

## „ELECTION PROCESS MONITORING”

Report No. 4

Monitoring period: February 1, 2005 – February 15, 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: February 1, 2005 – February 15, 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, Dumitru Bogaci Denis Toma, Olesea Rosca and Ion Manole, Natalia Gârdea and Iulia Kirnițki.

---

### Summary and conclusions

---

During the referred period February 1, 2005 – February 15, 2005, we believe the following developments to be positive: a more discrete police presence at some candidate meetings with voters, the ceasing by certain officials to use government vehicles for campaign purposes and compliance with amendments in paragraphs 7.1 and 7.2 from the CEC Regulation of January 28, 2005, that improve students’ conditions for voting.

At the same time, negative tendencies in the election process continue. The problem of persons who have expired identification documents was not resolved nor was a procedure of voting for persons who have different domicile and residence found, the CEC is still not publishing its decisions in *Monitorul Oficial*; and local authorities have not completed the compiling voters’ lists.

Compared to the previous monitoring period, the same deficiencies remain and new problems have become apparent. The most pressing cases include: aggression against candidates’ supporters, police involvement in the electoral campaign, prosecution of campaign workers for posting electoral leaflets in

designated areas, and non-disclosure in mass-media of the financial and material resources of electoral candidates.

In order for all the citizens of the Republic of Moldova to have the opportunity to vote the lingering issues of the 500,000 potential voters who are abroad, those who possess new or expired identification documents, voters from the Transnistrian region and students' right to vote need to be resolved

**The facts on the ground question the integrity of the electoral process. Especially troubling is the continuing lack of equal opportunity for all candidates, intimidation of voters by public authorities, lack of free access of candidates to mass-media and use of public resources for electoral purposes. A menacing new development was Victor Stepaniuc, the PRMC Central Committee Secretary, threatening to confiscate funds allocated by international donors to Coalition 2005, as well as for the subsequent visits by the Centre for Combating Economic Crimes and Corruption (CCCEC) paid to the Helsinki Committee for Human Rights and the Independent Journalism Centre (CIJ)**

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

---

## Findings

---

### **I. Central Public Authorities**

For the referred period there were reported cases of unjustified and new forms of police involvement in the electoral campaign and the use of public resources for electoral purpose. However, compared to the previous period of monitoring, we noticed that in some situations the police were more discrete, and certain state officials ceased to use official public vehicles for electoral purposes.

#### **A. Involvement of police representatives in electoral campaign**

##### **• Aggression directed against candidates' supporters**

On January 28, 2005, district officers Andrei Gruşciuc and Veaceslav Gărgăun physically assaulted Eugen Tcaci and Igor Golubiev from the community of Sărăteni, rayon Leova on the pretext that they posted BMD electoral leaflets in unauthorized electoral areas. LTOs in the region confirm that as of February 10, 2005 there were no authorized areas for electoral posting.

In accordance with Order No. 21/2004, the mayoralty from the town of Cahul established only one area for posting campaign literature. On February 9, 2005, six students from the State University of Cahul were detained while they were hanging BMD electoral leaflets in unauthorized areas. On February 11, 2005, they were brought before a magistrate and charged with a hearing scheduled for February 25, 2005. Although, the unauthorized hanging of campaign leaflets was a legitimate concern, we believe that the measures undertaken by the police were excessive and intended to intimidate.

##### **• Intimidation of candidates, their supporters and voters**

On February 11, 2005 Ciocana District police officers conducted a search of the PSDM office in Ciocana and confiscated lists of supporters and the files of some party members. PSDM representatives were accused of engaging in illicit activity and threats were made that the party office would be closed on the grounds it was not registered at the CEC.

On February 9, 2005, Buiucani Police District Officers detained five participants of a meeting organized by students from the Academy of Music, Theater and Fine Arts to protest against the CEC decision on the method students can vote. Charges were filed against three students; they were not informed with their rights and were denied access to a lawyer. The Buiucani District Court of Chisinau found all three guilty of obstructing traffic and fined them each 360 lei.

