party President, as informed,

Done in (name deleted) Village, date _____.

Thumbprint

Name (signature deleted)

⁸⁰ Name of villager who filled out the resignation form and his village have been deleted to protect his security.

APPENDIX B: Sample Resignation Letter (Khmer original)⁸¹

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

លេចក្តីប្រកាសលាដែលបានស្តីពីការចុះឈ្មោះចោល

ខ្ញុំបាទ ឬ នាងខ្ញុំឈ្មោះ
- ភីតភ្នំ ខេត្តស្ទឹងត្រែង ឃុំ ស្រុក ខេត្តស្ទឹងត្រែង
- បច្ចុប្បន្ននៅស្ទឹង ឃុំ ស្រុក ខេត្តស្ទឹងត្រែង
បានយល់ឃើញ ដូចមានចែង ១៣ ខែច្បាប់ស្តីពីការចុះឈ្មោះចោល ខ្ញុំបាទ ឬ
នាងខ្ញុំសូមប្រកាសលាដែលបានស្តីពីសមាជិកភាពគណបក្ស
ដោយរស់នៅជាប្រជាជនសាមីញា ចាប់ពីពេលដែលខ្ញុំបាទ ឬ នាងខ្ញុំ បានប្តិតមេដៃស្តាប់
លេចក្តីប្រកាសនេះ តទៅ ។

សិប្បកម្មស្នេហា ថ្ងៃទី ខែ ៤ ឆ្នាំ ២០០៣
- ប្រកាសលា
"ដើម្បីរក្សាសុវត្ថិភាព" ។
- ឯកសារ
ព្រះរាជប្រតិបត្តិ

⁸¹ Name of villager who filled out the resignation form and his village and commune have been deleted to protect his security.

APPENDIX C: 2003 UNDP Election Funding Status: 14 July 2003

Donor	Expected contribution (USD)
Australia	445,000
Belgium	290,003
Belgium	108,000
Canada	334,300
Denmark	382,431
European Community	900,000
France	580,000
Germany	35,000
Netherlands	100,000
New Zealand	249,978
Sweden	570,000
Switzerland	50,000
UNDP	25,000
United Kingdom	640,800
TOTAL	U.S. \$ 4,720,511

The figures in the table above comprise most, but not all, of the funding to the National Election Committee's master plan budget through the United Nations Development Program. In addition, Japan has given U.S.\$2,265,099 to the government's election process, Germany has provided an additional \$94,000, and the People's Republic of China has also contributed to the government's efforts. Several other countries have opted instead to provide assistance through non-governmental organizations, most notably \$8.5 million from the United States. A number of other countries will also be funding observer delegations.