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## **REPORT**

### **Observing the election for Bashkan of the „Gagauz Yeri” Territorial Administrative Unit**

Period of monitoring: 29 October - 15 November, 2006



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## **Observing the Governor (Bashkan) Election of the ATU „Gagauz Yeri”**

Period of monitoring: 29 October - 15 November 2006

The Project of Observing the elections of the bashkan of ATU „Gagauz Yeri” is an integral part of the program for promoting free and fair elections in the Gagauzian autonomy, implemented by the Representative Office of the Eurasia Foundation in the Republic of Moldova in partnership with the League for Defense of Human Rights of Moldova (LADOM), Association for Participative Democracy (ADEPT), Association of Independent Press (API) from the resources of the US Agency for International Development (USAID), Swedish International Development Agency (SIDA) and the National Endowment for Democracy from USA (NED).

This report reflects the results of the monitoring organized within 29 October – 15 November, 2006. The information was collected by four long-term observers in Comrat, Ceadâr-Lunga, Vulcănești and a regional coordinator in Comrat town. The observation of the electoral process takes place on the basis of the standards and principles, accepted on the international level, those provided in the Code of Conduct of the observer and in the Regulation of the Central Electoral Commission of the Republic of Moldova (CEC) regarding the status of the observers.

The information presented in the report was collected by means of a weekly questionnaire, which includes questions regarding the organization of the electoral process, for example applying electoral legislation by the central and local authorities, administration methods of the elections, ways of organizing the electoral campaign and dissemination of information about it by mass-media etc.

LADOM started the process of observing the election on 4 October, 2006, following the training seminar for long-term observers, organized in Comrat with the support of some international experts.

### **SUMMARY AND CONCLUSIONS**

During the above-mentioned monitoring period a few positive evolutions have been observed: continuation of the open and constructive dialogue, established by the Central Electoral Commission from Comrat and the civil society, respecting the terms on constituting the voting sections and appointment of the Board members of the voting sections by the electoral bodies, initiation of the updating process the electoral lists.

At the same time, some negative aspects persist in organizing the electoral process. Despite the previously mentioned recommendations, the problem of non-indicating on materials of electoral propaganda the date of printing, the printing house and the circulation was neglected, which shows a lack of transparency in financing of elections competitors, as well as their expenses for purposes of electoral propaganda.

In comparison with the previous period of monitoring, this report reflects similar issues with those mentioned before, as well as new ones. Among them, following should be mention: cases of intimidation of electoral competitors’ supporters, involvement of the representatives of law enforcement agencies in the electoral campaign, progressive use of administrative resources in electoral purposes.

LADOM is particularly concerned about the following negative aspects of organizing the electoral process:

- Unjustified involvement of law enforcement agencies in the electoral process;
- Intimidation by law enforcement agencies of some supporters of the electoral competitors;
- Favoring by the local public administration of an electoral competitor;

- Probability in a few localities to exclude from electoral lists the people who work abroad;
- Inadequate conditions for organizing the electoral campaign and the election;
- Infringement by CEC of some provisions of the local law by modifying the Regulation on reflecting the electoral campaign in mass-media without prior consulting with local mass-media;
- Unjustified tendency to limit the passenger transportation and freedom of circulation on the Election Day;
- Limited transparency of CEC in the relationship with Mass-media;
- Using administrative levers and resources for obtaining electoral advantages by the actual Bashkan;
- Lack of transparency in competitors' financing and in their expenses for the purposes of electoral propaganda;
- Lack of equal conditions for all electoral competitors.
- Limited access of the observers to electoral information.

The negative aspects mentioned in this report can significantly affect the integrity of the electoral process if they will not be remedied.

## **OBSERVATIONS**

### **1. Central Public Authorities**

Cases of using the public resources with electoral purposes and unjustified implication of forces bodies in the electoral campaign were reported in the mentioned period. In comparison with the previous period of monitoring it can be asserted that police forces get involved unjustifiably in the electoral process, and the electoral competitor Gheorghe Tabunșic uses the office transportation in electoral purposes on a large scale.

#### **Using the Administrative Resources and Involvement of law enforcement agencies in Electoral Campaign**

- On the 01 November the employees of the Ministry of Internal Affairs of the Republic of Moldova (car registration number MAI 9070) accompanied the electoral competitor Gheorghe Tabunșic at his meeting with voters in Copceac village. The mentioned electoral competitor used his office car, registration number RMG 058 to get there. The same situation occurred during the following visits on 02 November at the meeting with voters from Baurci village; on 03 November, 2006 – the meeting with voters from Beș-Alma village, on 06 November – in the Chiselia Rusă village.