In the village of Criscauti, rayon Donduseni a meeting between Maria Postoico the PCR candidate and voters was supervised by police officers creating an environment that was uncomfortable for voters to ask questions of the candidate.

In Orhei, police recorded the number plates of minibuses belonging to the Association of Transporters from Orhei which contained electoral leaflets of the BMD candidate.

On February 10, 2005, employees from the Department of Culture in Rezina were required during working hours to campaign in favour of the PCRS in the villages of Bușeuca and Roșcana. Threats were made that those who refused would be dismissed after the elections.

On February 9, 2005, at a BMD meeting in Anenii Noi which was attended by Serafim Urechean a citizen who asked a question on how land was allocated in Chisinau was forcibly removed from the room.

- **Obstruction of candidates in campaigning**

On February 9, 2005 the police detained Elena Corjan, a candidate for deputy from the PSDM, while she was campaigning in the central square of the town of Calarasi. She was required to go to the Calarasi Police Station, where she was held for an hour and warned by Victor Melega, the Vice-Commisar of rayon Calarasi, not to engage in any more electioneering in town.

LTOs have witnessed cases of police confiscating electoral leaflets in rayons Dubasari and Hincesti and of the removal of leaflets from the electoral stands in the communities of Corlăteni and Rîșcani.

In the villages of Stoicani and Vărăncău (Soroca), the police required candidates to register at the mayoralty before allowing them engage in campaigning.

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

On February 5, 2005, Elena Olaru, organized meetings between voters and BMD representatives in the villages of Ciolacu Nou and Ciolacu Vechi, rayon Fălești. She was later approached by district police officer Vitalie Pernai, who asked for the names of the attendees who came from Chisinau and the number plates of their cars. A similar case took place in the town of Râșcani, where police asked the local BMD leaders to furnish information on the participants at a training for election observers.

**B. Cases considered as attempts to stigmatize certain electoral contestants**

On February 11, 2005 at a PPCD Press Conference young people recanted allegations that they had made on the television show “Rezonans” that the PPCD withheld payments due to them for monitoring the second round of the Ukrainian Elections. The youngsters went on to reveal that they were approached by an unknown person and given 3,000 MDL to lie. It is suspected that the report telecast on the TV-station “NIT” was motivated to discredit the PPCD.

**C. Use of public resources for electoral purpose**

- **Use of administrative levers in favour of certain candidates**

During an extraordinary concert organized by the Academy Ensemble of Songs and Dancing of the Ministry of Defence of the Russian Federation on February 12, 2005 at the “National Palace” (Palatul National) in Chisinau, the president of the Republic of Moldova, Vladimir Voronin (no. 1 candidate on PCRM list) spoke for almost 30 minutes in favour of the PCRM. The Concert was approved by the Ministry of Culture and was intended to commemorate the 60th anniversary of the victory against Fascism. According the Order of the Ministry of Culture No. 26 of February 10, 2005, the expenses for organizing the concert were to be borne by the Officers Union of Moldova and the Ministry of Defence of the Republic of Moldova.

On February 6, 2005, both sides of the doors on all the cars of the Tighina – Chisinau train No. 6003, were posted with PCRM electoral leaflets. Also at the post offices in Volovița, rayon Soroca and rayons Corlăteni, Pîrjota and Rîșcani, PCRM advertising electoral leaflets were distributed.

On January 28, 2005 during the visit of the BMD leader, Serafim Urechean, at Cernoleuca, Dondușeni a meeting was organized in the local school during class hours.

On February 8, 2005 the PCRM candidate, Vasile Tarlev, held meetings with voters in the villages of Mateuți and Echimăuți and the town of Rezina, The first two meetings took place within the school,

starting from 10.30 and caused classes to be interrupted. Also participating at the meeting were other PCRM representatives who arrived in official government vehicles and rayon officials.

