

„ELECTION PROCESS MONITORING”

Report No. 3

Monitoring period: January 16, 2005 – January 31, 2005, Chisinau 2005

“Election process monitoring” is a project developed in association with the Helsinki Committee for Human Rights, the League for the Defence of Human Rights in Moldova (LADOM) and the Association for Participatory Democracy (ADEPT) within the framework of the NGO’s Civic Coalition for Free and Fair Elections “Coalition 2005”, composed of over 150 members.

The present report reflects the monitoring results for the period of January 16, 2005 – January 31, 2005. The information was collected by long term observers (LTOs) at the national level and one observer in each of the 32 rayons (on the right bank of Nistru) and 7 regional coordinators in Chisinau, Balti, Soroca, Orhei, Cahul, Comrat, and Causeni. The election process monitoring was conducted under internationally accepted standards and principles as stated in the Project’s Code of Conduct and the Regulation of the Central Election Commission (CEC) regarding the status of observers.

The information presented in this report was collected using two types of questionnaires. The first questionnaire was a weekly collection of information concerning the course of the election process, i.e. implementation of the election law by the central and local authorities, the conduct of electoral administration, press coverage, and the conducting of campaigns. A second questionnaire was developed to obtain information about the legal requirements on preparing voter lists. This information was collected by telephone interview between a LTO and city officials in approximately 600 out of 900 towns and villages.

This report was prepared by: Dorin Chirtoacă, Sergiu Buscaneanu, Ruslan Borzin, Denis Toma, Olesea Rosca and Ion Manole, Natalia Gârdea and Iulia Kirnițki.

Summary and conclusions

During the election process monitoring from January 16, 2005 – January 31, 2005, a positive development was the decision of the Central Election Commission (CEC) to approve “The Regulation on certain features of polling during the Parliament Elections of March 6, 2005”. Thereby incorporating recommendations made by the Council of Europe (CE), the Organization for Security and Cooperation in Europe OSCE/OD HR and Civil Society Organizations on expanding the number and type of acceptable identification documents enabling people to vote in the elections, and the addition of the stamp “Voted” in electors’ identification documents after their participation at the poll, in order to diminish the phenomenon of “multiple voting”.

At the same time, significant negative tendencies in carrying out the election process continue. Despite the aforementioned recommendations, updating of voter lists remains behind schedule. The CEC still has not published its decisions in “Monitorul Oficial”. The

actual CEC regulation favours certain categories of citizens and undermines students' rights. Procedures for voting still contain confusing language regarding the precise instructions and documents needed to vote and the necessary steps for students to vote. Moreover, the regulation does not foresee a clear mechanism on the right to vote for citizens from the Transnistrian region and for persons working abroad.

We are distressed that the relevant authorities ignored the recommendations of civil society to remove the restrictive provisions in the "Concept and Regulation on Reflecting the Electoral Campaign in Mass-Media" which contribute to the creation of an informational void in reflecting the election process.

In comparison to the preceding period of monitoring, new problems came to light in the election process--security and police powers were used against opposition candidates, electors were intimidated by authorities, humanitarian aid was distributed for electoral purposes, and the Department of Informational Technologies announced that more than 500,000 citizens possess expired identification documents, putting them at risk of losing the right to vote.

At the same time, the negative tendencies pointed out in the preceding reports continued to be ongoing, including--misuse of public resources for electoral purposes, violations of equal opportunity for all electoral contestants, and unjustified involvement of security and police resources in the electoral campaign.

When taken in totality, the general environment questions the integrity of the electoral process. Troublesome is the lack of equal opportunities for all the electoral contestants; especially, unequal access to mass-media; electors' intimidation by public authorities; misuse of public resources and the existence of certain administrative obstacles that threaten the constitutional right to vote.

We will continue to monitor the course of the election process, with particular emphasis on the above-mentioned issues.

Findings

I. Central Public Authorities

In the referred period there were reported cases of the use of material and financial public resources for electoral purpose, increased use of security and police in the electoral campaign, and the prosecution of legal cases that may be interpreted as attempts to stigmatize certain electoral candidates.

Use of public resources for electoral purposes

- **Use of state material resources in favour of certain electoral contestants**

While serving their customers, the employees of the Territorial Social Insurance Fund in Cantemir displayed CPRM campaign advertising materials on a table placed in the waiting room.

