



INTERNATIONAL ELECTION OBSERVATION MISSION 2001 ELECTIONS TO THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS ELECTIONS TO THE PARLIAMENT OF THE REPUBLIC OF ALBANIA SECOND ROUND – 8 JULY 2001

Tirana, 9 July 2001 - The International Election Observation Mission (IEOM), consisting of the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Parliamentary Assembly of the Council of Europe, issues this statement of preliminary findings and conclusions on developments since the first round of the parliamentary elections in the Republic of Albania and on the second round, before the final certification of the election results and before a complete analysis of the observation findings.

This statement should be considered in conjunction with the statement of preliminary findings and conclusions issued on 25 June after the first round of voting. The OSCE/ODIHR will issue a comprehensive report approximately one month after the completion of the electoral process.

PRELIMINARY CONCLUSIONS

The June 2001 parliamentary elections in Albania marked progress from past elections particularly in the areas of campaign conduct, media and election administration. Generally, the ballots in the first round elections appear to have been counted and tabulated in accordance with the legal framework. However in a number of politically sensitive constituencies the performance of Zone Election Commissions (ZEC) was problematic. The existence of duplicate protocols with different vote totals from a number of Voting Centre Commissions (VCC) raises concerns about the accuracy of the results in these constituencies and undermines confidence in the process. In these problematic constituencies the elections failed to be fully transparent and accountable.

To date, national institutions including the Central Election Commission (CEC) and the courts have generally failed to adequately investigate questionable protocols and alleged irregularities in these politically sensitive constituencies. The CEC was divided on several controversial cases and apparently came under undue political pressure, resulting in credible allegations that some mandates were not properly allocated and that some second round contests that should have taken place were prevented. This confirms the need for further improvement in order to fully meet OSCE commitments. These irregularities should be fully investigated and addressed. Political parties deserve considerable credit for seeking redress on these issues through the available institutional framework for complaints.

The following observations are also notable concerning the period between the two rounds:

- Campaign activity, although noticeably diminished, remained generally peaceful; an exception was a bomb blast in Lushnje which may have been politically motivated;
- Isolated but significant incidents of abuse of power and interference by police and local authorities in favour of ruling party candidates were confirmed;
- Media coverage on the State TV was more biased in favour of the governing party than before the first round.

On the second round election day, 8 July, most polling stations functioned professionally and voting generally proceeded without incident. However, international observers reported a number of serious concerns, including isolated cases of police interference, detention of election commission members, and ballot stuffing. Voting could not take place in a number of electoral zones due to disruption of preparations by ZEC or VCC members. The counting was completed quickly, although technical procedures were frequently not followed correctly.

The final conclusions on the parliamentary elections will depend on how the tabulation of results is completed; the manner in which the 40 compensatory mandates for the national multi-member constituency are allocated; the role of the national authorities, including the CEC and the courts, in handling of complaints and redressing irregularities; and the conduct of further rounds of voting.

OSCE/ODIHR and the Council of Europe are prepared to work with the administration, judiciary and civil society to address the remaining challenges.

PRELIMINARY FINDINGS

First Round Results

The 2001 parliamentary elections first round results in the single member constituencies elected 33 Socialist Party candidates, 16 Union for Victory candidates, and one independent candidate. The high number of second round contests and the extremely close margins between the leading candidates in many of these meant that the 8 July voting would significantly affect the final result. Moreover, the repeat polling on the national proportional representation ballot in a few polling stations had the potential to change the overall proportional results from the first round.

Second round run-offs were required in 43 constituencies, and repeat polling was required to varying degrees in seven constituencies due to irregularities. Based on results available, it appears that the Socialist Party, Union for Victory, the new Democrat Party and the Social Democratic Party will cross the 2.5% legal threshold for the allocation of compensatory mandates. The Human Rights Union Party, Democrat Alliance Party, and Agrarian Party are close to the threshold.

Tabulation of the First Round Results in Politically Sensitive Constituencies

Tabulation of first round results from polling stations was contentious in some ZECs, where the commissions were faced with differing protocols for the same polling station. This was a result of

tampering with VCC protocols after the completion of the work of the VCCs. Tabulation of first round results was generally slow and sometimes contentious; as a consequence, a number of ZECs failed to meet legal deadlines for declaring results.

