

# **Final Report**

## Parliamentary Elections 2012

# **Recommendations**



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## 1.0 Acknowledgements

The Friendship Observer Mission (FOM) has been supported by DOTG e.V. (the German East Timor Society), VOT (Free East Timor Foundation, The Netherlands), Swinburne University of Technology (Australia) and by personal contributions from FOM's international observers.



Barry Wohl, Janina Pawelz, Jose A. Abi Siqui and Endie van Binsbergen authored this report.

## **2.0 Executive Summary**

This Friendship Observer Mission (FOM) final report contains recommendations based on analysis of observations and reports gathered by five teams in Dili, Ermera, Ainaro, Baucau and Oe-cusse in the period of 20 June 2012–12 July 2012. FOM previously presented an Interim Report (29 June) and a Preliminary Report (13 July) to CNE, STAE and the President's Office.

Compared to the reports from the 2012 Presidential Elections period, FOM observers have been impressed by the logistically well-organized elections. FOM credits STAE and CNE for their competence in facilitating transparent, free and fair elections.

It is FOM's sincere hope that the recommendations in this final report may be received as a contribution to improvements for future elections in Timor-Leste.

National observers were limited in travel on Election Day as regulations state that voters should vote at the location conform the information on their voter registration card. FOM therefore based its coverage areas on these limitations, in order to enable FOM's national observers to enjoy their right to vote.

FOM was very pleased to receive information that a last-minute alteration provided the possibility for other national observers to obtain a letter from STAE that enabled them to vote and observe outside their district.

## **3.0 Friendship Observer Mission (FOM) overview**

### **3.1. Introduction**

The Friendship Observer Mission was initiated to bring experienced international observers and highly motivated young Timorese nationals together in combined teams. What those two groups have in common is the wish to contribute to the democratic process of Timor-Leste by monitoring and evaluating the Parliamentary Elections of 2012.

FOM is headed by Ms. Endie van Binsbergen, current chairperson of the Free East Timor Foundation (VOT), The Netherlands. She has a record of many years in Timor-Leste's solidarity network and took part in several election observation missions observing the Popular Consultation on Self-Determination in 1999, Elections to the Constituent Assembly in 2001, Presidential Elections in 2002 and the Legislative Elections in 2007.

International FOM participants came from The Netherlands, Germany, Australia, Canada and the United States to share and exchange skills with young Timorese in this small but intense program.

### **3.2. Preparation of the FOM Combined Observer Teams**

To prepare the teams before going into the field, FOM observers intensively studied and discussed Timor-Leste's various electoral codes of conduct. From those, FOM compiled an organizational code of conduct, and conducted observer training. The training included simulations of a polling station and vote counting centres.

Through these training experiences, FOM facilitated all participants to gain a broader understanding of the significance of free and fair elections, mutual respect and friendship.

The mission was launched on the 10<sup>th</sup> of June, 2012, and the international observers arrived throughout that month. FOM observers visited authorities, local NGOs, party offices and political campaigns around Dili, Liquica and Oecusse, and observed the voting and counting in Dili, Ermera, Ainaro, Baucau and Oecusse, as well as the impact of the announcement of the results.

**Table 1: Nationalities of FOM participants**

Observer	Nationality	
Endie van Binsbergen (Head of Mission)	The Netherlands	
Francisca Cecilia X. dos Santos	Timor-Leste	
Nancy Perdita Correia Lebre	Timor-Leste	
Evaristo dos Reis	Timor-Leste	
Ermelinda Soares	Timor-Leste	
Lucas Soares	Timor-Leste	
Avelino Soares	Timor-Leste	
Angelica Maria Fatima de Deus	Timor-Leste	
Horta Neves Pereira	Timor-Leste	
Joao Martins Taneseb Siqui	Timor-Leste	
Octaviano Bana	Timor-Leste	
Jose A. Abi Siqui	Timor-Leste	
Michael Leach	Australia	
Janina Pawelz	Germany	
Michelle Thompson	USA	
Barry Wohl	Canada	
Logistical Support	Nationality	
Duarte X. Amaral Marques	Timor-Leste	
Natalino Godinho Soares	Timor-Leste	