The post office in Straseni continued to distribute electoral material in favour of the CPRM. From January 16, 2005 – January 23, 2005 similar activities took place at the post offices in Ialoveni and Ignatei (Rezina). For one day in Telenesti, the post office distributed BMD electoral material. The employees of the post office from the village of Frumusica, rayon Floresti, signed a document alleging that the head of the post office required them to distribute the "Comunistul" party newspaper instead of "Flux" newspaper under the pretext that "Flux" was not publishing due to vacation.

- **Electoral on-site electioneering during officers' official visits**

On January 18, 2005 the Minister of Agriculture, Dmitri Todoroglo, went on an official visit to the town of Cimislia. The visit had an electoral tone in favour of the CPRM. A similar case took place on January 19 and 25, 2005 during official visits from the Prime-Minister Vasile Tarlev, candidate no. 3 on the list of the CPRM at the JSC "Sandrilion" in the town of Ialoveni, rayon Nisporeni. In Nisporeni, the visit of the Prime-Minister took place under the title "Communists in Parliament – Voronin President". In organizing the meeting, local authorities requested official vehicles for transportation and the employees of budgetary institutions were instructed to attend the meeting.

On January 20, Ivan Kalin, CPRM deputy went on an official visit to a school in Samananca village, Orhei rayon during which the hours were interrupted, and the teachers were called for a meeting. The meeting had electoral character.

- **Use of official government vehicles for electoral purposes**

The number of such cases has significantly increased in comparison to the preceding periods of monitoring. There were reported cases involving Eugenia Ostapciuc, the President of the Legislative using official government vehicles to meet with voters on January 18, 25, 27, 28, 31, 2005 in the town of Rezina, village of Abaclia (Basarabeasca), village of Grimăncăuți (Briceni), town of Orhei and in the town of Criuleni. Similar abuses involved Prime Minister Vasile Tarlev in meeting with voters on January 19, 25, 26, 27, 2005 in the village of Vărzărești (Nisporeni), the town of Strășeni and the village of Răuțel (Fălești). On January 27, 2005 Deputy Alexandru Jdanov meet with voters in the town of Singerei. Also, the aforementioned official visit of Ivan Kalin to the village of Samananca involved the use of official government vehicles.

A. A more active involvement of the security and police apparatus in the electoral campaign

- **Intimidation of Electoral Candidates**

The appearance of this phenomenon may have unforeseen and extremely severe consequences on the electoral climate in our country. In Balti, the PSDM candidate, Arcadie Covaliov was detained by officers from the Center for Combating Economic Crime (CCCEC) and while in custody assaulted. Covaliov had recently revealed cases of corruption in the medical system and was resisting pressure from the Ministry of Health for his dismissal. After Dumitru Cucu, refused to carry out a health ministry directive to remove Covaliov, his wife, Nina Cucu, was accused of bribery and arrested by the CCCEC Balti. During the trial of Nina Cucu, Covaliov was accosted by two men in civilian clothes who did not identify themselves and forced him into a car with the number plates MAI 2047. He was handcuffed, and one of the assailants started to strangle him with a scarf. He was then taken to the CCCEC – Bălți, where he was accused of having resisted arrest and two police workers in uniforms filed an official report against him alleging that he had committed an administrative offence. The trial is being monitored.

- **Obstruction of electoral candidates regarding the holding of electoral campaigning and organization of meetings with voters.**

During the referred period, the number of actions of obstructing electoral campaigning became alarming. There were reported cases of obstructing the PSDM speakers by police workers in the towns of Rezina, Glodeni, Ialoveni, Florești, Telenești. The representatives of the PPCD were obstructed and detained by police because they carried out electoral campaigning in a dormitory in Chisinau, on the grounds it was forbidden. On January 17, this year, in Pohorniceni village (Orhei), the district officer tried to prevent the meeting of voters with representatives of the BMD.

Local Authorities, in the village of Costesti, rayon Rascani and the village of Cotiujeni, rayon Briceni, did not make available space for posting campaign materials and when

representatives of the PPCD placed leaflets in unauthorized areas they were detained and charged.

- **Actions undertaken by police to obtain information about campaign events organized by electoral contestants, as well as intimidation of electoral contestants.**

In Telenesti, Rascani and Stefan Voda there were reported cases of police obtaining agendas of electoral meetings pursuant to orders from the Ministry of Information (MIA) and giving them to local authorities and chiefs of public institutions.

