



# KOMITETI SHQIPTAR I HELSINKIT ALBANIAN HELSINKI COMMITTEE

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## FINAL REPORT ON THE CONDUCT OF THE ELECTORAL PROCESS FOR THE PARLIAMENTARY ELECTIONS<sup>1</sup>,

JUNE 28, 2009

### Introduction

The Albanian Helsinki Committee (AHC) is the first non-governmental organization founded in Albania. It was founded on December 19, 1990, as the Forum for the Protection of Fundamental Human Rights and Freedoms and was registered by decision No. 17/1 of the Ministry of Justice. On March 22, 1992, the organization adhered to the International Helsinki Federation for Human Rights, assuming the name it holds today. Upon approval of the law "On non-profit organizations," AHC was registered with the Tiranë District Court.

### *AHC's main mission is:*

- *Monitoring* respect for fundamental human rights and freedoms.
- *Sensitizing* public opinion about political, social, civil, and cultural rights, for their protection and procedures that should be followed if these rights are violated.
- *Reacting* through the print and broadcast media, direct contact with or reports to relevant authorities regarding violations of domestic and international legal acts, relevant to this area, to reinstate violated rights.
- *Improving* the legislation and practice of law enforcement through critiques and recommendations, both at the project phase and in the course of their implementation.
- *Reacting* to increase the accountability of the public administration for the correct implementation of the law and the improvement of the human rights situation.
- *Publishing* reports on the human rights situation in Albania; information through leaflets, legal critiques, brochures, guides, etc; quarterly bulletins and reports in Albanian and English.
- *Maintaining* a database of legal materials on human rights and data on human rights violations in general and those in prisons and police commissariats in particular.

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<sup>1</sup> This report is financially supported from the Small Grants Programme of the Commission for Democracy of US Embassy in Tirana. The opinions, conclusions and recommendations in this report does not express those of the State Department but belongs to the authors.



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AHC has monitored almost all electoral processes held in Albania.

In the elections for the Assembly, on June 28, 2009, AHC engaged 150 long-term observers accredited by the Central Election Commission (CEC). They were trained in special training sessions on important aspects of the Electoral Code and particularly on the monitoring methodology.

*The target of this monitoring involved:* establishment and functioning of the electoral administration, equipping citizens with ID cards, announcement of the preliminary and final voter lists, monitoring some elements of the electoral campaign, the voting process, and the vote count.

**AHC monitored about 700 voting centers in the country's main districts<sup>2</sup>. Also, 25 vote counting centers were monitored** in ZEACs of the constituencies included in the monitoring.

## **Acknowledgements**

AHC thanks all of its observers and correspondents in the country's 8 main districts for their professionalism, neutrality, and dedication.

AHC thanks the CEC for the accreditation of AHC monitors, for informing and making available instructions and information necessary for the monitoring.

AHC also thanks the U.S. Embassy in Tirana for making it possible, through financial support, the conduct of the monitoring of the parliamentary elections of June 28, 2009.

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<sup>2</sup> Counties of Tiranë (ZEACs 44 - 57), Gjirokastër, Elbasan, Fier, Durrës, Shkodër, Vlorë, Kukës, and Korçë.



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## 1. Legal framework and electoral reform

AHC is of the opinion that the conduct of the electoral process in keeping with the law and according to required standards have a powerful impact on exercising the right to vote, the consolidation of democratic institutions, and the country's European integration. On January 14, 2009, the President of the Republic of Albania set the date for the parliamentary elections: June 28, 2009. The Electoral Code was amended entirely and was approved on December 29, 2008.

It was approved by consensus of the two largest political parties, although there were contestations by some small parties. AHC is of the opinion that it would have been prudent to have organized a more intensive and all-inclusive debate before the approval. Such a debate was lacking.

In the area of electoral reform and the conduct of elections, some positive steps were made. In this context, we may mention:

- a) For the first time, by law, special measures were envisioned to ensure equal gender opportunities.
- b) The legal obligation was envisioned to equip citizens who did not have passports with ID cards, thus outcasting the certificates that could leave room for manipulations.
- c) The regional proportional election system, sanctioned in the Constitution and the Electoral Code, in our opinion, helped exclude the so-called "Dushk" phenomenon, which distorted the voters' will, although there were reservations in this aspect.
- d) The vote counting process was captured and transmitted through electronic cameras.

## 2- Identity Cards

*According to article 179 of the Electoral Code, voters would be able to vote only with a passport for international travel or ID cards. The Council of Ministers was tasked with issuing the necessary sub-legal acts to give priority to equipping with ID cards those votes who did not have valid passports for international travel. The same provision tasked the Ministry of Interior to inform the CEC about the progress of this process periodically but not less than once every month.*

It is worth mentioning that OSCE/ODIHR recommended since 2005 that if the Government wished to equip citizens with ID cards, the relevant consultations (see OSCE/ODIHR Report, November 2005, recommendation no. 19) should be organized. Apparently, this recommendation was not taken into account. According to the official notification by the



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Ministry of Interior, about 250,000 voters who did not possess passports, did not apply and, as a result, did not obtain ID cards. In spite of the causes that had a negative impact on realizing this legal requirement (mentioned also in the intermediate reports of international observers), AHC is of the opinion that the above act violated one of the principles dealing with the right to vote. Precisely for this purpose, AHC reacted publicly twice, appealing on citizens to obtain these cards and on the electoral administration to make the realization of this standard possible<sup>3</sup>.