The tabulation of results in a number of constituencies raised serious concerns. The ZEC in Zone 40 accepted a polling station protocol presented by the Socialist Party representative instead of the protocol in the ballot box. Differing protocols for the same polling station and other irregularities raise concerns with the tabulation of results in the single mandate elections in Zones 11, 19, 24, 25, 33, 40 and 67. In each of these instances the differing protocols suggested different winners. The double protocols in Zone 33 also raise concern about the national proportional representation result in this constituency.

There was a lack of transparency in determining results in some constituencies. The Constitutional Court twice excluded party representatives and observers from its recounts of ballots; one recount, in Zone 63, changed the initial outcome. On two other occasions the CEC met ZEC members behind closed doors, in apparent contravention of the election law. Results from controversial zones were in some cases decided during late-night sessions of the CEC, impacting negatively on the transparency of the process.

Adjudication of First Round Complaints and Appeals

After the first round, political parties filed a large number of complaints with the election commissions and the courts, including 27 with the Constitutional Court. Many were not decided by 8 July, creating uncertainty as to precisely which zones would be holding elections and when elections for undecided cases may take place.

At times the election complaints procedure did not provide an effective means of redress. The CEC and the courts generally accepted protocols presented by ZECs at face value and did not scrutinise cases where there was credible evidence that voting results may have been illegally changed. Many candidates and political parties were unsure of where to file complaints and some simultaneously addressed election commissions, courts, the CEC, and the Constitutional Court. There was also inconsistency in how courts considered complaints, with some refusing to exercise jurisdiction. The Constitutional Court therefore acted as a court of first instance in a number of cases.

The ODIHR Election Observation Mission received and followed up on a large number of complaints and reports of irregularities, but in most cases, these complaints could not be substantiated.

Election Administration for the Second Round

The professionalism of some ZECs was questionable. The inability of representatives of the major parties to work together in the election administration and the last minute changes in membership of some ZECs and VCCs impacted negatively on the process. There was continued lack of communication with the CEC, resulting in non-uniform interpretation of CEC decisions and instructions. Between the two rounds the CEC dismissed, at times appropriately, a number of

ZEC members. On frequent occasions the CEC intervened professionally to resolve problems at the ZEC level.

The CEC adopted important new instructions aimed at reducing the number of invalid ballots; improving transparency in issuing identity documents, application of ink to voters' fingers to prevent double voting, and preventing irregular communication between commission members and third parties. However, these positive instructions were adopted very late in the process, reducing the likelihood of their uniform application and thus their overall usefulness.

The Campaign for the Second Round

The election campaign between the two rounds of voting was generally low key, and for the most part was conducted in a calm and peaceful atmosphere. Fewer rallies and meetings took place than in the period leading up to the first round. Some increase in aggressive rhetoric was noted in the final days of the campaign. Much of the debate between the rounds focused on the first round results and related complaints and the formation of alliances for the second round. The Socialist Party received varying degrees of support from its former "Alliance for the State" governing partners. In Zone 60, where voting for the nationwide proportional ballot would take place for the first time, the Socialist Party called on its supporters to vote for its former allies in government, the Democratic Alliance Party, the Agrarian Party and the Human Rights Union Party to enable them to pass the 2.5% threshold and enter parliament. The Union for Victory approached the Democrat Party for support in the second round, but the Democrat Party left it up to its local branches to decide whether to provide this support.

Interference by Police and Local Authorities in the First Round

Isolated but significant incidents of pressure and interference by police and local authorities in the first round were confirmed in the post-election period. Some of these incidents involved action in favour of local ruling party candidates. In numerous cases police presence was reported to be excessive and police were seen to be behaving in an inappropriate and biased manner. In a few cases police were involved in manipulation of election material. For example in Zone 49 police were observed stuffing a ballot box. In Zone 60 police interrupted the distribution of election material. In Zone 19 an ODIHR observer was denied access to ZEC 19 by the head of the local police.