**Table 2: FOM observation coverage**

District	Polling Centre	Stations
Ainaro	ES Central Maubisse	3
Ainaro	EP Liquite	1
Baucau	Sede Letemuno	2
Baucau	Baguia	1
Baucau	S. Domingos Savio	3
Baucau	Caibada Uaimua	1
Dili	EPS 30 Agostu	4
Dili	EP Caicoli	2
Dili	EP No 2 Vila Verde	3
Dili	Sede Suco Colmera	1
Dili	EP Farol	4
Dili	EP Meti-Aut	1
Dili	EP Bidau	4
Dili	Hati Kudus Becora	4
Ermera	EP Estado	3
Ermera	EP Ducurai	2
Ermera	EP Goulolo	1
Oe-cusse	EP Meco-Sikaloti	1
Oe-cusse	EP Oelulan	1
Oe-cusse	EP Oebaha	1
Oe-cusse	EP Padiae	1
Oe-cusse	EP Masin	3
Oe-cusse	EP Noapa'i	2
Oe-cusse	EP Bihala	2
<b>Total Polling Stations monitored by FOM</b>		<b>49</b>

FOM observers were able to intensively conduct their observation activities in a number of polling centres in five districts. Notably, outside of Dili, FOM observers covered polling centres where few other observers were.

## 4.0 Recommendations about Regulations and Sanctions for Parties, Coalitions and Agents

### 4.1. The presence of weapons at Campaigns

#### Recommendations:

- FOM recommends that political parties are held responsible **by sanction** for misbehaviour by their supporters, particularly when those supporters display weapons such as the hand gun (Figure 1) that was observed at a PD campaign event in Dili. (Regulation no. 3, Chapter III, Article 13, Point 8 and the Code of Conduct for Political Parties and Coalitions Point 26).
- FOM recommends that STAE/CNE discuss and define the surik, spears and other arms that comprise Timorese traditional dress. Once defined, these could be regulated by law. For example: "During campaign events, the surik may be worn as part of traditional dress, but it is prohibited to take it out of its holder or display it such that it may intimidate people attending the campaign event".

#### Based on observations:

- FOM wishes to express its deepest concern about the publicly visible presence of a handgun at the PD rally in Dili on 4 July 2012 (Figure 1).
- FOM questions the use and display of the traditional sword (surik) at several campaign events. FOM fully respects and appreciates the use of Timorese traditions and traditional dress at large public popular gatherings. However, the presence of traditional arms may be in contrast with calls for peaceful campaigns.



Figure 1: PD campaign in Dili on 4 July. The supporter in the foreground has a gun in his right hand. (Picture courtesy Pamela Martin)



#### **4.2. Financial discrepancies**

##### Recommendations:

- FOM strongly recommends that the reports of financial discrepancies from the campaign and election period be fully investigated and that the results of the investigation be made public.
- FOM strongly recommends that STAE/CNE develop and implement regulations that include sanctions for political parties that do not abide by campaign finance laws.
- FOM recommends an active role for the nation's President in publicly urging all political parties to maintain credibility by respecting the nation's campaign finance laws.

##### Reports include:

- Publicly reported corporate donations to the CNRT.
- Publicly reported payment for forged ballots in Horaik Ki'ik and Liurai, in favour of PD.
- Payments for voters by Frenti-Mudança (please refer to the Appendix for more detail).

#### **4.3. Forms of restriction at campaigns**

##### Recommendations:

- FOM recommends that political parties are held responsible **by sanction** for inappropriate public statements by their supporters at campaign events such as restriction of freedom of expression for other parties. (Code of Conduct for Political Parties and Coalitions, Point 7, 9 and 26)

##### Based on observations:

- FOM monitored the CNRT campaign on 3 July in Lifau, Oe-cusse. At that event, FOM's national observers clearly heard and understood a member of Fretilin Resistencia (which is supportive of CNRT) speaking on stage in Baikeno dialect. This speaker, who was recognized as the village chief of Lele-Ufe (Nitibe sub-district), stated:

*"Any party who raises a flag or banner from another party in Lele-Ufe village, will be forced to take it down. If they don't take down the flag or banner, then Fretilin Resistencia themselves will take it down. In Lele-Ufe village, only the flag or banner of CNRT shall be raised."*

- Three political parties reported to FOM observers that their campaign banners (hanging across the streets) have repeatedly disappeared. They additionally reported that these occurrences were restricted to Dili.

#### **4.4. Presence of young children at campaigns**

##### Recommendations:

- FOM recommends that STAE and CNE advertise through all media (including SMS to party offices), in the weeks leading up to the campaign period, that the presence of young children is not appropriate at campaign events.

##### Based on observations

- CNE, FOM and other observers reported the presence of many young children at campaigns.

#### **4.5. Criteria for party agents**

##### Recommendations:

- We recommend that STAE/CNE (1) develop and implement criteria for the acceptance of party agents, (2) develop and implement penalties and (3) empower Presiding Officers to remove fiscais who violate the party agent code of conduct. Violations could include using another person's ID badge, or wearing promotional clothing in the polling centre (No. 04, Chapter VI, Article 58, paragraphs 2, 4).
- FOM strongly recommends that the law-based guidelines and restrictions for campaigns, Election Day and the counting will **include sanctions** for parties that do not abide.

