

**KINGDOM OF CAMBODIA
NATION RELIGION KING**

NATIONAL ELECTION COMMITTEE



CODE OF CONDUCT

FOR

**MEMBERS OF CAMBODIAN ROYAL ARMED FORCES
AND NATIONAL POLICE DURING THE ELECTION
OF THE NATIONAL ASSEMBLY MEMBERS**

JULY 27, 2008

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PART I

CODE OF CONDUCT

FOR

THE CAMBODIAN ROYAL ARMED FORCES AND NATIONAL POLICE

PART I

I. INTRODUCTION

July 27, 2008 marks the historical Election Day of the 4th mandate of the National Assembly Members in Cambodia. This election also reflects the effort in strengthening the development of the democracy in Cambodia through:

- achieving a free, fair, and transparent 4th mandate of the National Assembly Election;
- fostering a social environment that everyone mutually understands each other and respects the rule of law;
- preventing the social environment from being poisoned with all forms of fear, confusion, threat, violence and insecurity.

The National Election Committee (NEC) has developed and approved a CODE OF CONDUCT to be enforced by the Members of the Cambodian Royal Armed Forces and National Police , during the 2008 Election.

II. OBJECTIVE

This Code of Conduct aims to:

1. Enable the 4th mandate of the parliamentary election to proceed with success, free from various forms of threats, intimidations, and violence.
2. Provide safety and security to citizens who go to register, the political candidates and agents, the election officials at all levels, the national and international observers, to voters, and to maintain the general stability throughout the entire society.
3. Organize the preventive measures to diminish any crimes and terrorist activities that could obstruct the electoral process.

III. REQUEST

The request is directed to the members of the Cambodian Royal Armed Forces and National Police, especially, those who are assigned to perform the security task during the election time. They must:

- combine all efforts, using all specialized means, measures and equipments, with full responsibility and high spirit in order to assure safety, security, and public order;
- implement the special electoral law, the NEC regulations and procedures, as an essential foundation of the assigned duty during the election time;
- participate in providing secured and safe protection during the revision of voters 'name, the electoral campaign, the casting and counting of ballots, and in safeguarding all electoral equipments and facilities, for the entire electoral process.

IV. RIGHTS AND OBLIGATIONS

During the process of this Election of the National Assembly Members on 27 July 2008, members of all types of the Cambodian Royal Armed Forces shall remain neutral and impartial, and shall not show any support for or demonstrate against any political party or candidate. Members of the Cambodian Royal Armed Forces and National Police shall keep in mind that:

1. Voters have the right to receive the security and safety protection, in order to enable a free and fair election process.
2. Every candidate and political party agents have an equal right to receive the protection of security and safety while they perform their political activities.

V. DUTIES, RESPONSIBILITIES AND PROHIBITIONS

A. DUTIES AND RESPONSIBILITIES

The Members of the Cambodian Royal Armed Forces and National Police have the duties and responsibilities to:

1. cooperate with the NEC and the electoral commissions at all levels to ensure safety during the revision of voters 'name and voters registration, and the 2008 electoral period;

2. ensure the maintenance of a safe environment during the posting of the last voter registry, the posting of the primary voter lists, the official voter registry, the list of candidates, the electoral campaign, and the casting and counting of ballots;
3. ensure that every candidates and political parties have equal access to receiving the protection in term of security and safety during the electoral campaign;
4. participate in protecting each polling/ballot counting station that is considered as administrative and safe perimeter;
5. during the Election Day, three (3) members of the Cambodian Royal Armed Forces, who are assigned to protect the polling/counting ballots stations, must wear the armed force uniform, properly carry armament, and must wear the NEC security badge;
6. guard all polling/counting ballot stations with tight control to secure proper casting and counting of ballots activities;
7. be stationed around the polling/ballot counting stations in order to be ready to perform the task when requested by the Chief of the polling/counting ballot station in assisting him/her to maintain the security and public order in a particular station.
8. escort the electoral delegation in transporting the electoral equipments, documents, ballot boxes, and the ballot counting records of all ballot counting stations to the CECs, and protect the transport of all tabulations reports and the electoral materials from the CECs to the PECs, and all electoral materials and all consolidated records of the PECs to NEC.
9. The commanders or representatives of the Cambodian Royal Armed Forces and National Police shall meet NEC and the election commissions at all levels to discuss security and safety measures to be implemented during the entire electoral period.
10. The commanders of the Cambodian Royal Armed Forces and National Police shall issue directives to their subordinates to oversee the enforcement of their relevant units, regarding the political parties, candidates, supporters, all citizens, and the fundamental rights and freedom as prescribed in the Articles 31 and 32 of the Constitution of the Kingdom of Cambodia.