### ***3- Electoral administration***

*ZEACs, VCC, and VCGs were established late because the proposals of relevant political parties were submitted late, although the CEC intervened several times. It was a negative fact that even after their approval by the CEC and the ZEACs, requests were made to replace them with other persons. Our observations found that ZEACs, even after their establishment, did not function normally. Often, the bars where they were set up were closed.*

The ZEACs did not manage to verify properly the conditions and criteria that the VCC members and secretary should meet, according to the Electoral Code. The same is valid about the VCGs.

AHC observers also found that the training of these members, for the above mentioned reasons, was not of high quality; in fact, it was partially formal or not conducted at all. In some cases, the training of VCG members was done at the hour or time when the counting should have started.

### ***4 – Candidate multi-name lists***

The candidate multi-name lists were presented at on the last day or the last hour the CEC was supposed to approve them. The CEC rightfully sent back some of them for corrections due to deficiencies. According to item 5, article 67, of the Electoral Code, at least 30% of the multi-name list and/or one of the first three names on the multi-name list should belong to one of the genders. The above provision was not implemented rigorously; in fact, women were listed in such a way that it was clear from the start that they would not win; or, to meet the requirement (formally), additions were made beyond the number of candidates for each constituency.

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<sup>3</sup> AHC statement, February 9, 2009



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On August 1, 2009, the CEC announced the final election result. Looking at the multi-name lists, it results that no female candidate won for the LSI, HRUP, DIP, and the RP. The DP had 68 mandates with 10 winning female candidates, or 14.7%. The SP had 65 mandates with 12 winning female candidates, or 18.4%. The 140-seat parliament will have only 22 women or 16% of all MPs.

Another issue that became a target of discussion at the CEC meeting was the position the CEC should take regarding cases when the multi-name lists included candidates who, according to article 69 of the Constitution, should first resign from the positions they held. It was said initially that the CEC had no legal obligation to review this case. Later, when the multi-name lists had been approved, it was admitted that this represented a violation, whose risk would be borne by the political parties, while the CEC could only notify them, although it was known that the post-fact notification would have no effect. According to the Electoral Code, the lists could not be changed after their approval, otherwise, the mandate earned in contravention with article 69 of the Constitution is considered invalid (item 2, article 69 of the Constitution).

AHC is of the opinion that the CEC should have reviewed the case and not approved the candidate who had not effectively resigned. The CEC should therefore have implemented article 69 of the Constitution.

AHC is also of the opinion that the CEC should have considered and implemented what item 3, article 63 of the Electoral Code says, that the candidate is the citizen who meets conditions envisioned in articles 54 and 69 of the Constitution. As a result, the candidate who did not meet the above constitutional provisions should not have been included in the multi-name lists.

### **5. Voter lists**

#### *Announcement of preliminary and final voter lists*

Delays in the announcement of voter lists varied by days. It is worth mentioning that in some voting centers, article 54 of the Electoral Code, which requires that the final voter lists should be announced “...in free access public place...” was not observed. As a result, due to delays and failure to respect the above provision, the time available to become familiar with them was shorter.



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Besides, voter sensitization regarding these lists was poor. On May 14, 2009, the CEC decided to fine 59 mayors and commune chairs for failure to submit on a timely fashion the preliminary voter lists.

In the meantime, some voting centers featured torn pages in the voter lists, which shows they were not posted in protected premises. Another problem was the posting of the lists in private bars, which limited voter access to them.

AHC observers also found that article 50 of the Electoral Code was implemented only partially. Some on-site verifications showed that voters had not been notified in writing about the number of the voting center and the posted list. There were also other cases showing that notifications were not accompanied by their personal signature.

*Voters' legal education and sensitization was relatively poor.* TV spots for the electoral education of voters, initiated by the CEC, were insufficient and somewhat delayed.

### ***Request – complaints submitted to the head of the local government unit and the courts***

According to partial information, the number of voters who addressed the local government units for corrections in the voter lists was low. It resulted that the courts received request-complaints about the exercise of the right to vote by voters who could not find their name on the lists. According to information from our observers, it resulted that until June 26, 2009, the Tiranë district court received 430 requests. There were requests to the courts in some other cities too, but in smaller numbers.

The causes could be various. However, it is disturbing that even with the establishment of the electronic register, we are of the opinion that concentrating on equipping citizens with ID cards took away from attention to the accuracy of the voter lists.

## **6. Electoral campaign**

General situation



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Although the electoral campaign should have started officially on May 28, 2009, i.e. one month before the election date, it practically began since February 2009. The political scene was very politicized between the DP and SP<sup>4</sup>.

It is true that the Electoral Code does not forbid this, but following some of the meetings, rallies, and the use of propaganda tools, the impression is that expenses for the campaign were substantial. At the same time, transparency over the source of funding was lacking. It is true that the new Code included some amendments over the issue, but the control mechanism leaves to be desired.

**The electoral propaganda**, although it marked a step forward in the display of alternatives, appears to contain a considerable number of promises that are difficult to keep. The use of hate speech was noted in some rallies. During the campaign, particularly during the last month, some incidents provoked by party militants were noted. In some cases, AHC observers reported that the public administration and schools were used for electoral purposes. There were also complaints that we were unable to verify that pressure was used on public administration employees to vote in favor of candidates of the party in power.

During the electoral campaign, to an unusual extent, different posters were used as propaganda tools. Local government units were late in determining places for posting them. Party flags were torn and posters were removed, leading to incidents between political party supporters.

## 7. State Police

AHC praises the role of police before and during election day, in the transfer of ballot boxes to vote counting centers, and during the vote counting process.

It intervened only according to decisions made by election commissions. Places observed by AHC did not show cases of bias or arbitrary interventions by State Police. In cooperation with the CEC, State Police trained police officers about their actions and competencies during the 2009 parliamentary elections.

