

POST ELECTION INTERIM REPORT
6 –17 April 2009

I. POLITICAL CONTEXT

Following a calm 5 April election day conducted without incidents, peaceful demonstrations commenced in the evening of 6 April, undertaken mostly by students and young people. On 7 April, some 10,000 protesters (according to local estimates) alleged election fraud by the ruling Party of Communists (PCRM) and demanded a new election. In the afternoon of 7 April, elements within the demonstrators initiated violence. Later, some of them entered the buildings of the President's administration and the Parliament, and vandalized a number of offices. Opposition politicians participating in the demonstrations urged for calm. Peaceful demonstrations continued until 12 April.

The Moldovan authorities alleged that the dispute over the election results that led to demonstrations was a cover for an attempted *coup d'état* organized with the involvement of foreign special services. Some 150-200 persons, mostly young people, were reported as having been arrested by the police on 7 and 8 April, with further arrests carried out in the subsequent days, including detentions in universities and arrests of minors.¹ There have been credible reports by NGOs about mistreatment of detainees and three fatalities were reported allegedly in connection with the demonstrations and detentions. Moldovan authorities confirm one such death as connected with the riots.

On 10 April, President Vladimir Voronin, Chairman of the PCRM, asked the Constitutional Court for a ballot recount with a view to ensure the stable functioning of the newly elected parliament. Initially, the opposition included such a recount among their verbal demands, but had always prioritized a cross check of the voter lists after the closure of polls. Later, the opposition rejected the recount as an attempt to distract attention away from perceived large-scale election day irregularities in the voter lists, the alleged source of election day fraud. The opposition also claimed that the recount was an attempt by the PCRM to further legitimize the election results, and to pre-empt possible legal challenges by the opposition with regard to errors in the voter lists.

The Liberal Party (PL), the Liberal Democratic Party of Moldova (PLDM) and the Alliance "Our Moldova" (AMN) held press conferences, notably on 15 April, alleging election fraud such as widespread multiple voting, voting without appropriate ID documents, forged signatures on voter lists and voters with identical ID numbers. Some political parties provided the OSCE/ODIHR EOM with examples of inaccuracies that were allegedly contained in the information submitted by the Ministry of Information Development (MID) to local government authorities to facilitate the compilation of voter lists.

In a follow-up effort, the OSCE/ODIHR EOM requested the MID to provide information, mostly with regard to pairs of voter records with identical ID numbers. Having checked the presented cases against data in the state population register, the MID provided information that such pairs of voter records with identical ID numbers involved records of two different

¹ According to the Ministry of Interior, 129 persons received administrative charges, and criminal charges have been brought against 86 persons. On 15 April, President Vladimir Voronin called for an amnesty for persons involved in street protests of 7 and 8 April.

citizens. In some cases, one digit of the ID number was different in the MID database as compared to provisional voter lists compiled by local authorities; in other cases expired IDs or IDs which were registered as annulled were found on the lists.

The OSCE/ODIHR EOM also attempted to verify a limited number of cases of alleged fraudulent voting based on deficiencies of the voter lists. While most cases appeared credible, the documentation provided by the opposition to substantiate these claims was limited in scale, and a comprehensive analysis is necessary for a conclusive assessment.

II. ELECTION ADMINISTRATION

The deadline for transmitting the 5 April election results from Precinct Electoral Bureaus (PEBs) to District Electoral Councils (DECs) and subsequently to the Central Election Commission (CEC) was generally respected. During the election night, provisional election results were published on the CEC website in a countrywide aggregation per electoral contender. On 9 April, the CEC finished tabulating election results from all polling stations, including 33 precincts abroad, and posted the results by polling station on its website.

On 11 April, the CEC completed the final results protocol and carried out the seat allocation. The CEC stated the turnout requirement was met and reported the numbers of voters on regular and supplementary voter lists, as well as the number of persons who voted. The numbers used for calculating the turnout did not correspond to the numbers presented on the CEC website.² Three CEC members signed the final results protocol with dissenting opinions, claiming inaccuracies in voter lists and alleging the CEC was responsible for flaws in voter lists.