##### Based on observations:

- FOM observed many party agents who (1) did not seem to be familiar with the electoral regulations, or (2) did not seem to respect these regulations.
- FOM saw FRETILIN party agents wearing red shirts identifying them as FRETILIN agents.

## 5.0 Recommendations for Logistical Preparations

### 5.1. Position of Voting Booths

#### Recommendations:

- FOM recommends a nationwide consistent way of positioning the voting booth. FOM also recommends refraining from last minute changes if STAE cannot ensure that information about those changes will reach all polling centres on time.
- With voting booths facing the open room or standing back-to-back and party agents standing relatively close to the booths, it was in many cases fairly easy to see the voter's choice. FOM strongly recommends that STAE reconsiders the position of voting booths, in order to preserve the secrecy of the voters' choice.
- FOM recommends separating the party agents and the observers from the voters, for example by using coloured tape to draw a line on the floor.

#### Based on observations:

- At most polling centres monitored by FOM observers there was significant confusion about the positioning of the voting booths related to last-minute instructions provided to polling centre officers.
- At many polling centres the position of the voting booths did not guarantee the secrecy of the vote, as it was very easy for observers, party agents and even the public to clearly see the voters' choice.

### 5.2. Voter Education

#### Recommendations:

- FOM recommends voter education officers visit senior high schools (SMA) to educate future voters. This is especially critical because of the demographic challenges that Timor-Leste faces in the coming years. According to the 2010 census, Timor-Leste has about 435,000 citizens (more than 1/3 of the total population) aged 14 and younger. The majority of these people will become voters in the next decade.
- FOM strongly recommends that printed voter education material for people in the more isolated villages be distributed to the schools (SD, SMP, SMA). The intent of this distribution is for children to take the material home to their parents (as suggested by a Head of School in Oe-cusse).

#### Based on observations:

- In the field, FOM received information about a high number of youths (17+) who have no understanding of politics and are not interested in joining the elections.
- In the field, FOM received information about the limited voter education for people in the outer villages.

### 5.3. Identification Badges and Registration

#### Recommendations:

- FOM recommends that ID badges for party agents, observers and media be irreversibly sealed after being completed with photo, STAE stamp and signature. This may prevent alterations and inappropriate use of the ID badges.
- FOM recommends that STAE does not produce identification badges for any agents or observers who have not delivered a photo and a copy of their identification card. This will prevent the exchange of badges with unauthorized people.
- FOM recommends that political parties and observer missions be encouraged to present the lists of their participants (including the required photos and copies of ID) further in advance of the election. This would allow political parties the necessary time to gather all required photos and copies of ID.
- FOM recommends that STAE does not make exceptions for any observer mission or any political party regarding the time frame or requirements for registration.

#### Based on observations:

- FOM observed that ID badges may be easily reproduced in an unauthorized manner: the transparent holders were unsealed; the handwritten identification elements of the badge were easily modified; the identification pictures on the badges were easily substituted.
- FOM observers noticed an alarmingly high number of party agents at the polling centres who did not have a photo on their ID badge.
- FOM observed party agents being identified as not the actual person on the card. One of our observers was in fact told by a party agent that he was using another man's badge.
- FOM noted that at least one observer mission was allowed to register observers beyond the final date in the regulated timeframe.

### 5.4. Quality Check of Voting Materials

#### Recommendation:

- FOM recommends that all sensitive and non-sensitive materials are inspected thoroughly, prior to their distribution to the polling centres. This may prevent delays or disturbances.

#### Based on observations:

- FOM observers in Dili noted **ballot papers** that were printed with small dots dispersed across the paper. The dots made it appear as though the ballot papers had been prepared with a vote for PDN. The voting process was halted while polling staff checked the ballots.
- In order to test the quality of **indelible ink**, FOM instructed its national observers to try and remove the ink after it had been applied. A FOM national observer in Caicoli, Dili was able to completely clean their right index finger such that only a tiny dot of ink remained.
- FOM received confirmed reports about a party agent pressing a voter to vote twice.

## **5.5. Additional Materials for Polling Centres**

### Recommendations:

- FOM recommends that printed copies of rules and rights for Party Agents and for Observers be posted at the polling stations, or kept by the Presiding officers. FOM believes that this may prevent or solve miscommunications on Election Day.
- FOM recommends adding large and clear no-smoking signs to the materials for polling centres, to be posted at the door and inside each polling station.