## 8. VOTING PROCESS

- *Voting center commissions and timely opening*

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<sup>4</sup> See intermediate report no. 1 of OSCE/ODIHR, May 26, 2009



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AHC observers were present in preparations for the start of the voting process in about 700 VCs in the counties of Tiranë, Durrës, Shkodër, Elbasan, Fier, Gjirokastrë, Korçë, Vlorë, and Kukës. Not all VCC members and political party representatives were present at the time established for the start of preparations for the voting process. This was noted in many voting centers in all districts, mainly in Tiranë, Durrës, Vlorë, Shkodër, Kukës, Gjirokastrë, Elbasan, Fier and Korçë. Delays of some commissioners, mainly of the smaller parties, led to delays in the start of the voting process. Other reasons for the late start of the voting process included: delayed arrival of election materials, especially the ink for the seals, or because VCC members and some political party observers were not all present at the determined time for the start of preparations for the voting process, etc.

It was disturbing that during election day, replacements of voting center commission members by political parties continued, leading to delays and suspensions of the election process (*a flagrant case was that of VC Kukës 0652 at 16:00*). There were few cases of voting being suspended for some hours and resumed calmly (Vlorë, Kukës). Non-arrival of authorization for their approval, their frequent replacement, their delayed arrival at the voting center led to delays in starting the voting process.

AHC observers noted that there were propaganda materials in the vicinity of some voting centers, up to 150 meters away, including posters of candidates and parties, which, upon AHC observer reservations were removed in some cases and ignored in some others, such as in Tiranë, Vlorë, Korçë, Shkodër, Durrës, etc.

In most voting centers observed by AHC, the voting process was calm and without incidents. In some centers, there were disagreements between commissioners. In these cases, observers noted the politicized stances of commissioners in defense of their parties.

- ***Some voters were not able to vote***

In some voting centers, there were persons who could not vote because their names did not appear on the voter lists. Furthermore, there were inaccuracies in the registration of names or family names, especially in Tiranë, Kukës, Vlorë, Durrës, Elbasan, Korçë, the Peqin Detention Institution and the Durrës Detention Institution. There were few cases of discrepancies of names in the final voter lists posted in voting centers and the lists that VCCs possessed. One problem was that some female voters were not allowed to vote because their passports showed their maiden names and the voter lists showed their husbands' family names. AHC notified the CEC about this issue.



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Some voters equipped with court decisions were not allowed to vote and were told that the person's ID document number was not written or that the decision was not stamped. This was noticed in Tiranë, Gjirokastrë, Elbasan, and Korçë.

***Voting by detained and convicted persons and the military.*** Detainees and convicted persons voted in special voting centers established in the institutions where they served prison terms or were detained. Verifications with district courts and observations on election day showed that a good part of these persons voted through court decisions as their names were not on the final voter lists. At the Ali Demi Penitentiary Institution (325), about 60 convicts were not allowed to vote because the court decision did not include the persons' ID documents number. The relevant ZEAC was notified about this and its response was: we do not possess ballots other than the ones we have sent. In fact, these persons were deprived of the right to vote (through no fault of theirs).

### ***Disallowing voting more than once***

***Security in the elections and the use of the matriculating ink.*** According to article 105, item "dh" of the Electoral Code, the voter is marked on his/her left hand with a special ink, easily visible and impossible to remove before 24 hours, in order to avoid voting more than once. Verifications of whether voters were marked with the ink were carried out regularly. Marking of the fingers was also done regularly. According to some evidence, it showed the ink was not of high quality as it could be removed easily.

According to election legislation, voters should sign next to his/her name and his/her name should be crossed out; these procedures were respected in almost all voting centers monitored by AHC.

### ***Family voting***

Several cases of family or group voting were noted in these elections, thus violating the fundamental principle of the secrecy of the vote. Our observers noted this phenomenon in some voting centers in Durrës, Shkodër, Korçë, Tiranë, Vlorë, Gjirokastrë, Elbasan, Fier, and Kukës. AHC observers presented to voting center commissions their reservations in writing. This phenomenon was tolerated by VCCs. The same thing had taken place in previous elections as well.

### **Voting of disabled persons or of persons unable to vote**



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According to article 108 of the Electoral Code, when a person is not able to carry out the voting procedures himself/herself, he/she may request the assistance of a family member of another voter, listed on the voter list of the voting center. Both voters should be present at the voting center when this procedure is used. In this regard, AHC observers did not report violations of the law.

On May 17, 2009, media reported that 9500 blind persons had asked the CEC to prepare special ballots for them to protect the privacy of the vote.

Decision no. 272 of the CEC approved the use of the special voting tool that would enable blind voters to read the ballot. The instruction was only valid for Tirana. The monitoring showed that in some voting centers in Tiranë, there were no special tools for the blind to read the ballot. Disabled persons did not have in all VCs assisting equipment for moving, although decision no. 343, dated 12.06.2009 of the CEC approved the use of assisting equipment to guarantee the easy access by disabled persons to voting center premises.

### ***End of the voting process***

*End of the vote.* Procedures to close voting centers ended without problems. In most of them, the voting ended by 19:00. There were some voting centers that were closed 30 – 60 minutes later. Only in one case (due to suspension of the voting process for some hours) the process ended 2 hours late (Kukës). Ballot boxes and voting materials were taken into vehicles and accompanied to the voting centers calmly and without incidents. There were problems at the time of arrival of vehicles at VCs to transport ballot boxes and voting materials.