#### **Intimidation of Electoral Competitors' Supporters**

- On 02 November, 2006 in Baurci village the citizen Axentii Terzi, the supporter of the electoral competitor Mihail Formuzal, was arrested. He tried to participate in the meeting with voters of the electoral competitor Gheorghe Tabunșic. Thus, the representatives of the police have searched his car without well-founded reasons and took him to the police station. According to the police report he was suspected to have followed the car with registration number RMG 058, which was used by the electoral competitor Gheorghe Tabunșic to get to the meeting with voters. Mr. Terzi was interrogated and kept for five hours and then liberated. His complaint has not been examined yet by the representatives of the police.
- On the 07 November the policemen have arrested the driver and the cameraman of the electoral competitor M. Formuzal. They were arrested while they were filming the premises of the Executive Committee of the ATU "Gagauz Yeri". During the arrest the video-tape was confiscated. The police motivated the arrest by the danger of a terrorist attack. The confiscation of the video-tape and the illegal arrest of these people show an unjustified involvement of force bodies in the electoral process.

## **2. Local Public Authorities**

Until present there are many localities, in which there was not established a special place for display of electoral propaganda, for example in Congaz and Copceac localities. On the other hand, especially in rural localities, even if such places were designated, the boards for electoral propaganda were not refurbished. In some cases the special places for electoral propaganda are refurbished inside some buildings (houses of culture, municipalities), with limited access of all the voters to the information on these boards. Such cases were revealed in Copceac village. Thus, the lack of special places for electoral propaganda generates the abnormal placement of displayed electoral propaganda.

LADOM continues the control of correctness in voters` lists and in their updating process. Presently the probability of exclusion from voters` lists appeared in a series of localities of people who work abroad. Thus, the citizens who work abroad could be excluded from the main lists, which could result in arbitrary diminishing of the total number of voters.

LADOM considers inadmissible the support and favoring by the public administration of the electoral competitor Gheorghe Tabunşci. For example, the President of Comrat district participated in the meeting with voters of the mentioned electoral competitor in Chiselia Rusă village on 06 November, 2006, between 11:00-13:00. He used his work car, registration number RMA 310, to get to the meeting.

## **3. Administration of Elections**

The continuous collaboration between CEC Comrat and LADOM is plausible regarding the organization of free and fair elections in ATU “Gagauz Yeri”. This collaboration resulted in a regulation on organizing the Bashkan election of ATU “Gagauz Yeri”, requested by CEC. This document clarifies some procedural issues in organizing the election according to the Electoral Code of the Republic of Moldova.

On the other hand, CEC has adopted the Decision on approving the changes to the Regulation on reflecting the electoral campaign in mass-media. The local Law on election of the Bashkan was infringed and the local mass-media were not involved in approval of mentioned changes.

The refusal of the CEC to register the electoral competitor Ianioglo is alarming. The decision does not allow the additional accumulation of signatures, but only bringing an action to court against this decision could limit the right to run at the election.

Some polling stations do not correspond to the requests provided in the electoral legislation. For example, in polling station No. 47 Chairman of the electoral board reported that the building of the House of Culture, where the election will be organized is not heated, which reveals the lack of necessary conditions for organizing the election.

During the press conference on the 10 November CEC has announced the decision to limit the passenger transportation on Election Day in order to prevent the multiple voting phenomena and the electoral tourism. LADOM considers that such a decision is diffuse and would limit a fundamental right – the right of free circulation of people. In order to prevent the electoral tourism and the multiple voting LADOM recommends establishing only one voting section in each Electorate, where voting could be done by absentee vote certificate.

On 13 November 2006 CEC had a meeting with mass-media representatives. At this meeting there were not invited the representatives of all mass-media bodies. For example, the representatives of the newspaper “Novoe Znamea” have known about this event from the state-financed press.

Despite the good collaboration established between the CEC Comrat and LADOM, the Regulation on organizing the Bashkan elections in ATU “Gagauz Yeri” has not been approved. This document would clarify some procedural aspects in organizing the election according to the Electoral Code of the Republic of Moldova and international standards in the field.