B. PROHIBITIONS

The Members of the Cambodian Royal Armed Forces and National Police shall enforce the following prohibitions:

1. Shall not participate in all forms of the electoral campaign of any political party. The active participation is defined as follows:
 1. 1. being member of the permanent committee of information and media, or the commission of the electoral campaign of a political party;
 1. 2. participating in the parades, meetings and procession to support or to demonstrate against any political party and/or candidate;
 1. 3. displaying propaganda materials or other documents to support and demonstrate against a political party and/or a candidate;
 1. 4. conducting a public opinion survey for any political party and/or a candidate;
 1. 5. driving any political party or candidate's vehicle;
 1. 6. distributing materials to voters for purposively supporting a political party and/or any candidate;
 1. 7. issuing a public statement to support or demonstrate against any political party and/or candidate;
 1. 8. playing music, singing songs and/or publicizing various political messages through all kind of sound systems to support any political party and/or candidate.
2. Take part in any public propaganda activity by wearing the armed force uniform.
3. Take part in any activity of the electoral campaign while on duties.
4. Stand close to the means or places where an activity of the electoral campaign is being carried out, without being requested to do so by the NEC or the election commissions at all

levels.

5. Interfere into the election operations.
6. Wear uniforms and/or bring armaments and explosive substances when enter the outer and inner perimeter of the registration, polling/ballot counting stations.
7. Make threats or intimidation directly or indirectly against any individual or group of supporters in order to gain the support from them or to discourage them from supporting other candidates or political parties. Threats, intimidations and discouragement include:
 - direct or indirect words or a piece of writing containing a threat to life, to physical body, or destruction to the property;
 - directly or indirectly verbal remarks or a piece of writing directing to torture;
 - minor or serious beating against any individual;
 - verbal abuses made to imply that there will be a physical harm;
 - display or use of weapons for the purpose of intimidation;
 - verbal or written reference to a past event where a person was executed or beaten or raped or whose property was destroyed or damaged;
 - shooting with a gun over a person's head, or the roof of his/her house, or vehicle, or at areas surrounding that person;
 - placing an animal corpse or various signs, or any equipments in front of a person's house, which can cause the person to fear for his/her life, or his/her relative's, or family's, or cause fears;
 - escorting or holding any person by force or against his/her will, in a way to inspire fear for his/her safety or the safety of his/her family;
 - using an immoral language displaying threats;
 - financial threats such as to dismiss a person from employment, to take away his/her land or house or other financial benefits.
8. No person with armaments or hidden armaments in his/her body shall be allowed to enter or stand close to the registration stations, polling/ballot counting stations, except the assigned members of the Cambodian Royal Armed Forces or National Police who are officially requested by the Chief of the Commune/Sangkat Council, Chief of the Polling Station Commission or Chief of the Ballot Counting Station to resolve any disturbance which may occur.
9. No security officers who eventhough are assigned to provide the security and safety shall be allowed to enter into the polling/ballot counting stations, unless they are asked to do so by the NEC President, PECs Chief, CECs Chief or the Chief of the Polling/Ballot Counting Stations.

VI. ORGANIZATIONAL MECHANISMS AND COOPERATIVE MEASURES

To provide security, stability, and safety during the 4th mandate of the National Assembly Election, the NEC and the Royal Government of Cambodia have developed the following organizational mechanisms and cooperative measures.