*Transport of ballot boxes.* According to the law, ballot boxes should arrive at the vote counting site within 3 hours. In a large part, ballot boxes arrived on time. There were problems with those VCs belonging to communes far from vote counting premises.

## **9. VOTE COUNTING PROCESS**

A special provision in the Electoral Code envisions, in a detailed fashion, the procedure that should be followed during the vote counting process (article 110). The lawmaker paid attention to the problem of criteria for assessing valid and invalid votes (article 117), production of an election result by the vote counting groups (article 119), and the issuance of a summarizing table of election results by the ZEAC (article 122).

Although it is the ZEAC that decides upon contestations (according to the Code), the implementation of the above provisions required sufficient legal knowledge by vote counting



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groups; however, as it was noted earlier, due to hurried and even formal training, the members of these groups demonstrated marked deficiencies in such an important process.

This was noted in almost all observed VCGs. In ZEACs No. 8 and 25, the vote count began around 4 or 5 am of June 29, 2009. None of the VCGs completed the vote count by 17:00 of June 29, as envisioned by the Code.

During monitoring at ZEACs no. 20, 41, 50, 51, 57 the camera system did not function properly. Slowdowns and interruptions were noticed. For the observers, it was in some cases impossible to follow the process at the moment of assessing the vote and their placement on the relevant heaps. There were also contestations by political party observers regarding the validity or invalidity of ballots. Party interventions were marked and had a negative impact not only on the vote counting groups, but also on the ZEACs. Due to disagreements between VCG members, there were interruptions in the process and even temporary blockages. At vote counting premises in Korçë, Fier, Tiranë, Gjirokastër, Vlorë and Paskuqan, there were interruptions even in following days). Therefore, AHC reacted twice publicly. The statements, among other things, suggested CEC intervention<sup>5</sup>.

AHC's monitoring only focused on June 29, although the process continued further. This was conditioned by the Committee's capabilities.

Intermediate reports by international monitors who followed the process to the very end present, in a detailed fashion, some important and disturbing violations that made the process problematic.

### **10. Partial monitoring of CEC's activity**

AHC appreciates CEC's role as the highest permanent body charged with election administration. The CEC took all the possible and necessary technical-organizational measures for the good conduct of the elections. It encountered difficulties because political parties (electoral subjects) failed to meet deadlines established by the Electoral Code and proposed frequent replacements in the makeup of election commissions.

The CEC approved a series of instructions to assist lower election commissions. However, the activity of this Commission also features some deficiencies and shortcomings as well as some stances that do not comply with its role and function as a neutral body that rigorously abides by the law alone.

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<sup>5</sup> See statements of July 2 and 4 2009



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- a. AHC reacted publicly and suggested to the CEC to be objective and unbiased, to avoid haste in the announcement of election results<sup>6</sup>.
- b. AHC suggested to the CEC to implement the request of item 3, article 73, of the Electoral Code that charges it with the publication of the full list of candidates in the three newspapers with the highest national circulation, but the suggestion was not considered. It was the right of voters to become acquainted with these lists.
- c. CEC members' interventions or statements, especially its Chairman, were in our opinion: in some cases, unprofessional and politicized, which contravened with the functions assigned by law. Voting on some of the most important and most delicate issues (4 by 3) created the impression that positions of a party nature of the majority and the opposition were being implemented.
- d. AHC considers it a serious violation of the law the refusal by a CEC majority of requests by two of its members to obtain new evidence or to recount and/or reassess given votes (namely, according to article 136, item 3 of the Electoral Code). Pursuant to the above provisions, the CEC is obliged to approve the request of two CEC members. These articles expressly mention the phrases that the CEC ... "is obliged to obtain the requested evidence" ... that the CEC ... "is obliged to conduct a recount and/or reassessment of given votes." The law does not say that the CEC assesses or estimates the validity of these requests.
- e. AHC is of the opinion that the tapes or electronic footage used to capture the vote counting process represent proof or serve as data for obtaining and verifying proof. The opinion expressed in the CEC that they are not proofs, in our opinion, does not comply with article 136, item 1, letter "b," of the Electoral Code. The types of proof administered by the CEC are envisioned in the Civil Procedure Code<sup>7</sup>. Besides, the very fact that this is referred to in item 4, article 94 (use of registering cameras) confirms their being as proof. The same provision notes that the CEC is obliged to reproduce their copies and make them available to electoral subjects. This means that, on the basis of that footage, they have the right to make relevant claims.
- f. We also deem it necessary to mention that AHC did not agree with the position of the CEC chair who had asked Ambassador Glover to withdraw from her mission as Head of the ODIHR monitoring mission. Regarding this issue, AHC reacted through a public statement that said, "AHC suggests to Mr. Ristani, CEC Chair, to be more reserved and prudent in his public statements and not become a "referee" or a "balancing mediator." Relevant Electoral

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<sup>6</sup> Statement, July 4, 2009

<sup>7</sup> See Articles 278 and 279 of the Civil Procedure Code regarding footage, photos, and tapes



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Code provisions guarantee the trust of the parties (electoral subjects). To AHC, such a stance was and is inconceivable as it is known that the CEC as well would be monitored by international observers, particularly OSCE/ODIHR.

We mentioned these issues because CEC's activity, positive or negative, its rigorous respect for Electoral Code provisions, has a positive or negative impact on different aspects of the electoral process.

## **11. Regarding election standards**

Although AHC's monitoring of the June 28 elections was partial, as mentioned above, some of the observed violations, in our opinion, damaged the electoral process precisely in those elements that directly or indirectly have to do with achieving the required standards.