### Based on observations:

- FOM observed confusion about when and where observers were allowed to take pictures and noted that not all staff and not all observer groups were familiar with the rules.
- FOM observed a high number of party agents (1) wearing their ID badges underneath their shirts, (2) using another person's ID badge, (3) performing tasks of polling staff and (4) standing close to voting booths, disrespecting the voters' right to a secret ballot.
- Smoking was consistently observed inside polling stations throughout the voting process and the vote counting, mainly by polling staff and party agents. FOM considers smoking to be a serious fire hazard which could lead to ballot papers being damaged or destroyed.

## **5.6. Release of Information and Material for the Observer Missions**

### Recommendations:

- FOM recommends that STAE communicates regular and urgent updates to Heads of Mission through the SMS network. On the registration form, STAE could allow missions to choose their preferred language from among Timor-Leste's four official/working languages
- FOM recommends that shirts for both national and international observers are delivered to the mission representatives at the same time as their identification badges.

### Based on observations:

- STAE released critical pieces of information and last-minute changes at a 4 July briefing. By that time, many field observers had left Dili for other districts. Any critical information delivered at the briefing could only be forwarded to observers in the districts who remained within the mobile network (many remote villages do not have mobile coverage).
- The release of shirts for international observers only three days before Election Day was too late for these items to be delivered to field observers in the outer districts.

## 6.0 Recommended Additional Training

### 6.1. General Instructions

#### Recommendations:

- FOM recommends that trainers of polling staff are well instructed on providing exact and nationally-consistent information for all polling centres and relevant officials.
- FOM recommends that polling staffs are instructed to never leave sensitive material unattended, without requesting temporary replacement by Secretary or Presiding Officer.
- FOM recommends that polling officials are trained to inform voters when delays or interruptions in voting occur. This may help prevent voters from becoming impatient.
- As mentioned in Section 5.4, FOM recommends that polling staff be trained to refrain from smoking inside the polling stations, and that polling staff prohibit smoking for all persons inside the polling stations.

#### Based on observations:

- At some polling centres STAE staff prohibited observers from entering the polling station or the counting centre. Also, as described previously in Section 5.4, FOM observed confusion about when and where observers were allowed to take pictures.
- At several polling centres, FOM observed polling staff leaving their post when voting slowed, leaving materials such as ballot papers unattended.
- FOM observed voters becoming impatient when voting was interrupted for logistic reasons. At one point STAE staff requested FOM's presence as they had concerns for their own safety.
- As mentioned in Section 5.4, smoking was consistently observed inside polling stations throughout the voting and vote counting, mainly by polling staff and party agents.

### 6.2. Applying and Checking the Indelible Ink

#### Recommendations:

- FOM recommends training for Queue Controllers to check the index fingers of voters as they enter the polling station. This check would serve to determine if the voter had already cast their vote. Application of indelible ink only successfully avoids repeated voting if voters are indeed checked before entering the polling station.
- FOM recommends that Ink Controllers receive clear instructions about which finger should be dipped into the indelible ink. This achieves consistency and facilitates easy inspection.
- FOM recommends training the Ink Controller regarding **fully** dipping the voter's finger into the ink bottle, and to replace the ink bottle in a timely manner before the level is low.

#### Based on observations:

- FOM observed that voters' fingers were not inspected at any of the visited polling centres.
- FOM observed several Ink Controllers who applied the ink to a voter's left index finger or any other finger, instead of applying ink to the right index finger.
- FOM observed that many voters only received a small amount of ink on their fingers. In some cases it was nearly impossible to detect any trace of ink.

### **6.3. Ballot Controllers**

#### Recommendations:

- FOM recommends that STAE trainers instruct Ballot Controllers to provide clear directions for each voter on how to pierce and fold the ballot.
- FOM believes that clear instructions by the Ballot Controllers will most certainly reduce the number of voters who do not know how to fold a ballot paper. This will improve the flow inside the polling stations. Clear directions for each voter may reduce the number of blank or spoiled ballots.
- FOM recommends that STAE trainers instruct Ballot Controllers to place the signature and the stamp only as needed, for each individual voter. Stamping and signing ballots in advance may result in extra or cancelled ballots at the closure of the polling centre.

#### Based on observations:

- FOM observed that most Ballot Controllers did not explain to voters how to cast a vote or how to fold their ballot after voting. Many voters (1) left the voting booth with an unfolded ballot, (2) rolled it up or (3) folded it many times such that they had to force it through the slot. Only then were instructions given, and in most cases the instruction was provided by the Box Controller.
- FOM observed voters folding the ballot paper before piercing the ballot with the nail.
- FOM noted that at polling stations where the Ballot Controller gave clear instructions, the number of complications with folding the ballot was significantly lower.
- FOM observed several ballot controllers who were stamping and signing ballots in advance.