1. The Organizational Mechanisms Between NEC and the Royal Government of Cambodia

a. NEC Security Structure

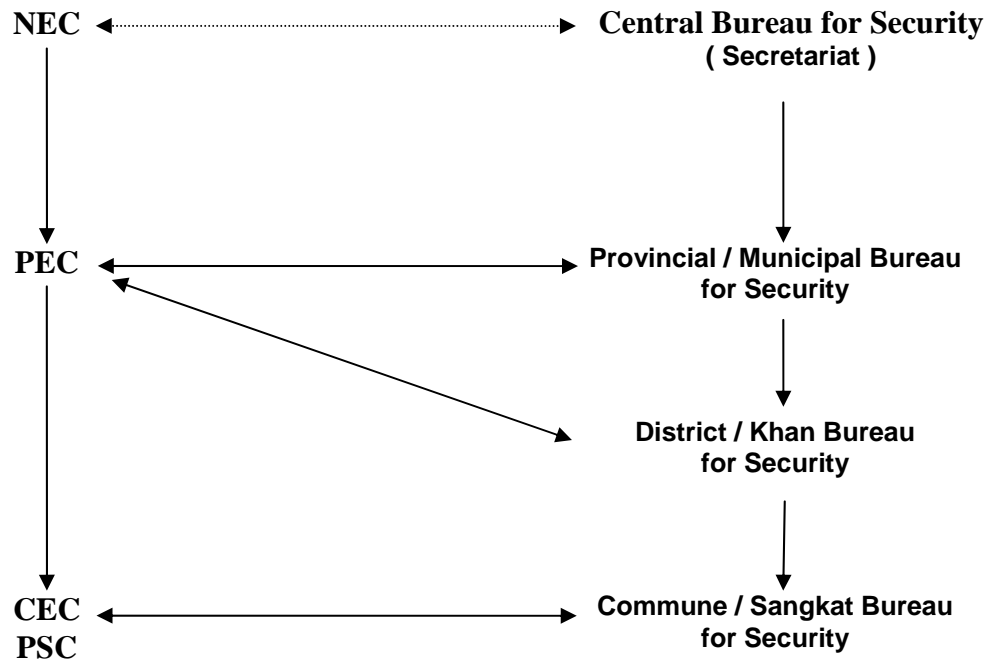
- The National Election Committee (NEC);
- The Provincial/Municipal Election Commissions (PECs);
- The Commune/Sangkat Election Commissions (CECs);
- The Polling Station Commissions (PSCs).

b. Royal Government Security Structure

- The Central Bureau for Security (Secretariat);

- The Provincial/Municipal Bureau for Security;
- The District/Khan Bureau for Security;
- The Commune/Sangkat Bureau for Security.

2. The Organizational Chart of the Cooperative Structure Between NEC and the Royal Government of Cambodia



PART II

HUMAN TARGETS AND PHYSICAL TARGETS TO BE PROTECTED

I. HUMAN TARGETS AND PHYSICAL TARGETS TO BE PROTECTED

With respect to the protection of the prioritized human and physical targets, there must be a development plan that gears toward indirect protective measures. The human targets and physical targets to be protected as a priority include the following:

1. Human Targets to Be Protected:

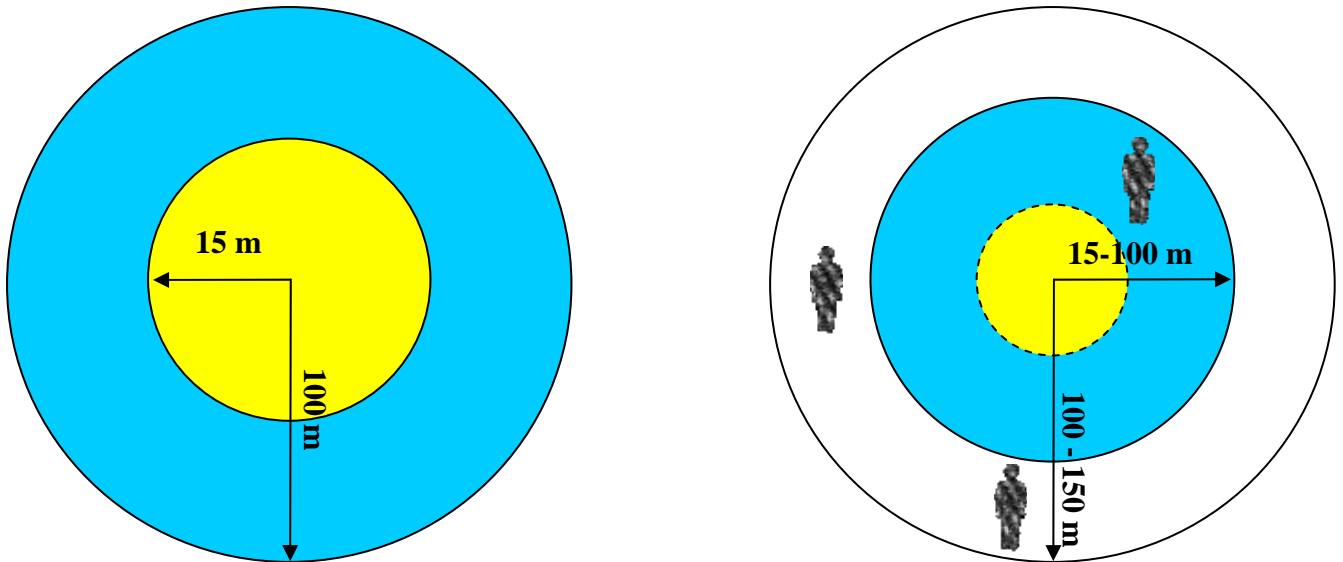
- Citizens going to verify their name and register to vote;
- President, Vice-President, and Members of NEC;
- Political party candidates;
- Electoral propagandists, speakers and campaign team of the registered political parties;
- Representatives and party-agents of the registered political parties;
- National and international observers;
- Electoral officials at all levels;
- Voters going to cast ballot.