If we were to refer to intermediate international observer reports, besides some achievements, regarding the legal framework and technical-organizational preliminary preparations, they note disturbing data and facts, biased and politicized CEC stances, pressures and interventions in the activity of electoral commissions, negative assessments particularly during the vote counting process, etc.<sup>8</sup> From this standpoint, regrettably we note that the standards sanctioned in the United Nations charter, international OSCE documents of Copenhagen of 1990, of the CoE and the EU, principles in the Code of Election Practice approved by the Venice Commission in 2002, were not achieved.

It is known that the final certification of the June 28, 2009 elections will be done in the final OSCE/ODIHR report. Findings, assessments, and recommendations presented in that report will be useful to all: actors and factors in the process, including the CEC as the highest state body charged with election administration.

*In this area, in the future as well, AHC will continue to make its modest contribution.*

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<sup>8</sup> See intermediate report July 10, 2009, which includes the post-election period June 29 – July 7, 2009



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## ANNEX I

### AHC'S STATEMENTS

#### 1. SUPPLYING CITIZENS WITH IDENTIFICATION CARDS – A DIFFICULT, BUT POSSIBLE, PROCESS

Tirana, February 9, 2009

The Albanian Helsinki Committee (AHC) considers that equipping citizens who do not possess a passport with identity cards is an important factor for the realization of the right to vote and for a broad participation of voters in the parliamentary elections of June 28, 2009.

AHC judges that it would be a serious violation of the right to vote if citizens do not manage to be equipped with identity cards, due to technical and organizational deficiencies, unfounded euphoric elements, and failure to notify citizens in a timely fashion.

AHC is following this issue with attention in Tirana and in some other municipalities. The truth is that there are delays of a bureaucratic character that necessitate urgent interventions. AHC considers disturbing not only the timely production of identity cards, but especially the process of their distribution and the notification of citizens who do not possess passports, while it is known that around 730,000 citizens should be equipped with such cards.

Considering the relatively short period of time away from election day, the large number of citizens without passports in different municipalities and communes, and keeping in mind the fact that public awareness on the issue is poor, AHC suggests that:

1. **The names of all persons who should be equipped with identity cards and the schedule for the beginning and conclusion of this process be made public** at every municipality and commune.
2. Measures are taken for **the individual notification of every citizen who does not possess a passport**. These measures should be swift, controllable, and documented.
3. It is necessary to **make clear that in the parliamentary elections of June 28, 2009, it will be possible to vote only with valid passports or identity cards and not the ID cards of the past**. This is a disturbing problem for the elderly.



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4. Appreciating the need to respect the rights of minorities in exercising the right to elect, **AHC suggests to the Albanian Government that it consider the possibility for equipping Roma and Egyptian voters, especially those living on welfare, for free.**
5. Considering the fact that a considerable part of the population, especially in communes, lives at the sustenance level, or that there are families with a large number of members who are eligible voters, **AHC suggests to the Albanian Government to equip citizens living on social welfare or under the living minimum for free.**
6. AHC suggests that the relevant structures **facilitate supplying citizens with disabilities and ill citizens, especially in those cases when the offices and buildings where citizens may obtain identity cards do not have the facilities that would enable their movement.** Furthermore, it is necessary to take organizational measures in order to minimize as much as possible the time needed for the ill or the elderly to remain in these offices.
7. Considering that according to article 105 of the Electoral Code, citizens will only be able to vote with identity cards and passports, we suggest to the **CEC that, pursuant to article 21, item 1, of the Electoral Code, it issue instructions on what document persons serving prison terms and detainees will use in order to vote.**
8. AHC appreciates the role of the print and broadcast media, national and local, and all means of information. **AHC urges the media to being a broader sensitization of the public about the need to equip citizens with identity cards.**
9. AHC encourages all **non-profit organizations, especially those operating in the area of protection of citizens rights and freedoms, to undertake awareness activities with the groups working to equip them with identity cards.**

## 2. A RUSHED STEP WITH HARMFUL CONSEQUENCES

Tirana, May 13, 2009

According to stories in the print and broadcast media, the Albanian Government has asked for the departure of the head of the ODIHR election monitoring mission, which has already arrived in



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Albania, with the “reasoning” that she led the mission in the 1996 parliamentary elections in Albania.

The Albanian Helsinki Committee (AHC) expresses its regret for this rushed, unjustified, and unacceptable step. Although 13 years have passed by since that time, reservations and controversies continue over what objectively happened: manipulations in the 1996 elections were confirmed not only by ODIHR, but also by other groups of observers of national and international bodies. In fact, as is known, reservations for violations of the required standards have been verified in subsequent elections, mainly due to the lack of political will. This is one of the reasons why the parliamentary elections of June 28 this year, are considered an important step for the country’s integration into the EU.

AHC is of the opinion that the Government’s request for the departure of Ambassador Glover, even if indirectly, casts shadows of doubt over solemn and repeated statements regarding guarantees for free, fair, and uncontested elections on June 28, 2009.

As is known, ODIHR is a specialized institution for election monitoring. It has been characterized by integrity and objectiveness in monitoring, in conclusions, and in recommendations presented in relevant reports.

The Albanian State, as an OSCE member is, among other things, obliged to enforce item 8 of the Copenhagen Document of 1990, which says, “The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States.”

AHC is of the opinion that the invitation to monitor elections cannot be conditioned by the right of the receiving party to make selections in the makeup of the monitoring mission, let alone the departure of a known leader of the ODIHR mission, as Ms. Glover is.

It is pitiful that this takes place when the government’s main engagement should be to provide IDs to all voters without passports, as we are 46 days away from the elections of 28 June 2009.