## 7.0 Recommendations for Counting Procedures

### Recommendations:

- In case a counting centre is too small to allow space for the present observers and party agents, FOM recommends allowing one observer, to be approved by the party agents.
- In cases where STAE has decided that the vote counting will be performed in open air for logistic reasons, FOM recommends clean and smooth paper weights (not rocks) to (1) protect the ballots against the wind and (2) avoid dirt patches invalidating the ballots.
- FOM recommends prohibiting smoking during the vote counting, as fire and hot ashes may damage or destroy the ballots.

### Based on observations:

- FOM observed that none of the party agents and observers were allowed to monitor the ruling on the ballots inside the counting space in Oelulan, Oe-cusse. FOM also received reports about other counting centres where observers could not stand close enough to monitor the ruling on the ballots.
- FOM observed dirt rocks being placed on top of piles of ballots in at least counting centre. Additionally, FOM received reports from communities about rocks being used to keep the ballots in place.
- Smoking was consistently observed inside polling stations throughout the voting process and the vote counting, mainly by polling staff and party agents. FOM considers smoking to be a serious fire hazard which could lead to ballot papers being damaged or destroyed.

## 8.0 Community Concerns

*FOM observers in the field received questions and concerns from the communities which we wish to share through the summary hereunder.*

- A teacher reported his concerns about the high number of youths (17+) who are not yet registered to vote.
- Several people reported that dead people appear to be on the voters list.
- A Head of School shared his concerns about party agents of several parties who were not able to read and write and asked him to help them with the information and reports. He recommends that party agents should only be selected if they can read and write
- A teacher reported that STAE allowed a high number of fiscais to crowd the polling station and look into the voting booth to check if STAE staff was not putting influence on a disabled person who needed assistance. The teacher questions: "Does it really have to be so many party agents? This seems like disrespecting people's right to a secret vote."
- A Head of Clinic asked if it is possible for STAE to visit the far outer villages to register data of the elderly and disabled people, so that they can also enjoy their right to vote.
- A teacher asked if and how Timorese students abroad can cast their vote.



## **Appendix: Alleged payment for votes by FRENTI-Mudança**

*Reports such as the section hereunder have been criticized in some of the national media, arguing that these were statements by international observers who do not know how things are done in Timor-Leste. FOM emphasizes the information and reports described hereunder are mainly observations by FOM national observers.*

- Several weeks before Election Day, a party agent (fiscal) from Oelulan spoke to one of our national observers in Dili and said that FRENTI-Mudança would not perform stage campaigns like CNRT. Instead of campaigning tours, they were preparing groups in all districts, to the sub-districts, to the villages, to the remote sub-villages. The people in those groups were registered on forms and the groups received 150 USD to share amongst each other, in exchange for their promise to vote for FRENTI-Mudança. The fiscal told our observer that he thought this was a good strategy, because it reached all the way to the remote villages. He added that “the other parties had to beware, because the FRENTI-Mudança strategy was very effective”.
- On the 20<sup>th</sup> of June, one national and two international FOM observers visited the FRENTI-Mudança party office in Dili to introduce the Friendship Observer Mission and receive eventual concerns about the election process. When asked about campaigning strategy of this party, the spokesperson stated that the party did not plan stage-campaign tours like some of the bigger parties. Instead, the party was preparing groups in the districts and villages which the members regularly visit to give information.
- On July 5<sup>th</sup>, a person in Naimeco reported to FOM national observers that he was recently approached by a man who offered him money to help FRENTI-Mudança get more votes during the parliamentary elections. For this money, the person had to form a small group of people who would vote for FRENTI-Mudança and then share that money among the group. According to the report, the offered amount of money for the group to be formed would be about 100-200 USD. (One of our observers heard a similar story during the presidential elections: people in Oelulan were offered money to vote for the FRENTI-Mudança candidate).
- FOM national observers received report from a person who lives in the sub-district Passabe: FRENTI-Mudança members offered money to individuals in Passabe, if they promised to vote for FRENTI-Mudança at the 7<sup>th</sup> July elections.
- On July 8<sup>th</sup>, a member of PD reported to FOM national observers that a FRENTI-Mudança representative explained to him that the FRENTI-Mudança party gave 10 USD per household if they join the group, and one group consists of 15 households. The total amount given to each group is 150 USD.
- On July 10<sup>th</sup> at the Maumate market, two FOM national observers were approached by an elderly woman from Kutete sub-village. The women reported that 30 people who gave their vote for FRENTI-Mudança were still waiting for the promised money.