

AHC PRELIMINARY CONCLUSIONS ON MONITORING OF THE ELECTORAL CAMPAIGN AND ELECTIONS ON 12 OCTOBER 2003

I. Albanian Helsinki Committee And Electoral Process Monitoring

- The Albanian Helsinki Committee (AHC) is the first non-governmental organization to act in the field of human rights with the status of the observer, reacting against violations of human rights. AHC has been a member of the International Helsinki Federation on human rights since 1992. One of the operation fields of this committee has been monitoring of the electoral process in Albania.
- In the past, AHC has, within given possibilities, monitored general elections also local government ones.
- As for the local government elections of 12 October 2003, the Central Electoral Commission (CEC) engaged 106 AHC observers. AHC hails the quick engagement of its 106 observers by the Central Electoral Commission. In early September 2003, AHC trained its observers on the electoral process, role of the observer and observing procedures. The New Electoral Code provided the basis for this training, and the trainees were later introduced to the various CEC guidelines.
- On the day of local government elections, on 12 October 2003, the Albanian Helsinki Committee, observed the districts of Tirana, Durrës, Fier, Vlorë, Shkodër, Elbasan, Korçë, Gjirokastër, Kukës. Committee's observers monitored some aspects of the run-up to elections, such as: the electoral campaign, publishing of the preliminary voters' lists, LGZC-s (Local Government Zone Commission), and LGC-s (Local Government Commission) establishment, commissioners' training , etc, as well as the electoral process itself on the Election Day.
- AHC, together with some other non-profit organizations, signed on 09.26.2003, a statement in which the signatory organizations expressed their commitment to the observance of the standing

legislation, their impartiality, political independence, objectivity, transparency and responsibility while observing this electoral process.

- In the press conference held on 13 October 2003, AHC presented several preliminary information on the findings of its observers, while drafting of the final written report is still underway. This report will further address the results of AHC monitoring missions, and will contain relevant recommendations on amendments to the Electoral Code and the electoral process in general.

II. The Electoral Code and CEC guidelines

- Firstly, we deem it necessary to note that adoption of the Electoral Code is a step forward in amending the electoral legislation, bearing in mind the OSCE/ODIHR recommendations. AHC, however, is of the opinion that some provisions of the Electoral Code pose serious problems. In this respect, in the following days, AHC, bearing in mind the practice in these elections, will come up with actual suggestions on amendments which need to be made to the Electoral Code.

III Electoral campaign for the elections on 12 October 2003

- Based on the requirements of the Electoral Code, the political parties were supposed to open their electoral campaign on 12 September 2003. In fact, the major political parties began their campaign on August, 30, and September, 1, 2003. The electoral campaign has been generally conducted correctly, even though leaders of main parties have exchanged mutual charges. Gatherings and rallies have been normally held with no violence outbreak.
- There have been complaints and claims of poster's being ripped away and of indirect pressure exerted on people putting up propaganda materials. Local government bodies should have shown greater care in finding the appropriate storage places for the propaganda materials of the candidates. On the other hand, candidates should have not let their propaganda materials wherever.
- In comparison to the previous electoral processes, we think that the print and electronic media has generally acted properly, with some cases of exception against which the Monitoring Board and the CEC have duly reacted. We are of the opinion that this Board has completely justified its purpose of establishment. The language used against the political adversaries or rival candidates in the two

newspapers belonging to the incumbents and to the opposition (“Zëri i Popullit” and “Rilindja Demokratike”), has frequently been harsh and not in compliance with the journalistic ethics.

IV. Voters’ Lists

- The preliminary voters’ lists were compiled and published on time. The Central Electoral Commission worked intensively in order to inform the public on the voters’ lists, using in a better organized way the various means, such as the print and electronic media, commercials on television and a free phone line.
- AHC observers have reported on several irregularities on the voters’ lists, such as voters’ names not included in these lists; or names listed in a polling station other than that to which the voters were supposed to vote to, or names of same family members listed in different polling stations. Some voters found their names in the published lists but not in the lists posted at the polling stations.
- These irregularities naturally raised concerns, especially in those voters who were willing to exercise their right to vote. The reasons for these irregularities might be numerous, but according to our opinion these are the main ones:

Firstly, after publishing the preliminary and the final lists, by law, the LGZC-s in cooperation with the Municipality and the Commune had to notify each and every voter on the location of the polling station, and their personal number in the voters’ lists at their polling station (Article 56 of the Code). This provision of the Electoral Code seems to have not been properly applied by the Local Government Zone Commissions.

Secondly, after publishing the preliminary voters’ lists, part of the voters, negligent or convinced their name would be in the list, did not personally check to find their name in them. There have been cases when voters, even though not finding their names in the lists, have not addressed this issue to relevant Local Government Zone Commissions. (a requirement expressed in Article 57 of the Electoral Code).

Thirdly, based on Article 58 of the Electoral Code, the political parties have the right to address Local Government Zone Commissions asking for amendments in the preliminary lists. Their complaints have been partly covered and presented by the media or in press conferences and partly submitted near the Local Government Zone Commissions, but not all voters claims were attached to these complaints, which in turn delayed and made it difficult to carry out the necessary verifications.

Fourthly, Local Government Zone Commissions have not shown the proper care and addressed on time claims submitted near these commissions, and have not informed claimants on decisions taken, thus, these commissions have not correctly applied Article 57 of the Electoral Code.