2. Physical Targets to Be Protected:

- NEC headquarters;
- Residence of the political candidates, electoral propagandists, speakers, campaign teams, and the political parties 'agents';
- Headquarters of the political parties registered with NEC;
- Residence of the national and international observers;
- PECs 'office;
- CECs 'office;
- Polling/ballot counting stations;
- Transportation of the electoral materials and ballot papers from the NEC to PECs, CECs, and to the polling/ballot counting stations;
- Transportation of the ballots counting records and the electoral materials from all polling/ballot counting stations to CECs;
- Transportation of the consolidated records of the electoral results and the electoral materials from CECs to PECs;
- Transportation of the electoral materials and documents, and the consolidated records of the electoral results of all communes in each province/municipality to NEC.

II. LOCATION SCALE AND SECURITY PROTECTION SYSTEM AT THE POLLING/BALLOT COUNTING STATIONS

All polling/ballot counting stations shall have the inner perimeter as a circumference with a radius of at least fifteen (15) meters. All polling/ ballot counting stations shall have its outer perimeter which consists of areas surrounding those stations with a radius of one hundred (100) meters or in a variety of shape or with a shorter radius according to the geographical location of the outer perimeter of each station.



• **Note:**

- - The yellow color (white in a photo-copy version) with a radius of fifteen (15) meters is the inner perimeter of the polling/ballot counting station;
- - The blue color (black in a photo-copy version) with a radius of one hundred (100) meters is the outer perimeter of the polling/ ballot counting station;
- - The electoral security officer is wearing an armed force uniform and the NEC security badge.

• **During the Electoral Phase**

- Three (3) electoral security officers wearing an armed force uniform and NEC security badge to safeguard the polling/ballot counting stations in the following positions:
 - One (1) electoral security officer patrolling around the polling/ballot counting station or around the outer perimeter of the station, within the radius of 15-100 meters, without carrying weapon.
 - Two (2) security officers patrolling to protect the outer perimeter of the polling/ballot counting station within the radius of 100 – 150 meters. They have the right to use a rifle with 30 bullets.
- The electoral security officers shall protect the transportation process of the ballot boxes and other electoral materials and documents to PECs, and to NEC.

II. PRINCIPLES AND MECHANISMS OF THE PROTECTION

The members of the Cambodia Royal Armed Forces and National Police assigned to protect the public safety, security, and order, during the 2008 Election of the 4th mandate of the parliamentary members, shall enforce the following important principles and mechanisms:

1. Principles

- i. Maintaining neutral environment and seriously enforcing discipline to enable a free, fair, and just election without intimidation, fears, and violence.
- ii. Implementing their operations based on Laws and NEC Regulations and Procedures.
- iii. Strengthening the security for the entire society.

- iv. Being neutral while absolutely performing its duty of a national armed force.
- v. Must not use the state properties and means to support a particular political party.

2. Mechanisms

- i. Mobilizing forces to protect the stations where the official voter 'lists are posted.
- ii. Mobilizing forces to protect the electoral campaign of the political parties registered with NEC.
- iii. Providing the protection during the casting of ballot, the vote counting, the transportation of the electoral documents, materials and the consolidated electoral results of all polling stations, by cooperation with NEC, PECs, CECs, and the Commissions of the polling/ballot counting stations.
- iv. Continuing to provide safety, security and order to the public until the proclamation of the official results of the election.

