



KINGDOM OF CAMBODIA
Nation Religion King

The Constitutional Council

CASE N° 227/031/2013

Of August 17, 2013

Decision N° 133/008/2013 CC.D

Of September 01, 2013

The Constitutional Council

- Seen the Constitution of the Kingdom of Cambodia;
- ...
- Seen the August 16, 2013 letter N° 827/13 NEC of the National Election Committee;
- Seen the August 17, 2013 petition of Mr. **Ruos Suor** filed against the provisional results of the 2013 Elections of the Members of the National Assembly for the 5th legislature;
- 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 5th legislature in Kampong Speu province constituency;
- Seen the introduction letter N° 862/13 NEC dated August 22, 2013 of the National Election Committee;
- Seen the August 23, 2013 minutes recording the clarification given by Mr. **Ruos Suor**;
- Seen the August 23, 2013 minutes recording the clarification, attaching with 3 pages of the pleadings dated August 23, 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 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° 827/13 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 III of the Constitutional Council, he clarified the demand as follows: 1- Reviewing the official voter lists in 2012 accurately, the loss of names and the names of the substitute voters, 2- Reviewing the official voter lists in 2012 with many wrong spellings and duplicate names, and 3- Verifying the provisional election results with the Form 1104. The plaintiff requested the Constitutional Council to kindly review and reconsider the decision (in fact, it is a notification, not a decision) of the National Election Committee which was contrary to the Regulations and Procedures stipulated by Law. The plaintiff had no evidences to submit to the Constitutional Council;
- Whereas during the clarification before Group III of the Constitutional Council, H.E. **Som Chandina**, Representative of the National Election Committee, confirmed that: the petition against the lost names from the voter lists shall be made within the period of the examination of the voter lists and voter registration. The plaintiff did not determine clearly any polling station, names, and serial numbers in the voter lists of those citizens. Concerning the substitute voters, the plaintiff didn't have concrete evidences of the polling station site, allowing the National Election Committee to examine and evaluate the impacts on the election results. The plaintiff didn't remember the numbers and names but confirming that there was a small number. For the protest against the Form 1104 which the results were different from the National Election Committee's declaration, the plaintiff didn't give these evidences to the National Election Committee as the basis for consideration and decision in accordance with the Law. The plaintiff didn't prove the irregularities of the commission or its members who made the mistakes, the dates and places of wrongdoing, the names and addresses of the witnesses as well as documents and other evidences as stipulated in Article 114 of the Law on Elections of the Members of the National Assembly;

- Whereas the election in Kampong Speu province constituency, which had totally 1,067 polling stations, had neither violence nor chaos. Citizens had secretly and freely casted their ballots. The turnout of voters was 76.67%;
- Whereas the letter N° 827/13 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° 827/13 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**