

**INTERIM REPORT 4
19–25 February 2007**

I. EXECUTIVE SUMMARY

- Following the Statement of Preliminary Findings and Conclusions on 19 February, the OSCE/ODIHR Election Observation Mission (EOM) has continued its observation of the remaining steps of the electoral process, with a focus on the counting and tabulation, and handling of complaints and appeals.
- While the vote count proceeded relatively smoothly in the large majority of Local Government Units (LGUs) observed, in others it was protracted and contentious. In some LGUs, the count was at times blocked, and there were cases in which not all ballot boxes were counted due to disagreements among election commissioners.
- During the count, officials sometimes appeared to place their respective party interests before the integrity of the process, thereby failing to implement the law as impartial election administrators. This resulted in political disputes and obstruction to the counting process, and subsequently delays were observed during the tabulation of results.
- In a limited number of LGUs, the counting process was marred by violence between supporters of different candidates and parties, as well as members of counting teams. At least one person had to be hospitalized and several others were detained.
- The announcement of election results on the Central Election Commission (CEC) website was significantly delayed. While this was attributed to software problems, it did not contribute to enhancing transparency.
- The police played a positive role during the voting and counting process, and performed their duties in a professional manner and in line with the law.
- As of 25 February, 144 complaints against election results and invalidation requests had been filed with the CEC. The CEC has started considering the majority of these cases. In addition, the General Prosecutor's Office has reported that 36 election-related criminal charges were filed between 18 and 20 February.
- A small team of OSCE/ODIHR EOM experts are following the remaining phases of the electoral process, with particular attention to the handling of complaints and appeals.

II. INTRODUCTION

On 19 February, the OSCE/ODIHR EOM, together with the Council of Europe's Congress of Local and Regional Authorities, issued a joint Statement of Preliminary Findings and Conclusions, reflecting developments of the pre-election period and election day.

Following, the OSCE/ODIHR EOM continued its observation activities, focusing on the counting of votes and their tabulation, and announcement of results. OSCE/ODIHR observers

reported from 77 counting centres. In addition, the OSCE/ODIHR EOM followed the initial stages of the CEC's adjudication of complaints against LGEC decisions and requests for the invalidation of election results.

On 20 February, the OSCE Chairman-in-Office, Spanish Foreign Minister Miguel Angel Moratinos, issued a statement that called on Albanian institutions and political parties to continue their co-operation in pursuit of electoral reform, together with the OSCE/ODIHR.

The OSCE/ODIHR EOM will continue its observation of the handling of complaints and appeals. It will offer a comprehensive assessment of the entire electoral process, including recommendations for future improvements, in a Final Report to be issued within two months after the completion of the process.

III. ELECTION ADMINISTRATION

Counting and Vote Tabulation at LGECs

After the close of voting, ballot boxes were transported to 375 counting centres, where the counting of votes proceeded. In eight LGUs, voting did not take place, and consequently there was no vote count. While the count was reasonably well organized in most counting centres observed, the late appointment of counting team members appears to have resulted in insufficient training of commissioners, and so leading to mistakes being made during the count itself.

Although the majority of counting teams attempted to carry out their duties in a professional manner, observation reports received by the evening of 19 February rated the count as 'bad' or 'very bad' in 23 per cent of observation reports submitted. Only a few LGECs were able to complete the vote count, tabulate the results and submit them to the CEC within the legal deadline of 17:00 on 19 February¹.

The role played by political parties in some LGUs, after election day, was less than constructive. In many counting centres, observers also noted a higher number of party observers than foreseen by the Electoral Code. In addition, the presence of MPs from both sides in some 'problematic' counting centres contributed to rising tensions and a more contentious atmosphere.

In 19 per cent of counting centres visited, disagreements over the validity of ballots were noted. Disputes among counting team or LGEC members, or between counting teams and LGECs, led to disturbances and stoppages during the count. In several counting centres, the count was blocked as commissioners representing various political interests walked out. In 38 per cent of counts observed, the presence of unauthorized persons was noted, and in around one third of these cases, they were unduly interfering in the process. Observers noted in 19 per cent of their reports that unauthorized persons or party observers were trying to unduly influence counting teams or LGECs.

In a limited number of LGUs, observers reported significant problems. There, the decision-making process was blocked by the counting team or the LGEC. In some cases, the CEC had to send regional inspectors or trainers to help LGECs resolve problems with the vote count or the tabulation of results.

¹ 20:00 in Tirana

In Himara municipality (Vlorë region), disputes between the candidates of the Democratic Party and the Human Rights Union Party, over alleged voting irregularities and the composition of counting teams, hampered the counting process from the very start. Counting was conducted in a tense atmosphere and was repeatedly stalled. On 20 February, the CEC ordered the LGEC to finish the count and sent inspectors to help resolve problems. Staff representatives from the Vlorë Prosecutor's Office were also sent to Himara. On Thursday 21 February, the count in Himara was eventually concluded.

In Bushat commune (Shkodër region), the ballot boxes from only five out of 25 voting centres were counted. The LGEC could not finish the count because of pressure from a crowd of supporters of the competing mayoral candidates, who had gathered outside the counting centre. The standoff resulted in violence and the police had to intervene to restore order. Ultimately, the CEC decided that all election material should be brought to Tirana and be counted there by the Bushat LGEC and two counting teams, in the presence of CEC inspectors.

In Gjirokastrë municipality, problems were evident even before the start of the vote count, as the LGEC members nominated by the parliamentary majority did not show up for the count. Counting commenced only after a CEC representative held a separate meeting with the two main candidates. Even then, however, the count took place in a tense atmosphere and was occasionally interrupted. There was also a fist fight among members of a counting team. After the mayoral results were established on 21 February, tensions were lessened. The count for the council was completed on 22 February, and the results were aggregated the following day.