Note:

- Three (3) electoral security officers wearing armed force uniform and NEC security badge will be stationed at the polling/ballot counting stations, from July 26, 2008 until the end of the assignment.
- On July 27, 2008 the Chief of the polling station will announce the opening of the poll at 7:00 AM and the closing of the poll at 15:00 of the same day.
- The electoral security officer shall control the security environment of the polling/ballot counting stations and execute the protection measures to secure the safety, security and order during the casting of ballots and the ballot counting at its most strict enforcement.
- Upon the request from the Chief of the polling/ballot counting station to provide assistance inside of the polling/ballot counting station, the electoral security officer properly carrying armament and/or the rescued officer may enter into the concerned station for the intervention.
- The electoral security officers must be mobilized to escort and protect the transportation of the electoral materials and the consolidated reports of the results of the election from the polling/ballot counting stations to the CECs, PECs, and NEC.

PART III

SELECTED ARTICLES

FROM

THE LAW OF THE ELECTION OF THE NATIONAL ASSEMBLY MEMBERS AND ITS AMENDMENT

The Members of the Cambodian Royal Armed Forces and National Police shall make sure that they understand and remember a number of Articles prescribed in the Law of the Election of the National Assembly Members, which ordain the role, responsibility, and duty of all authorities of the government in charge of securing the safety, and the penalty provisions.

I. ARTICLES RELATED TO THE ROLE, RESPONSIBILITY AND DUTY

Article 16 (new) “ # 5”

The National Election Committee has the right, power and duty “to propose and organize measures to ensure the protection, security, and public order during the election period.”

Article 29 (new)

Authorities at all levels that are responsible for the security, public order and other assignments, must cooperate with the National Election Committee and the Electoral Commissions at all levels to maintain safety, security and public order during the election period, electoral campaign, polling and ballot counting, upon the request of the National Election Committee and the Electoral Commissions at all levels.

Article 55 (new)

During the revision of voter lists and registration of voters, entering with weapons, explosive substances, ammunitions and other dangerous objects into the commune/sangkat office or places allocated for the revision of voter lists and registration of voter, shall be prohibited, except when there is disturbance caused by any person wherein, the commune/sangkat chief may request for the intervention from the competent authority.

The National Election Committee must ensure that the process of the revision of voter lists and registration of voters is conducted safely without any fears or intimidations.

Article 100

It is prohibited to bring a weapon or any type of explosives into the security range of the polling station and to wear the military uniform into the polling station, except when there is a special permission from the President of the National Election Committee.

The area of the polling station shall be 2000 square meters and the security range shall be set at a distance of 200 meters surrounding the polling station, unless there is other decision made by the National Election Committee.

II. ARTICLES RELATED TO PENALTIES

Article 122 (new)

Without taking any criminal penalties into account, a commune/sangkat clerk or official or a member of a commune/sangkat council who commits any of the following violations shall be punished up to being dismissed from his/her job in accordance with the Law of the Commune/sangkat Administration and the Law of the Co-Statute on Civil Servants of the Kingdom of Cambodia:

- Having issued a registration receipt to an applicant but willingly failed to write down the applicant name in the list of voters and the voter registry;
- Willingly registering any person who is under age to vote or to a person who does not meet sufficient requirement to be able to vote;
- Willingly registering and issuing a receipt to an applicant whose rights to vote have been revoked;
- Preventing a citizen of 18 years old and over from registering to vote.

Article 123 (new)

The application to be a candidate of any person who violates Article 33 (new) and Article 34 (new) of this Law shall be rejected.

Article 124 (new)

Without taking any criminal penalties into account, any person or political party committing any acts listed below, shall have his/her name deleted from the list of voters, his/her candidacy be removed or the candidacy of the political party running for the election be cancelled by the National Election Committee and/or shall be fined from five millions (5,000,000) to twenty-five millions (25,000,000) riels:

- Using force or violence or intimidation to prevent any eligible voter from registering to vote or deter him/her from being registered in the list of voters and voter registry.
- Inciting his/her supporters or voters to commit offenses, threats or violence against another candidate or political party.
- Using force or threats or forcing someone to take oath for voting for his/her political party or his/her favorite political party.
- Using force or violence to prevent eligible voters from voting or running as a candidate.
- Preventing a candidate and supporters of a political party from conducting the campaign activities as scheduled.
- Using force, or violence, or intimidation and insulting to create fears, and confusion that undermine the credibility of the secrecy of voting.
- Causing the disruption of the polling process.
- Causing the disruption of the ballot counting process.
- Causing the disorder during the polling.
- Offering materials or monetary incentives to buy votes.