III. COMPLAINTS AND APPEALS

The OSCE/ODIHR EOM received reports about some 20 election day complaints filed with PEBs and DECs, mainly related to irregularities in the voting procedures and campaigning outside polling stations. Another 19 complaints and requests were submitted to the CEC. Most of them were regarding illegal campaigning during the two days of electoral silence. All complaints were rejected by the CEC, some on grounds of a lack of evidence, and some because the CEC decided it was not the competent body to be addressed.

On 7 April, the PLDM, PL and AMN submitted a joint declaration to the CEC asking for the verification of voter lists, and for a deferral in announcing the final election results. In its 8 April decision, the CEC granted all electoral contestants and NGOs access to voter lists, including the right to scan or photocopy them in district courts, where lists were kept. Another request for the verification of voter lists, and also for a recount in a number of polling stations, was submitted by independent candidate Mr. Stefan Uritu. On 10 April, the PCRM challenged the CEC decision allowing photocopying or scanning of voter lists in the Chisinau Court of Appeal. The Court heard the PCRM and the CEC, as well as four opposition parties³, and ruled on 14 April in favour of the PCRM. The OSCE/ODIHR EOM was informed that the CEC and the Democratic Party of Moldova (PDM) appealed this decision to the Supreme Court, which has not yet heard the appeal at the time of writing of this report.

On 12 April, the CEC submitted the final results protocol to the Constitutional Court for the validation of results. On the same day, the Constitutional Court convened in a plenary session

² Voters on regular and supplementary lists abroad appear to have been included inconsistently.

³ PLDM, PL, AMN and the Democratic Party of Moldova (PDM).

and, taking into consideration the requests by President Voronin, opposition political parties and by an independent candidate, decided to order a general recount of votes to be carried out within 9 days.

According to the information provided to the OSCE/ODIHR EOM by the CEC and the Constitutional Court, any further contestations of election results are to be submitted to the latter before it takes the decision on the legality of the election. Should the Constitutional Court determine that, during voting or counting, violations that have most likely affected the results were committed, the election would be declared null and a repeat election would be held within two weeks. The repeat election is considered valid if at least one-third of voters included in the voter lists participate.

The Constitutional Court will decide on the legality of the election upon completion of the recount process and the submission of the final protocol on the recounts by the CEC. The Court is expected to determine the validity of results by 22 April at the latest.

IV. RECOUNT OF VOTES

Following the ruling of the Constitutional Court on recounts, the CEC passed a decision for recounts to be carried out on 15 April. The CEC also approved the recount procedures, tasking the PEBs in their original composition to carry them out. Observers accredited for 5 April were entitled to be present. Votes from polling stations abroad were to be recounted by the Chisinau DEC.

The OSCE/ODIHR EOM followed a limited number of recounts in PEBs and tabulations at DEC's in Ialoveni, Hincesti, Straseni and Chisinau, as well as the recount of votes from abroad in Chisinau DEC on 15 and 16 April. In those recounts followed, only minor changes were made to original protocols. Inconsistencies in implementation of procedures were reported, and some ballot papers were found to have been counted for other election contenders.⁴ DEC's were to report to the CEC on 16 April. A limited number of DEC's did not meet this deadline.⁵ At the CEC, result protocols for each polling station were checked and entered into the CEC database. The CEC managed to process most of the results by the end of the day on 17 April and stated the intention to forward the final results of the re-count to the Constitutional Court on Tuesday, 21 April.

V. OSCE/ODIHR EOM ACTIVITIES

On 6 April, the day after the elections, the International Election Observation Mission, which was a joint undertaking of the OSCE/ODIHR and the delegations of the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe and the European Parliament, issued its statement of Preliminary Findings and Conclusions. This statement reflected the pre-election period, voting and vote count on election day, as well as initial information on the tabulation of results. The OSCE/ODIHR will continue to follow the post-election developments, and will issue a comprehensive final report, including a set of recommendations, approximately two months after the completion of the election process.

⁴ In some places invalid ballots were declared valid, whilst in other PEBs similar ballots were invalidated. In some instances copies of the result protocols contained more than one correction. In some instances signatures of voters who received ballots were not counted. Observers noted cases where statements and protocols were signed by members of election commissions in advance.

⁵ DEC Chisinau, DEC Ciruleni, DEC Soroca and DEC Ialoveni were reporting until the afternoon of 17 April.