In Paskuqan commune², the LGEC failed to follow a CEC decision to proceed with the vote count. The CEC then decided to dismiss the LGEC chairperson and file criminal charges against ten LGEC members. In addition, all LGEC members and the secretary were each fined 30,000 Lek.³

In Durrës municipality, the LGEC failed to take a decision on the election results for mayor; the LGEC members nominated by the parliamentary majority voted against the tabulation of results, objecting to the invalidation of 1,189 ballots during the count. On 23 February, the result tables were signed, but only the six LGEC members nominated by the parliamentary minority voted in favour. The count for the council finished on 25 February.

In Elbasan municipality, the tabulation and transmission of results was impeded by a controversy over the counting of one ballot box because the serial number of one of the security seals on the box did not match the official records. Given the failure of the LGEC to reach a decision on this ballot box, on 23 February the CEC ordered the LGEC to transport all election material and documentation to Tirana.

In Hekal commune,⁴ where the count was also blocked, the CEC ordered the LGEC on 23 February to transport all election material, including the ballot boxes, to the CEC premises escorted by CEC personnel.

On election day and throughout the counting process, the police forces continued to perform their duties in a professional manner. They were able to maintain order under circumstances that were at times difficult, and their involvement was called upon only when tensions resulted in

² Tirana Region

³ Approximately 240 EUR

⁴ Fier Region

physical violence. Observers noted the particularly commendable performance of the police during the count in Gjirokaštër.

Announcement of Results

Reported problems with the software for compiling and processing election results prevented the CEC from posting preliminary results on its website on election night, although it had received some results from LGECs. Initially, the CEC relied on result spreadsheets received by fax, but only 152 LGECs had access to a fax machine. Later, the CEC published preliminary results based on aggregate tables of results physically delivered by LGECs to the CEC. The transmission of results was particularly slow in the large urban centres. As of 25 February, the CEC had only published the results for 331 LGUs.

While the vast majority of LGECs sent the election results for their LGUs to the CEC in the week following election day, this was delayed in a number of LGUs where disagreements between political parties or candidates hampered the counting process and the announcement of results. This ultimately led to significant delays in the transmission and publication of election results, far beyond the deadlines envisaged in the Electoral Code.

The CEC took decisions aimed at unblocking the counting process in a number of LGUs. Specifically, the LGECs in Tirana Borough No. 10, in Durrës Municipality and in Hoçisht commune were ordered to deliver all the election documents and materials to the CEC although the tabulation had not been finished and decisions on the announcement of results had not been taken. These decisions could often have been taken earlier, and apart from the case of Bushat, the CEC has not undertaken any further steps following its initial orders to deliver all the election documents and materials to Tirana, where they may be used as evidence in the hearing of possible complaints.

To date, the counting of votes for the Shupenza commune council⁵ remains blocked due to a dispute over some ballots for the council, which were found in ballot boxes for the mayoral race. Three inspectors sent by the CEC on 25 February did not manage to resolve the issue.

IV. POST-ELECTION COMPLAINTS AND APPEALS

From 19 to 25 February, a total of 144 complaints concerning election results were filed with the CEC. These include 40 requests to invalidate the elections in specific LGUs, and 28 requests to invalidate the elections in specific voting centres.⁶

During the reporting period, 123 complaints and invalidation requests were considered by the CEC in public meetings. In more than 60 cases, the CEC has postponed the hearings in order to investigate evidence. About 55 complaints were not accepted for examination on procedural grounds, while seven complaints were rejected as lacking grounds and/or evidence. In six cases the CEC did grant relief; as a result, the election results for local councils were revised in five LGUs, as were the results for the election of mayor in one LGU.

⁵ Dibër Region.

⁶ A high number of complaints pertain to the Regions of Fier (14 per cent of all complaints filed), Lezhë (12 per cent), Elbasan (11 per cent) and Gjirokaštër (9 per cent).

Pursuant to Article 161/2.3 of the Election Code, the CEC has ten days to decide on complaints pertaining to election results. Thus far, the CEC has demonstrated genuine efforts to handle disputes in an expedient and efficient manner, in line with the 13 January amendments to the Electoral Code that streamlined the procedures for the examination of complaints and invalidation requests. The amendments also explicitly granted the CEC the right to evaluate election documentation and materials, including ballots.

The CEC is to establish the final results of the local elections at the national level only after the resolution of all complaints and appeals. Provided that the resolution of such disputes is concluded within the envisaged legal deadlines, 26 March would be the last date for announcing the results at the national level. To date, however, one LGEC still has not concluded the vote count, which may delay the announcement of final results beyond 26 March.

In addition to the administrative procedures of seeking redress, a number of claims for initiating criminal proceedings have been filed with the prosecutors' offices. The General Prosecutor's Office reported that 36 criminal charges were filed in the period 18 - 20 February. Most alleged criminal offences related to the abandonment of duty by election officials and to intimidation of voters and candidates. A number of people were detained in the context of these elections. In Ndroq commune,⁷ three people were detained in connection with a serious violent incident during the vote count, and one of them was held in pre-trial detention. As a result of this incident, one person was seriously injured and had to be hospitalized.

In Tirana, charges of falsifying signatures in connection with the registration request of Mr. Akile Rama as a candidate for Tirana mayor were filed against the Chairperson, Secretary General and Organizational Secretary of the Democratic National Front Party. The first two were detained, while the third one was placed under house arrest.

The OSCE/ODIHR EOM will continue to follow the handling of complaints and appeals by the CEC and the Electoral College.

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Tirana Region.