The mayor of the village of Otac, rayon Rezina a member of the BMD was detained and repeatedly threatened by the PCR/M dominated rayonal authorities. On January 31, 2005 in the town of Telenesti, the commissar Valeriu Cojocari, at the instruction of the rayon president Leonid Turea, a representative of the PCR/M, removed a tricolour flag from the PPCD Telenesti premises, because it did not have the state seal.

B. Cases that may be interpreted as attempts to stigmatize certain electoral candidates

Observers pointed out criminal cases filed against certain representatives of the PPCD in Balti under the depositions of some youngsters who participated in the name of this faction at monitoring the second vote in the presidential ballot in Ukraine and who were unsatisfied with their financial payment. The filing of such cases during the electoral campaign has the potential to spoil the electoral climate in our country.

II. Local public authorities

For this period, there were cases reported of electoral candidates being treated unequally, electors being intimidated by local public authorities, the use of material and financial public resources for electoral purposes, and intentionally inadequate space for posting campaign literature.

A. Differential treatment of electoral candidates

- **Discriminating treatment of electoral candidates**

PSDM speakers were stopped from performing electoral campaigning in more rayons. In the village of Cotiujeni, rayon Briceni at the order of V. Dragan, representative of the PCR/M, the headmaster of Lipcani College refused to make available to the BMD, premises for carrying out meetings with voters. In the village of Scorteni, rayon Telenesti, the mayor of the village refused to make available to the BMD the premises of the "Casa de cultura" (Public house of the locality). A similar case took place in the village of Cucurezi, rayon Orhei, however in this case the mayor is the representative of the PSDM.

- **Preferential treatment of certain electoral candidates**

The mayor of the town of Rîșcani, Anatolie Vlasco, announced at a public meeting that public officers from the locality would be receiving subscriptions to "Comunistul" party newspaper, the press body of the PCR/M, and that payment for the subscription would be deducted from their salaries.

B. Electors' intimidation by local public authorities

There were cases reported of electors being intimidated by mayors, especially in situations when mayors were representatives of the PCR/M. In the village of Coșernița, rayon Criuleni, a teacher of elementary classes, Cibotar Elena, was intimidated by the headmaster of the school of the locality and accused by the mayor of the village of having organized a meeting with the BMD leader Serafim Urechean on January 22, 2005 (a day

off) and having brought children accompanied by their parents to this meeting. In the village of Ignăței, rayon Rezina the participants who asked questions during a meeting with PCRM candidate, Eugenia Ostapciuc, were called to the mayors office and threatened.

C. Use of administrative resources in electoral purpose

- **Use of administrative resources in favour of certain electoral candidates**

On January 12, 2005, at a meeting of the mayors and secretaries from rayon Straseni, the president of the rayon conditioned future financial resources from the rayon budget on their contributions to the "election campaigns of representatives from the PCRM".

On January 13, 2005, the Inspectorate for State Transports from Cahul received a Order No. 11-2 from January 11, 2005 addressed to the chiefs of the subdivisions from Bălți, Cahul, Comrat, and Edineț of the State Enterprise "CRT", in which they were instructed to provide transportation for groups of youngsters to Chisinau so they could attend a concert organized by the Union of Communist Youth from Moldova. After the concert on January 15, 2005 audience members joined with other youth groups in a demonstration in front of the Chisinau City Hall.

On January 20, 2005 the chief of the Soroca Department of Education required that representatives from the administrations of educational institutions be present at a meeting with VOTERS and the president of the Legislative, Eugenia Ostapciuc.

- **Electoral campaigning during the on-site official visits of public officers**

According to LTOs, during the official visit of the president of Ialoveni district, Vladimir Braga, in Ulmu village electoral campaigning in favour of the BMD took place.

- **Use of official government vehicles for electoral purposes**

At a meeting of PCRM supporters from the village of Stolniceni, the President of rayon Hîncești used an official government car. PCRM deputy, Ivan Kalin used a car from the Department of Transport to pay a visit to the town of Orhei. The leader of the BMD, Serafim Urecheanu used the duty car at the meeting with voters in rayon Floresti.

D. Lack of special areas for electoral advertising

LTOs noticed that in the majority of rayons there still exist localities where special areas for electoral advertising have not been established. This leads to the irregular posting of electoral leaflets, as well as administrative harassment of electoral campaigners.