The last two mentioned actions violate Directive No. 01-13-70 of the Ministry of Education of January 21, 2005 which stipulates that meetings with voters within educational institutions are permitted only outside of school hours.

- **Electoral campaigning during official visits of public officers**

On February 11, 2005 the President of the Legislative, Eugenia Ostapciuc, during an official visit to the village of Molovata Veche, rayon Dubasari engaged in electoral campaigning in favour of the PCRM.

LTOs report elements of electoral campaigning in favour of the PCRM during official visits of the Prime-Minister Vasile Tarlevon on February 1, 2005 in the Villages of Borogani and Filipeni, rayon Leova, and on February 10, 2005 in the Villages of Visoca and Rublenița rayon Soroca.

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

On January 31, 2005, Ion Filmon the PCRM candidate for deputy traveled in an official government vehicle from the town of Ungheni to a meeting with voters at SA "Prut", and on February 4, 2005 Eugenia Ostapciuc, the PCRM candidate for depute travelled in an official government vehicle to attend a meeting of voters.

## **II. Local public authorities**

Cases have been reported of voters being intimidated, candidates receiving unequal treatment, use of public resources for electoral purposes, deficiencies in compiling voter's lists and problems establishing areas for posting electoral leaflets.

### **A. Voters' intimidation**

LTOs reported that the chief of the Dubasari Rayon Executive warned some war veterans from the Transnistrian conflict from the rayon that if they adopt the position of the in case the Association of War Veterans to support the BMD, they could lose the benefits they are presently enjoying.

The Vice-Mayor of Criuleni intimidated and handled roughly Lidia Roman, the principle of the art school, because she allowed BMD representatives to hold meetings with voters on school property

On January 29, 2005 in the village of Cernoleuca, Ion Lungu, the Mayor threatened to withhold teacher salaries because they had attended a BMD electoral meeting.

### **B. Differential treatment of electoral contestants**

- **Discriminating against electoral contestants**

The Council of rayon Cimislia applied different treatment towards at least two electoral contestants. The local offices of both the PCRM and the BMD are located in the same property owned by of the Local Council of Cimislia rayon. Records show that in January 2005 the BMD had been paying rent in the amount of 880 MDL per month while the PCRM was occupying the space rent free.

LTOs report that on February 2, 2005, Galina Vizdoga, the mayor of the village of Sculeni, rayon Ungheni and the PCRM spokeswoman, refused to provide the BMD representative a room in the mayoralty to organize meetings with voters. PPCD representatives in the villages of Sălcuța and Opaci, rayon Căușeni faced similar problems. Initially PPCD representatives were given permission by local school principles to use educational institutions to hold meetings with voters later the permission was denied.

On February 11, 2005 in the town of Floresti and the village of Japca, rayon Floresti local authorities despite the fact that requests addressed to the respective mayoralties were handled according the legislation in force did not provide PPCD representatives reasonable accommodations to meet with voters. In Japca, the doors of the Culture House remained locked because no keys could be found and the meeting with voters had to be held outside.

- **Preferential treatment accorded certain electoral contestants**

Contrary to the experience of other political parties PCRMR meetings with potential voters proceed remarkably smoothly. For example Vasile Sova, Minister of Reintegration and a PCRMR candidate for deputy held election related meetings on February 2, 3, and 9, 2005 with teachers from educational institutions from the villages of Cosnita, Dorotcaia Molovata and Pirita, rayon Dubasari. Likewise on February 4, 2005 Victor Stepaniuc a PCRMR candidate for deputy held meeting voters without incident at a school in the village of Taul, rayon Donduseni.

### **C. Use of public resources for electoral purposes**

#### **• Use of administrative levers in favour of specific candidates**

On February 10, 2005, Vasiliu Panciuc, the Mayor of the City of Balti called an obligatory meeting of the chiefs and chief-accountants of many local enterprises with Marian Lupu, Minister of Economy and a PCRMR candidate for deputy. According to LTOs, the meeting had an electoral character.