AHC deems it necessary to address the Albanian Government and particularly Mr. Prime Minister to revisit their position regarding the above request. We think reflecting would be useful to the



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country's interest and image, particularly now that we are a NATO member and seeking EU integration.

Regarding this issue, AHC also suggests to Mr. Ristani, CEC Chair, to be more reserved and prudent in his public statements and not place himself in the position of a 'referee' or 'balancing mediator.' Relevant provisions in the Electoral Code ensure the trust of parties (electoral subjects) in the electoral process.

### **3. APPEAL BY THE ALBANIAN HELSINKI COMMITTEE (AHC) TO THE POLITICAL PARTIES**

Tirana, May 25, 2009

On May 28, 2009, according to the Electoral Code, the campaign for the parliamentary elections of June 28, 2009, begins. In fact, political parties have begun that campaign since several months ago, without even being registered with the CEC as electoral subjects.

AHC, as a non-governmental organization with experience in the area of election monitoring, has followed attentively the various meetings of political party representatives with different groups of the electorate, including press conferences and televised debates.

It is understandable for all that the electoral campaign cannot take place without debates. Therefore, it is not possible to avoid, during the campaign, cases of passionate, or even excessive, rhetoric. However, in our view, **the most important thing is the capability to display with convincing arguments the alternatives and programs of the respective electoral subjects and not mutual accusations accompanied by insults and slander that go as far as violating the right to privacy.**

**Regretfully, AHC notices that this year's election campaign too, there are cases of the language of cynicism and hatred replacing electoral ethics.**

That is precisely the reason why **AHC appeals on electoral subjects**, primarily the largest government and opposition parties, **to avoid any position or action that would aggravate the campaign climate and would not be useful to free, fair, and uncontested elections.**



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AHC deems it necessary to emphasize that the electoral propaganda, charged with elements that seek to denigrate the political opponent, and personalized to violate human dignity, has nothing in common with constructive debates or the norms of democratic culture.

In that sense, **AHC suggests that the political parties (electoral subjects), through a draft agreement or preliminary electoral code, publicly express their will to conduct a lawful, well-behaved campaign that is free from conflict and excesses, which could make the situation before the June 28, 2009, elections tense.**

If deemed reasonable, **the President of the Republic, who represents the unity of the people, could undertake such an initiative as, in special cases, his intervention and contribution, would be very necessary and useful.**

## **4. NO VOTER OUT OF THE VOTER LISTS**

Tirana, June 1, 2009

Honorable citizens!

According to the Electoral Code, the Zonal Election Administration Commissions (ZEACs), no later than June 3, 2009, should post at a public place with free access the final voter lists.

The Albanian Helsinki Committee calls upon all voters (including those who have been acquainted previously with the preliminary voter lists) to make themselves familiar with the final lists.

This is the last opportunity to be sure that your name is on the list and that on election day you will be able to exercise freely your constitutional right to elect.

Should you find that your name is not on the final list, you have the right to address the court through a request until one day before the election day. The request should have attached a document issued by the civil registry office stating that you are an inhabitant of the respective civil registry office and a certification by the ZEAC that you are not on the final voter list of your polling



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station. Upon decision of the court in your favor, you will have no obstacle to exercise the right to vote.

The June 28, 2009, elections are of special importance. Broad participation in these elections will demonstrate the maturity and resolve of our people to a better future toward integration in the European Union.

## **5. DELAYS IN THE ANNOUNCEMENT OF THE FINAL VOTER LISTS**

Tirana, June 8, 2009

Based on Article 54 of the Electoral Code, Zonal Electoral Administration Commissions (ZEACs), should have posted the final voter lists no later than June 3, 2009, at every voting center.

In order to verify the enforcement of the above provision of the Electoral Code, the **Albanian Helsinki Committee, during June 4 – 6, 2009, monitored the announcement of the final lists in 812 voting centers in Tiranë, Durrës, Elbasan, Shkodër, Vlorë, Gjirokastrë, Fier and Korçë at the county level.**

During the observation, it resulted that by June 6, 2009, **the final lists have not been announced in 371 voting centers, according to the following order:** in **Tiranë**, 155 voting centers included in the ZEACs no. 45, 46, 47, 48, 49, 50, 51, 53, 54; in **Durrës**, 86 voting centers included in the ZEACs no. 8, 9 and 10; in **Elbasan**, 90 voting centers that are included in the ZEACs no. 12, 13, 14, 16 and 17; in **Shkodër**, 35 voting centers included in the ZEACs no. 40, 41, 42; in **Vlorë**, 5 voting centers included in the ZEACs no. 61, 62, 63.

Based on the observation in 34 voting centers of the Gjirokastrë county, in 57 voting centers of Korçë, and 50 voting centers of Fier, it was found that the final voter lists had been announced.

It is worth mentioning that, **at some voting centers where the final lists have been announced, it was found that article 54 of the Electoral Code** which demands that **final voter lists be posted “...at a public, freely accessible place” has not been respected.**



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In the meantime, at some other voting centers **it was found that the posted lists featured torn pages, which shows they were not posted at protected premises.** These were noted particularly in **Durrës (the Rrashbull Commune), Tiranë (ZEAC 53 and 46) and Shkodër.**

Another encountered problem was the **posting of lists at private bars, which limited voters' access to becoming familiar with them.** The same may be said about some educational institutions (schools), whereby the timetable was limited, namely: Durrës (Rrashbull commune, ZEC No. 8, Manzë Municipality, Maminas Municipality, Sukth Municipality), at some ZEACs in Tiranë, such as no. 49, 53, 46, as well as Shkodër (ZEACs no. 40, 41, 42).