Article 125 (new)

Without taking any criminal penalties into account, any member of the National Election Committee, the Provincial/Municipal Election Commissions, Commune/Sangkat Election Commissions, and the Polling Station Election Commissions who falsifies the electoral documents or ballot papers or uses any other manipulation to falsify the election result, shall be fined from ten millions (10,000,000) to twenty-five millions (25,000,000) riels and/or shall have his/her name deleted from the list of voters for a period of five (5) years.

Article 126 (new)

Any agent or member or staff of the National Election Committee, or agent, member of staff of any Election Commission who violates the paragraph 2 of the Article 12 of the Law on the Election of the National Assembly Members shall be fined from ten millions (10,000,000) to fifty millions (50,000,000) riels and shall be dismissed from the electoral job forever.

Article 127 (new)

Any person who violates Article 55 (new) or Article 100 of the Law on the Election of the National Assembly Members shall face a warning. He/she shall be apprehended and have his/her weapon confiscated for forty-eight (48) hours by the competent agent and shall be fined from ten millions (10,000,000) to fifty millions (50,000,000) riels, when he/she fails to comply with the warning. If the violator is a civil servant or member of the armed forces or national police, the National Election Committee must:

- Requesting the head of the violator's institution to impose the disciplinary sanctions ranging from suspension without pay to dismissal depending on the seriousness of the violation.
- Deleting his/her name from the list of voters.

If the violator is an agent or member or staff of the National Election Committee or the Provincial/Municipal Election Commissions, Commune/Sangkat Election Commissions, he/she shall be dismissed from the employment immediately and be barred from further employment with the National Election Committee or the Election Commissions at all levels for ten (10) years starting from the current election onward, in addition to the disciplinary sanctions provided for in the paragraph 1 of this Article.

Article 128 (new)

Any civil servant or responsible person who violates Article 29 (new) of this Law shall have his/her name deleted from the list of voters for five (5) years by the National Election Committee. The National Election Committee shall request the head of his/her institution to impose administrative sanctions on him/her ranging from suspension without pay to dismissal.

Article 129 (new)

Any person who demands or induces or deceives any person to vote for a particular party by pointing it or using other means during the polling, shall be fined from five millions (5,000,000) to ten millions (10,000,000) riels and/or shall have his/her name deleted from the list of voters for five (5) years.

If the offender is an agent or staff of the National Election Committee or the Election Commission at any level, the National Election Committee shall dismiss and bar him/her from further employment with the Election Commissions at all levels for ten (10) years starting from the current election onward.

If the offender is a candidate for the election, his/her candidacy shall be revoked in addition to the penalty provided in paragraph 1 of this Article.

Article 130 (new)

Without taking any criminal penalties into account, any person who willingly causes the ballot boxes to be opened, or torn, or detached, or undone the fastener or other materials that are used to secure the ballot box, or willingly causes the loss, or steals, or the replacement, or the destruction to the ballot boxes containing ballot papers, shall be fined from ten millions (10,000,000) to twenty-five millions (25,000,000) riels and/or shall have his/her name deleted from the list of voters for a period of five (5) years.

If the offender is an agent, or staff, or member of the National Election Committee or the Election Commission at any level, the National Election Committee shall dismiss and bar him/her from further employment with the National Election Committee or the Election Commission at all levels for a period of ten (10) years starting from the current election.

If the offender is a candidate for election, his/her candidacy shall be revoked in addition to the penalties provided in paragraph 1 of this Article.

Article 131

Without taking any criminal penalties into account, any person or political party who violates Articles 73 or 76 of this Law shall be fined from five millions (5,000,000) to ten millions (10,000,000) riels and/or shall have his/her voter card confiscated for five (5) years, or shall have his/her name deleted from the list of voters.

Article 132 (new)

Any person who violates Article 77 or paragraph 2 of the Article 78 of the Law on the Election of

Members of the National Assembly shall face a warning.

In case that he/she fails to comply with the warning, his/her name shall be deleted from the list of voters for five (5) years, and a request shall be made to the head of his/her institution to impose administrative sanctions ranging from suspension without pay to dismissal and/or shall be fined from one million (1,000,000) to two millions (2,000,000) riels.

Article 133

A warning shall be made to any person who violates Article 72 of this Law.

In case of failure to comply with the warning, the voter card must be confiscated for a period of five (5) years, the candidacy of such person or the candidacy of the political party registered for the Election must be revoked and/or shall be fined from five millions (5,000,000) to ten millions (10,000,000) riels.