- Despite of the said reasons of subjective character, AHC (as it has stated during previous electoral processes as well) is of the opinion that similar irregularities, of various proportions, will continue to occur for as long as the Census Register is not exact and carried out as required by the law, for as long as there is no database on this issue, therefore no data verifying system as well.
- AHC is of the opinion that part of these irregularities could have been prevented if voters themselves and candidates as well (especially those of the two major political parties), had shown greater concern. Irregularities could have been less if respective Local Government Zone Commissions would have correctly applied the provisions of the Electoral Code.
- It is worth emphasizing that AHC monitors the observance of the Electoral Code requirements and does not become part of political comments. In monitoring the electoral process, in compliance with the law, we conclude only based on the law and verifiable information received by our observers. This information is of course incomplete and preliminary. Even if verified irregularities in the voters' lists are intentional, as claimed by certain political forces, it is not our duty to affirm or to deny them as such. It is the duty of competent bodies to reach the respective conclusions.

V. Central Electoral Commission

- In comparison to the previous electoral processes, we share the opinion that this commission has generally worked well. There have been evident changes towards a better organization – in terms of closely monitoring and controlling certain issues – in terms of transparency of scheduled meetings, and guidelines issued. However, we think that CEC activities have been often improperly hampered by the political party representatives with no the right to vote in this commission.
- AHC has studied CEC guidelines and has communicated its remarks to CEC. Also, AHC will further address these issues in its final report. Regarding CEC composition, and statements made on its balancing, with the election of the seventh CEC member by the High Council of Justice (HCJ), and on the

postponement of the election of its deputy, AHC takes the following stance: The Constitution of the Albanian Republic, the law and the Electoral Code should be applied. If the latter one bears irregularities, then suggestions on its amendment should be made.

- As for the Electoral College at the Court of Appeal, AHC considers it positive that the New Electoral Code foresees the establishment of a similar court which will address, as it indeed has, litigations and claims on actions taken by CEC. Let us not forget that verdicts of this court are absolute ones.

VI. LGZC-s and LGC-s establishment and commissioners training

- There have been delays in their establishment because respective political parties did not make their propositions within the respective deadline. Delays in the establishment of LGZC-s and LGC-s has had a negative impact also in the training of their staff. It is worth mentioning that resignations presented by some LGZC-s and LGC-s members and their replacement by CEC and LGZC, have also contributed in this delays.
- Although CEC guidelines have been very helpful in this respect, we share the opinion that commissioners' training has been incomplete.
- LGZC-s composition has been generally made in conformity with the law, but in some AHC observed zones, criteria in order to become a LGZC member were not duly met, such as the criterion defining that LGZC members should have completed higher education, or for the secretary of this commission should be a lawyer.
- LGZC-s have generally acted as foreseen in candidate registration. As for taking into consideration propositions made by political parties on LGC-s members, we think it acted a bit hastily. As a result, it did not pay the necessary attention to the legal criteria which had to be met by candidates as commission members.
- AHC has concluded that respective political parties, enjoying the right to present their propositions about members for the LGZC-s and LGC-s, have not paid the necessary attention to the qualitative, timely and CEC guidelines-based selection of these candidates. This has in turn had its negative impact especially with regard to the qualitative correction of voters' lists; has accounted for delays in determining the proper location for the polling stations or placing them in inappropriate locations.

VI. LGZC-LGC members relations

- Our observers have reported on disputes in several LGZC-s between commission members. These disputes were based on fractional party interests or on the instructions of the relevant parties. It is worth mentioning that several candidates, instead of submitting their personal complaints in compliance with the Electoral Code, being under political influences were willing to present them in press conferences or make them object of discussion in the print media.
- Irregularities on Election Day, reported by our observers were a result of the LGC-s members' poor knowledge of respective laws, without forgetting the role of pressure exerted by various parties on their representatives in these commissions.

VIII. The Voting Process

- In AHC monitored zones, the situation was generally calm and no incidents were registered.
- Establishment of polling stations and their location was determined in compliance with the law. In the monitored areas, the voting material base was delivered on time.
- As for the preliminary procedures followed before opening the voting process, in some polling stations there were delays in starting the voting process because not all commission members appeared on time or at all, which delayed preparations for the voting process.
- As for the voting procedures, there have been identified cases of family voting. In some polling stations, ballot boxes were quickly filled due to the big size of the ballot papers. A similar problem should had been foreseen and avoided by CEC. There were no reports by our observers saying that overfilling of ballot boxes hindered voters to cast their ballot or leave the polling station without voting.
- As for the closure of the voting process and balloting, AHC observers reported that the after-voting process was generally regular. Balloting took more time than usual especially in the polling stations in the Municipality of Tirana. According to our judgment, this situation was a direct result of the commissioners'

poor training and fighting spirit. Another reason was the two separate ballot papers cast in Tirana Municipality polling stations.

- AHC observers also reported that police force members, tasked with the protection of the voting stations, escorting of the electoral materials and intervention upon the decision of LGC-s, have minutely applied the Electoral Code, Law on State Police and CEC guidelines. We are taking advantage of this opportunity to commend the positive role of the police in maintaining order and peace on Election Day as well as the correct performance of the said duties in this paragraph.

IX. AHC public reactions and notification

- AHC, attentively monitoring the observance of the Electoral Code and CEC guidelines, has occasionally publicly reacted, in order to simultaneously draw the attention on some issues related to the timely establishment of the Local Government Zone Commissions and Local Government Commissions, correction of preliminary voters' lists, qualitative and timely training of the commissioners, etc.
- AHC, besides public statements on some important issues regarding the correct application of the Electoral Code, it has continuously signaled CEC as well. This constructive communication between AHC and CEC was evident even during the Election Day. AHC gladly notes that CEC has welcomed and positively appreciated suggestions made by this Committee.

Tirana, 13 October 2003