E. Issue of updating election lists

According to the Election Code, the updating of election lists should have already been initiated. However, the number of mayoralties which are only at the beginning of this process is still significant. Non-fulfilment of annual obligations regarding lists is the cause of present delays in updating and drawing the election lists. Moreover, LTOs point out, under the practice of previous elections, the possibility that persons who are working abroad might be excluded from the election lists still exist in a number of localities.

III. Administration of elections

During this period, the CEC approved the regulation on certain particularities on voting during the Parliament election from March 6, 2005. The following issues remain unresolved-- the fairness of certain members of the territorial election commissions, issues on the transparency of the election process and voting for students, Moldavian citizens from Transnistria and persons who are working abroad.

A. CEC regulation on certain particularities in holding the polling during the Parliament Election

The regulation on certain particularities in holding the polling during the march 6, 2005 Parliamentary election represents a positive evolution in the administration of the electoral process. We endorse the agreement of expanding the list of acceptable documents allowing citizens to vote and for the appending of the stamp "Voted" in electors identification documents as an effective countermeasure to the phenomenon of "multiple voting".

At the same time, we believe that the regulation contains unclear wordings when referring to instructions and documents needed to vote and students' voting, it leaves space for the possibility to include certain categories of citizens on two election lists, does not guarantee explicitly the right to vote for the citizens who do not have a domicile, favour certain categories of citizens and undermines students rights.

We believe that it is extremely important to explain the voting procedure for persons who have different domicile and residence; to update identification papers for the approximately 520,000 people whose identification documents have expired; and to resolve the status of persons hospitalized in institutions of psychologic rehabilitation.

B. Degree of fairness of certain members of the territorial election councils

LTOs question the degree of fairness of certain members of territorial election councils due to their administrative subordination and/or their non-formal affiliation to certain political fractions.

Forexample , the observers question the objectivity of Angela Cernogal, secretary of the CEC Balti, who is the superior specialist at the Balti City Hall, thus being administratively subordinated to the mayor of Balti city, Vasiliu Panciuc, candidate under No. 10 on the PCRM list for Parliament.

Similar doubts exist about Svetlana Duca, secretary of the territorial election council in Soroaca, who, although not an official member of the PCRM, was a candidate of the PCRM for the position of rayon councillor in the local elections in 2003.

C. Reduced transparency of the election process

We are concerned that from the period beginning with the second report on election process monitoring until the present no CEC decisions have been published in *Monitorul Oficial*. If this continues, it calls into question not only the transparency of the election process but even its basic legitimacy.

D. Lack of a mechanism for participation of voting for Moldavian citizens from the Transnistrian region and persons who are working abroad

LTOs express their worry about a lack of a clear and efficient mechanism of safeguarding the votes of Moldavian citizens from the Transnistrian region and of the persons who are working abroad. Also, until now, there has not been any informational program to familiarize this category of citizens on the voting process.

IV. Electoral Candidates

During the referred period, LTOs have noticed cases of the distribution of humanitarian aid for electoral purpose; violations by electoral candidates of the provisions of the Election Code on areas for hanging electoral leaflets; and the omitting of prescribed notes from electoral materials.

A. Irregular posting of electoral leaflets

The majority of electoral candidates do not respect the requirement to post electoral leaflets only in special areas designated for electoral advertising. Leaflets representing the PCRM, the PPCD, and the BMD can be seen on pillars, walls and buildings etc. In

certain cases, the responsibility for this situation was local public authorities who did not make appropriate areas available. In other cases, the electoral candidates were responsible for violating the Election Code.

In addition to posting campaign material in unauthorized areas, beginning on January 27th, two campaign leaflets from the PCRM could be seen in one of the windows of the ground floor of the building housing the Ministry of Labour and Social Protection. LTOs have also noticed campaign calendars from the PPCD and the BMD in the chancellery of the Orhei district court.

B. Lack of information provided by Article 47 (5) of the Election Code on electoral leaflets

Observers noticed that there are electoral leaflets from the PCRM, the BMD and the PPCD that do not contain required information stating the publisher, date of publication and number of copies.

C. Irregular distribution of humanitarian aid

LTOs witnessed the distribution of material goods / humanitarian aid by candidates for Parliament, thus violating Article 38 (7) of the Election Code. Eva Gudumac, No. 36 on the list for deputies from the PCRM, distributed a significant quantity of chocolate to the residents of the village of Tătărauca Veche (Soroca).