During this monitoring mission, AHC observers encountered difficulties in identifying private bars designated as voting centers (Tiranë and Durrës).

We deem it necessary to also mention that AHC observers did not have the opportunity to contact a considerable number of ZEACs, because their representatives were not in the designated facilities.

During conversations with some ZEAC members, we found that they justified the untimely announcement of the final lists with the failure of local government units to provide them the relevant lists.

**AHC calls upon ZEACs to immediately announce the final voter lists at every voting center.**

**AHC suggests to the CEC to check the enforcement of article 54, item 2, letter “a” of the Electoral Code and take the appropriate measures to prevent further delays and eliminate other violations.**

**AHC also suggests to the CEC that, in the context of programs for the electoral education of citizens through the print and broadcast media, as well as other forms, voters be informed about the possibilities to become familiar with the announced lists, and their right to go to Court if their names are missing from the lists.**

### **6. WE ARE LATE: 13 DAYS AWAY FROM ELECTION DAY**

Tirana, June 15, 2009



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Informed by its observers that many Voting Center Commissions had not been established, during **June 10 – 13, the Albanian Helsinki Committee conducted a partial observation to take a close look at the functioning of ZEACs and the establishment of VCCs.**

**The monitoring was carried out Tiranë** (ZEACs No. 49, 43, 48, 56, 46, 54, 51, 55, 47, 48, 52 and 50), **Vlorë** (ZEACs No. 63, 61), **Elbasan** (ZEACs No. 12, 13, 14), **Fier** (ZEAC No. 18), **Gjirokastër** (ZEAC No. 25), **Durrës** (ZEACs No. 8, 9, 10), **Korçë** (ZEAC no. 28), **Shkodër** (ZEAC No. 40, 41) and in **Kukës** (ZEAC No. 34), **a total of 26 ZEACs.**

According to the timetables posted at the ZEAC working premises, it resulted that they should be open from 8:00 – 13:00 and 16:00 – 18:00. **Nevertheless, although several visits were conducted to 11 ZEACs, the doors were closed** and no information was posted regarding a different timetable or non-compliance with the existing ones.

It is worth mentioning that as a result of the withdrawal of some members of ZEACs and the failure to replace them, the functioning of ZEACs was not complete. In some ZEACs, e.g. no. 61, Vlorë, as a result of the absence of a quorum, decisions could not be made.

With regard to training for ZEAC members, it resulted that only the first phase had been conducted. AHC suggests to the CEC to accelerate the second phase training, considering that the training of VCC members should begin soon.

**The establishment of VCCs (about 4700 VCCs with 32,900 members and 4,700 secretaries) is a problematic and disturbing issue.**

**During observation at the ZEACs, it resulted that until June 13, 2009, in ZEACs No. 53, 48, 52, 50 (Tiranë), ZEACs no. 63, 61 (Vlorë), ZEACs No. 12, 13, 14 (Elbasan), Dropull Commune (Gjirokastër), and ZEAC no. 8 (Durrës) VCC members and secretaries had not been appointed yet.**

The main reason was **the respective political parties' (electoral subjects') failure to submit their proposals.**

AHC deems it necessary to emphasize that according to article 36 of the Electoral Code, proposals for members and secretaries of VCCs should be submitted to the ZEACs no later than 45 days



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before election day (i.e. no later than May 15, 2009) whereas their appointment by the ZEACs no later than 20 days before election day (i.e. no later than June 8, 2009).

**AHC is of the opinion that this marked delay will have a negative impact not only on formal verifications by ZEACs of the criteria and conditions that VCC members and secretaries should meet, according to articles 37 and 38 of the Electoral Code, but also on the inqualitative or lack of training of VCC members, considering their large number.**

Regarding the above issue, AHC found that part of the ZEACs did not possess certifications or documents required by the above provisions of the Electoral Code regarding appointed VCC members and secretaries.

We also encountered cases of data submitted by political parties not being verified, e.g. whether they completed at least high school education, are residents inside the respective constituency, whether disciplinary measures were taken toward them in previous electoral processes, etc.

*Cosndiering the above findings and the fact that only we are only 13 days away from the June 28, 2009 elections, AHC considers it necessary to:*

1. **Call upon the respective electoral subjects** to immediately submit their proposals for VCC members to the ZEACs
2. **Calls upon all ZEACs** to not appoint VCC members and secretaries without complying with Electoral Code provisions dealing with compatibility with the duties of the VCC member and secretary and conditions for their appointment
3. **Suggests to the CEC** that it exercise control, pursuant to its competencies (article 21, item 3 of the Electoral Code), regarding respect for the official hours by the ZEACs and a rigorous implementation of the relevant Electoral Code provisions.

**In closing, AHC deems it necessary to stress that further delays in the establishment of VCCs could have a negative impact on their fulfillment of their legal duties on election day.**

## 7. STATEMENT TO THE PRESS

Tirana, June 18, 2009



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The Albanian Helsinki Committee learned from the broadcast media that today, on June 18, 2009, at 09:45, at the place called Grizhe, the car in which Aleks Keka, member of the Shkodër County Council and Chair of the Democratic Christian Party branch in Malësi e Madhe, exploded. As a result of the explosion, he died.

Based on the statements of the State Police spokesman, it is made known that, according to state police data, Aleks Keka is known as a person with criminal precedents in narcotics trafficking, motor vehicles, and remotely controlled explosives.

**AHC is of the opinion that, in the circumstances when the investigation of the case has just begun, such statements are not permissible as they contain elements of prejudice.** It is worth mentioning that, according to statements by Democratic Christian Party officials, Aleks Keka had received threats before the incident. There is no doubt that such information will also be a subject of investigation.