PCRMR candidates organized a series of meetings in the town of Leova with the workers of state enterprises and institutions, including the Police, Information and Security Service, Courts and Fire-fighters, etc. The meeting were held during working hours, and the number of participants at each meeting was recorded.

Tudor Bogdan, the Chief of the Educational Department in Orhei, organized meetings with the teaching staff from the locality and urged them to vote for the UCM.

#### **• Use of official government vehicles for electoral purposes**

On February 7, 2005 Vladimir Braga, president of Ialoveni rayon, and a candidate on the BMD list used an official government vehicle for a campaign stop in the village of Molești.

Angela Rusnac, Chief-doctor of the Hospital from rayon Soroca and a PCRMR candidate for deputy travelled several times to meetings with voters in an official government vehicle.

### **D. Issues concerning updating voters lists**

LTOs report that the process of compiling voters' lists is behind schedule. According the Code on Elections, the lists were to be updated, drawn and transmitted to polling places starting February 15, 2005, but this is not the case in the majority of localities.

According to LTOs, recent CEC decisions will lead to citizens who have the right to vote but who are abroad not be included in the main voters' lists in the following rayons: Bălți, Cantemir, Căușeni, Drochia, Fălești, Glodeni, Leova, Râșcani, Strășeni, Taraclia, and Ungheni. In the rayons of Briceni, Ocnita, Sîngerei, Soroca, Ștefan-Vodă the inclusion or exclusion of Moldovan Citizens working abroad from voters' lists will be made at the discretion of the responsible authorities. Exclusion of these persons will lead at the arbitrary reduction of the total number of voters.

### **E. Purposely equipped areas for electoral advertising**

LTOs have observed that until now there still exist a large number of localities where special areas for electoral advertising have still not been established. Such localities were observed in the following rayons: Anenii Noi, Briceni, Cahul, Criuleni, Dondușeni, Edineț, Fălești, Florești, Leova, Soroca, Ștefan-Vodă, Taraclia etc.

There are localities where, although areas have been designated for election advertising there were no boards for posting leaflets. Such a problem was noticed in the towns of Orhei and Ungheni and in the village of Chetrosu, rayon Drochia.

Another problem is that in certain localities the designated areas for electoral advertising are too few (cities of Cahul and Drochia) and the size of the area too small (town of Căușeni, rayon Fălești).

In some places in rayon Rascani, the areas for electoral advertising were situated within the premises of certain buildings (houses of culture, mayoralties), thus limiting access to the information.

This lack of special areas for electoral advertising has led to illegal posting of electoral leaflets and prosecution of electoral campaigners.

Alexandru Rusnac the PPCD candidate from the village of Cotiujeni, rayon Briceni and Valerie Beril the PSDM representative, from the town of Ștefan-Vodă were both prosecuted for posting electoral leaflets in unauthorized areas even though no specially designated areas existed in their villages.

### **III. Administration of elections**

#### **A. Insuring the right to vote**

- **Voting for persons with expired identification documents**

According to the CEC Regulation of January 28, 2005 the holders of expired identification documents (besides Soviet passports) may exercise their right to vote only if they obtain new documents or obtain form F-9. According to the Informational Technology Department (DTI), the number of Moldovan Citizens with expired documents is 520,000. It will not be possible to issue 520,000 new or temporary documents before the elections. This problem could be solved by prolonging the validity of the expired new identification documents until March 6, 2005. A similar solution was applied to persons who hold passports of the Soviet type to due to expire on January 01, 2005, prolonging the expiry date until July 01, 2005. The current situation raises the question of discriminatory treatment by the CEC towards the citizens with new type identification documents and citizens with Soviet passports. Also, a procedure for voting needs to be established for the persons who have a different domicile and residence. Another group whose rights need to be protected are those who have been hospitalized in institutions of psychological rehabilitation and who do not have a final court decision on their competence.