On January 24, 2005, at two separate locations, the wives of the PCRM candidates Vladimir Voronin and Vasile Tarlev, Mrs. Raisia Voronin and Mrs. Greta Tarlev, distributed humanitarian aid to socially vulnerable children and families under police escort and with participation of rayonal and local authorities. In the first case, at the village of Carnateni it was not advertised as an electoral campaign, rather it was declared to be about the "Caravana de Craciun" ("Christmas caravan") of the charity fund "Clipa Siderala". In the second case, at the village of Ucraina, rayon Causeni, PCRM campaign literature was distributed, but the origin of humanitarian aid and money was not disclosed. Similar events took place in the rayons of Taacalia, Criuleni, Hancesti, and Straseni. Inquiries made to the administrators of the "Clipa Siderala" revealed that the activities of the "Christmas caravan" finished in December 2004.

D. Irregular electoral campaigning

Electoral leaflets from the Peasantry Christian Democratic Party from Moldova (PȚCDM) could be observed in Causeni before it was registered as electoral contestant at the CEC.

V. Observers' rights

There were reported cases of police watching the activity of observers and being present at electoral events. If this continues, the implementation working group of the "Election Monitoring Project" doubts that the observers' ability to exercise their rights can be guaranteed.

Concerns

The deficiencies and issues, as presented, raise serious concerns in assuring a free and fair electoral process. The most problematic issues include:

- **Lack of equal conditions for all the electoral contestants;**
- **Unjustified increase of security and police activism in electoral campaign,** including the intimidation of representatives of electoral contestants and obstruction in holding election campaigning.
- **Guaranteeing the constitutional right to vote for all voters** – There is no clear and efficient mechanism to update and compile voters' lists. Voting of Moldavian citizens from Transnistria and persons who are abroad is not regulated. There is the danger that

approximately 20% of the citizens who have a right to vote might not vote because their identification documents have expired.

- **Transparency and fairness of the election process** – The CEC decisions are not being published in *Monitorul Oficial*.
- **Timely and fair resolution of electoral disputes**
- **Prevention of multiple voting** – The lack of a clear voting procedure for persons having different domicile and residence. The lack of a mechanism verifying supplementary lists coupled with the lack of an obligation on the part of the CEC to publish a detailed tabulation of results by polling station, including the tables where these are registered, increase the likelihood of the “multiple voting” phenomenon.
- **Preventing politically motivated intimidation** – All citizens with no restriction should be guaranteed all the fundamental rights and freedoms confirmed through national and international juridical documents.
- **Guarantee the secrecy of the vote and transparency of the process of counting the votes and tabulation of results.**

Recommendations

On the bases of the above-mentioned findings and concerns, the implementation working group of the “Election Monitoring Project” recommends the following:

- **To change the regulations of the CEC on certain particularities in holding the polling during the Parliament election on March 6, 2005**, i.e. to clear voting procedure for persons having different domicile and residence, to reformulate the instructions on list of documents needed for voting, to exclude the possibility to be on two or more election lists, to guarantee the right to vote for the persons who can not prove where they have a domicile, to not discriminate among voters.
- **To pay special attention to citizens who possess expired identification documents.**
- **To assure equal conditions to all the electoral contestants**, including the right to hold electoral campaigning, to organize meeting with voters, and to post the electoral material.
- **To update and professionally draw up election lists and to post them with at least 10 days before the election date.**
- **To implement methods for prevention of double or multiple voting. I.e. invisible spray, UV lamps.**
- **To implement transparent ballot boxes.**
- **Undelayed publication of CEC documents in *Monitorul oficial*.**
- **to assure that voters from the Transnistrian region will have available transport to polling stations to the right bank of Nistru and to hold an information campaign for voters from the left bank.**
- **To respect the conditions prescribed by Articles 47 (5), (12) and (13) of the Election Code on the electoral advertising material and rules for posting leaflets.**
- **To guarantee the objective, undelayed and comprehensive informing of the public by mass-media** on the election process, including scheduled public debates, analytical programs with the participation of experts, leaders of public opinion, candidates etc.
- **To react immediately and effectively against cases of abuse and intimidation of electoral contestants and voters, as well as to forbid the presence of police representatives at the meetings of electoral contestants with voters, unless otherwise desired and/or requested by the contestants.**