**The Albanian Helsinki Committee does not prejudge the circumstances and causes of this incident,** but, both because of the fact that it occurred 10 days before election day and that the victim was the head of DCP in Malësi e Madhe, **a fast, full, objective, and comprehensive investigation would be indispensable.**

**AHC suggests to state police bodies, especially in these few days left from the June 28, 2009 elections, to enhance their discovering and preventing force, ensure order and the lives of citizens.**

**For AHC, prejudice and hasty and preliminary conclusions could be accompanied by harmful consequences.**

### **8. 6 DAYS AWAY FROM THE ELECTIONS**

Tirana, June 22, 2009

The Albanian Helsinki Committee (AHC), on the eve of the June 28, 2009 elections, deems it necessary to call upon the political parties and the voters themselves to achieve together the main goal – **the conduct of free and fair elections.**



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**In that sense, political will and the rigorous enforcement of laws are important factors for these elections to be held with the standards required for free and fair elections.**

**In this context, only 6 days away from the elections, AHC deems it necessary to reiterate once again the appeal for the conduct of a calm campaign, avoiding hate speech, which would have a positive impact on the atmosphere of election day.** It is time to show greater care and allow in no way excesses such as those that led to the loss of life of the Democratic Party militant in Qerret of Kavajë, or such as those that led to breaking into voting centers, pressures on candidates for MPs, etc. Voters are clear today that meeting the standards is our leading goal.

**AHC expresses its concern that many VCCs are yet to be appointed.** This has happened because the relevant political parties have not presented their proposals to the CEAZs. As a result, article 36 of the Electoral Code, which requires the appointment of all VCCs no later than June 8, 2009, has been violated. In the opinion of AHC, this casts doubts on the perspective of quality training for VCC members.

**Another concern is that of some changes, unifications, or divisions, not based on criteria and beyond legal deadlines, of some voting centers.** Such actions may cause confusion, wandering, and dissatisfaction among voters. AHC suggests to the CEC, in the interest of the conduct of an orderly electoral process, to intervene and prevent harmful consequences, although the law has tasked local government units with this duty.

Besides, by June 24, 2009, pursuant to article 95 of the Electoral Code, political parties should present to the CEAZs their proposals for members of vote counting groups. Any delay would question not only the establishment of vote counting groups two days before election day, but also their training.

CEAZs, VCCs, and Vote Counting Groups play an important role on different aspects of electoral administration. **This is why AHC suggests to the relevant political parties that, except for in rare and indispensable cases, they not request the replacement members they have proposed themselves.**

The day before election day and election day until the voting is closed, according to article 77 of the Electoral Code, is the period of electoral silence. **AHC suggests that all electoral subjects and the media observe this provision.**



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Considering the negative experience of previous elections, AHC deems it necessary to emphasize that political parties, candidates for MPs, or other persons should not interfere with the activity of vote counting groups. Otherwise, that could lead to conflicts, procrastination, and interruptions to the detriment of the electoral process.

**On this occasion, AHC calls on voters who have applied for ID cards but have not collected them, to go as soon as possible to the relevant centers and pick them up. That would enable them to exercise their right to vote.** Furthermore, AHC reminds all citizens whose names are not on the final voter lists to go to the court as soon as possible.

**In closing, AHC calls on voters for the need for as broad a participation in the June 28, 2009 elections as possible.**

These are very important elections; they are a test of maturity and awareness for a better future and for a more consolidated democracy.

The fulfillment of standards in the June 28 elections conditions the country's faster integration into the EU.

## **9. APPEAL BY THE ALBANIAN HELSINKI COMMITTEE**

Tirana, July 2, 2009

The Albanian Helsinki Committee experienced with concern the post-electoral situation created during the past two days, due to blocking of the vote counting process in some counties, particularly in the county of Fier.

**This situation is incompatible with the right to vote and the respect for the will of the people, whose fulfillment represents the fundamental standards for the conduct of elections in Albania.**



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In this context, electoral subjects should clearly express the right will to respect these standards, whereas electoral bodies have the duty to enforce the law and only the law, with full responsibility. In particular, the Central Election Commission has an important role and it should carry out all of its duties for the administration of this process until the very end, with objectivity and credibility.

**AHC calls for the completion of the entire process with the speed, correctness, and dignity that Albanian voters deserve.**

### **10. CEC'S HURRIED ANNOUNCEMENT DOES NOT RESPECT THE VOTE OF ELECTORS**

July 4, 2009

The Central Election Commission, through its announcement of July 3 by its spokesperson, made known the division of mandates for members of parliament for every political force, although the vote counting process is not over entirely. Furthermore, this announcement was made at the same time when the CEC had received and was handling a number of ballot boxes that had not been counted by the respective ZCEAs. **Although the announcement of mandates was preliminary, done without the conclusion of the vote count and before political clashes and tension had not subsided between those competing for these ballots, it does not contribute to the good conduct of the electoral process.**

**AHC deems that this action by the CEC is a hurried step, which contravenes its credibility as an unbiased body, but at the same time also contravenes respect for the citizens' vote.**

AHC has pointed out in other occasions that the Central Election Commission has behaved in ways that cast doubts on its neutrality. The Commission has not demonstrated to the extent it should the good will to be objective and professional in handling problems. This



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could be achieved through broader discussions and greater efforts to find consensus among its members.

**AHC calls upon the CEC for maturity as it is of the opinion that such actions may harm the general standards of these elections and could lead to further tension and exacerbation. Furthermore, AHC calls on all political forces to avoid confrontations and demonstrate calm, while respecting the people's vote.**