#### **4. Electoral Competitors**

Similarly to the previous period, during this period of monitoring the competitors have not manifested an increased activism, keeping the resources for the last stage of the electoral campaign. During the first debates, broadcast on radio and TV on the 13 November, 2006, only two electoral competitors participated, which shows their passivity.

All the candidates for Bashkan post continue to declare themselves as independent candidates. In reality all have the traditional support of political parties, fact that is not declared openly by the competitors to the voters.

In this period of monitoring the electoral competitors continue to neglect the provisions of the electoral legislation by not mentioning on the propaganda materials the date of printing, the printing house and the number of copies. This shows a lack of transparency in the financing of competitors, as well as the amount of expenses made by them with the purpose of electoral propaganda. CEC has not issued any decision regarding this.

The electoral competitors continue to infringe the norms stipulated by the electoral legislation on electoral displays. In Copceac village the materials of electoral propaganda of the electoral competitor N. Dudoglo are displayed on the windows of the café from this locality. In Comrat the propaganda materials of the competitors Gheorghe Tabunşic and M. Stoianoglo are displayed inside the Law Faculty of the State University from Comrat. The posters of Dudoglo are placed in the shops of the “Budjac” market in Comrat town.

On 01 November, 2006 the electoral competitor Gheorghe Tabunşic got to the meeting with voters from Copceac village by his office car. The same situation happened during the following meetings with voters from Baurci village; on 03 November 2006 – the meeting with voters from Beş-Alma village, on 06 November – in the Chiselia Rusă village.

#### **5. Mass-media**

In the written press the electoral campaign is reflected mainly in the newspapers «Вести Гагаузии», «Знамя», «Настоящее Знамя» and «Панорама». The mass-media financed from the state budget favor the electoral competitor Gheorghii Tabunşic.

The newspaper “Znamea”, financed from the state budget, a periodical publication that favors the electoral competitor and the present bashkan Gheorghe Tabunşic, is printed with a higher circulation. The official circulation of the newspaper is 3800 copies; de facto 6000 copies are printed. These are distributed free of charge to voters, which reveal unequal conditions for all electoral competitors and a non-proportional representation of these competitors in mass-media.

During the first debated broadcast on the local radio and TV channels of the State Company “Teleradio Moldova” on 13 November, 2006, only two electoral competitors participated. Most questions were given to one electoral competitor, and the time when the programs were on air was not adequate (13:00-14:00 for radio and 16:00-17:00 for TV).

## 6. MISCELANEOUS

LADOM records an insufficient preparedness of electoral officials. LADOM observer did not have access to the voters` lists at the mayoralty of Ceadir Lunga. The secretary responsible for updating the voters` list affirmed that “the voters` lists are not information that could be subjected to verification by observers. Any attempts of LADOM observer to clarify the situation failed.

At the State University from Comrat the students were unofficially interdicted to participate in political activities, including in independent observing of the election. This reflects a tensioned atmosphere in organizing election and the infringement of democratic rights on freedom of expression, freedom of thinking and freedom of affiliation and association, including the political one.

The population hesitates to get involved in activities of electoral propaganda, allowed according to stipulations of art. 54 par. 1 of the local law. The population in the region is unsure about the future and thinks that an eventual involvement could have negative consequences for them after the elections.

## 7. RECOMMENDATIONS

- Non-allowance of law enforcement bodies to get involved in the electoral process;
- Forbidding the use of administrative resources and levers at the disposal of some electoral competitors due to their present position;
- Making a decision on the compulsory mentioning on materials of electoral propaganda of the name of the electoral competitor, the date of printing, the circulation of the material and the name of the printing house where it was printed;
- Approving a decision on the limitative list of identity documents, which can be used in order to vote;
- Approving a Regulation by CEC on the peculiarities of voting at the Bashkan election on 3 December, 2006;
- Appropriate training of electoral officials;
- Canceling the Decision on limiting the passenger transportation on the Election Day;
- Setting in each Electorate a special polling station for voting on the basis of the absentee vote certificate, in order to avoid electoral tourism and multiple voting;
- Ensuring adequate conditions in the premises where the election will be organized;
- Non-discriminatory treatment of electoral competitors and ensuring equal conditions for all electoral competitors;
- Quality updating of voters` lists;
- Objective and ample information of the public opinion by mass-media about the electoral process;
- Non-exclusion from voters` lists of the voters who are illegally abroad;
- Displaying the electoral lists at least 10 days before the Election Day;
- Immediate publication of CEC documents in *Monitorul oficial*;
- Changing the time of broadcast of electoral debates.