- **Students' voting**

We welcome the introduction of amendments in the CEC Regulation of January 28, 2005, which improve students' ability to vote. At the same time, given the large number of students without residence in the localities where they study and the short time until the election, we are concerned that absentee ballot certificates enabling students to vote will not be filled out in time. Also, it is necessary to implement a public awareness campaign for the students on the existence of the certificates, where to obtain them and how to fill them out.

- **Voting of Moldovan citizens from the Transnistrian region**

The voting of citizens from the Transnistrian region has still not been solved. Attempts to resolve the issue have stalled with the likely result being that Moldovan Citizens living in the Transnistrian region will not be able to vote in the upcoming elections. In the event the Transnistrian voting issue is resolved a public awareness campaign will need to be implemented.

- **Voting of Moldovan citizens living abroad**

LTOs express concern about the lack of an efficient mechanism that would assure the exercise of the right to vote for Moldovan citizens living outside Moldova and regret the decision not to open additional polling places abroad, in addition to polling places near diplomatic missions.

Also, we are perplexed why CEC members' verbally told subordinate authorities to exclude from the main voters' lists citizens who are abroad. Absent evidence to the contrary Moldovan citizens are still citizens of Moldova and entitled to vote. Moldovan law forbids exclusion of these persons from voters' lists.

#### **B. Reduced transparency of the election process**

We are worried that from the moment we launched the second report on election process monitoring until the present no CEC decisions have been published in *Monitorul oficial*. This brings into question the transparency of the election process and even its legitimacy.

#### **C. Degree of fairness of certain members of territorial election councils**

LTOs are sceptical of the fairness of certain members of territorial election councils due to their affiliation with the central authority

Timofte M., the President of the CEC Leova, is also the Vice-President of the Council of Leova rayon, thus being directly under the subordination of the rayon President, who is a PCRM representative.

### **IV. Electoral contestants**

During the referred period, LTOs have observed violations of the provisions of the Election Code on disclosing financial contributions to electoral candidates, distribution of humanitarian aid for electoral purposes and violation of regulations on special areas for posting electoral leaflets.

#### **A. Electoral funds for electoral contestants**

LTOs note that until now neither the PCRМ, PPCD, BMD, PSDM, BEPR, MSPRR nor the independent candidate Kirillov Silvia have disclosed their financial sources and other forms of material support for their activities even though Article 38 Para. (1) Lett. a) of the Election Code requires them to release this information through the mass-media within a month of launching their election campaign.

#### **B. Irregular distribution of humanitarian aid**

On February 10, 2005, Vasile Tarlev the Prime-Minister and PCRМ candidate for deputy in violation of Article 38 Para. (7) of the Election Code offered sports equipment to a school from the village of Rublenița, rayon Soroca.

LTOs have also observed that Taisia Voronin, the wife of PCRМ leader and the President of Moldova Vladimir Voronin on February 2, 2005 distributed humanitarian aid to some socially vulnerable families from the villages of Răzeni and Zimbreni, rayon Ialoveni, and on February 4, 2005 to a family under risk and children from the village of Corbu, rayon Dondușeni. Taisia Voronin, accompanied by the wives of Vasile Tarlev, the Prime-Minister and Valerian Cristea, Vice-Prime Minister engaged in similar activities in the villages of Copceac and Volintiri, rayon Ștefan-Vodă. According LTOs, the philanthropic actions led by the wives of the PCRМ leaders are associated with the electoral campaign.

#### **C. Advertising electoral leaflets**

The majority of electoral contestants do not respect the obligation to post electoral leaflets in specially designated areas. Leaflets representing the PCRМ, PPCD, BMD, PSDM, BEPR, UMPR and PȚCDM can be seen on pillars, walls, buildings etc. In some cases, the reason for this situation is that the local public authorities did not provide or equip appropriate places. In the other cases, the electoral contestants are responsible for violating the Election Code.

In addition to the posting of electoral material in unauthorized areas LTOs noticed leaflets representing the PPCD and the BMD placed on the building of the Rayon Council of Ialoveni, as well as leaflets from the PCRМ on the premises of the Territorial Office of Social Insurance (CTAS) in the town of Ocnita, the post office in the town of Mărculești, and on the building of the “Banca Sociala” branch in the town of Taraclia. These posting are examples the use of administrative levers in favour of a certain electoral contestant.

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

The observers noticed that the electoral leaflets representing the PCRМ, BMD, BEPR, UMPR, PȚCDM, independent candidate Stephan Matei and some representing PPCD, did not contain the required information on the date of publication, number of copies and publisher.

#### **V. Observers' rights**

We express our concern about LTOs being approached by Information and Security Service (SIS) representatives and for their inquiries regarding “Coalition-2005” and the financial resources of the organizations within its framework. On February 9, 2005 a letter signed by Victor Stepaniuc, PCRМ CC Secretary on their intention to request the appropriate authorities to confiscate Coalition-2005 financial resources was made public. On February 15, the Helsinki Committee (CHDOM) was visited by a representative of the Centre for Combating Economic Crimes and Corruption (CCCEC). On February 16 a worker with the CHDOM was invited to the CCCEC to explain his activity. We believe that these cases represent an attempt to intimidate Coalition-2005 and its observers.

---

### **Concerns**

---

The deficiencies and issues, as presented, raise serious concerns for the electoral process. The most problematic issues include:

- **Guarantee of the constitutional right to vote for all voters** -the process of compiling voters' lists is behind schedule, there is the risk that absentee ballot certificates will not be issued in time, there is no agreement on voting for Moldovan citizens from Transnistria, an adequate mechanism for counting the votes of Moldovan citizens who are abroad is not in place, there is the danger that almost 20% of the citizens who have the right to vote might not vote because their identification documents are expired;
- **Unjustified involvement of security services and police in the electoral campaign** -intimidation of electoral contestants, their supporters and voters, and obstructing election campaigning;
- **Unequal conditions for electoral contestants** -including attempts to sabotage electoral contestants;
- **Politically motivated prosecution for posting of electoral leaflets** -in localities that lack specially designated areas for electoral advertising;
- **Preventing politically motivated intimidation** -all citizens with no restriction should be guaranteed all the fundamental rights and freedoms confirmed through national and international legal documents.
- **Transparency and fairness of the election process** - the CEC decisions are not being published in *Monitorul Oficial*;
- **Transparency of financial and material resources in the election campaign;**
- **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, the lack of the obligation for the CEC to publish a detailed tabulation of results by polling station, including the tables where these are registered, favour the development of the "multiple voting" phenomenon.
- **Guarantee the secrecy of vote and transparency of the process of poll counting 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 prolong until the Election Day the validity of expired identification documents;**
- **To amend the regulation of the CEC on certain procedures for the Parliament Election in March 6, 2005**, i.e. to clarify voting procedure for persons having a different domicile and residence, and exclude the possibility for one person to appear in two or more election lists;
- **To assure equal conditions to all the electoral contestants**, by respecting the right to campaign, organize meetings with voters and to post electoral leaflets;
- **To disclose the financial and material resources used by the electoral contestants**, according Article 38 Para. (1) Lett. a) of the Election Code;
- **Not to exclude from the main voters' lists Moldovan citizens (voters) who are illegally living abroad;**
- **To post voters' lists at least 10 days before the Election Date;**
- **To implement invisible sprays and UV lamps** to prevent "multiple voting";
- **To implement transparent ballot boxes;**
- **Undelayed publication of CEC documents in *Monitorul oficial*;**
- **To hold a public information campaign for voters from Transnistria;**
- **To hold an information campaign for students on the procedure for obtaining absentee ballots, as well as on the procedure for exercising the ballot;**
- **To respect the conditions prescribed by Articles 47 (5), (12) and (13) of the Election Code** on electoral advertising material and rules for posting leaflets ;
- **to react immediately and adequately towards cases of abuses and intimidation of electoral contestants and voters, as well as to forbid the presence of police representatives at meetings of electoral contestants with voters**, if desired and/or requested by the contestants.