Media Coverage for the Second Round

A large spectrum of media provided diverse information about the elections, continuing the positive trend from the first round. In the electronic media, however, time provided to candidates was reduced. Coverage was concentrated in TV news, while electoral debates, were curtailed. There was a similar, but less significant reduction of space devoted to the elections in the print media. Both print and electronic media reported on the key issues, including accusations of electoral manipulation from both ruling and opposition positions. Most coverage was devoted to the Socialist Party and the Union for Victory, while the only other party to receive any significant coverage was the new Democrat Party.

Between the rounds most TV stations provided the Socialist Party with increased coverage. Significantly TVSH was more biased in favor of the Socialist Party, thereby failing to meet its

responsibility for even-handedness as a public broadcaster. TVSH devoted 40% of its political coverage to the Socialist Party, and only 11% to the Union for Victory. The private station TV Klan, which has a large area of coverage, also provided less balanced coverage between the rounds, favouring the Socialist Party. Private TV Shijak, which has a smaller coverage area, was overtly partisan in favour of the Union for Victory.

Newspapers provided equitable coverage to both the ruling and opposition positions. A tendency of some print media towards negative polemical reports and comments, particularly with respect to the Socialist Party and Government, continued.

Voters Lists Problems

Voter lists were not updated since no legal procedure was in place for persons to be added to the lists for the second round. The CEC announced and published in print media that voters could be added to the list by obtaining a court decision until 24 hours before election day. However, most district courts interpreted the law to mean 24 hours before the first round of elections, thus preventing additional registrations.

Election Day & Vote Count

Polling was generally conducted in a calm atmosphere. International observers reported more tension than in the first round, particularly in parts of Tirana and Durrës, and generally during the counting of votes. On occasion observers felt intimidated (in constituencies 35, 97) and one team was obstructed whilst carrying out its tasks (in constituency 95). Most VCC members were able to set aside their political differences, co-operating to ensure voters could express their will. However, the IEOM is concerned regarding a few serious violations, including ballot stuffing reported in Zones 25 and 28 and cases of pre-marked ballots discovered in Zones 25, 60 and 61.

Elections did not take place in Zone 86, or at a number of polling stations in Zones 2, 4, 22, 49 and 61 due to the disruption of election preparations by ZEC or VCC members. Polling in Zone 60 only took place after the intervention of the CEC the previous night. Police maintained a high visibility throughout election day and on occasion interfered in the election process, sometimes seriously for instance a stolen box at a polling station in Zone 35. Also of concern are reports of police harassment and detention of some ZEC and VCC members mainly from the Democratic Party, and the presence of unauthorised party activists in polling stations.

VCCs generally followed correct polling procedures and observers assessed the conduct of the vote positively at most polling stations. However, the requirement to check for and apply ink to voters' fingers was often disregarded, and voters were occasionally observed in possession of more than one ballot paper. Observers reported a very high instance of group voting, compromising the principle of secrecy and potentially disenfranchising citizens, particularly women. As in the first round, a limited number of citizens arrived at polling stations to find their names missing from the voter list; no effective procedure was implemented to correct this failing.

Observers reported that counting was completed quickly, although technical procedures were frequently not followed correctly. Some observers were concerned with the number of invalid ballots in some polling stations. After counting, VCCs generally transferred the results promptly

to the ZECs, most of which began to tabulate the results. However, ZECs (for example in Zones 35, 49, and 69) stopped working once all the ballot boxes had been received and did not complete the results protocols. Both the Socialist Party and the Democratic Party prematurely announced “election results” before any ZEC declared results.

*This statement is also available in Albanian.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGEMENT

The International Election Observation Mission (IEOM) for the second round of the parliamentary elections in Albania is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Parliamentary Assembly of the Council of Europe. An OSCE/ODIHR Election Observation Mission, with Nikolai Vulchanov as Head of Mission, 10 election experts in the Tirana headquarters and 18 long-term observers deployed to the regions, was established in late May to assess the legal framework, the election administration, the media environment, and conditions for the election campaign. For the second round election day, the IEOM deployed some 130 short-term observers, including eight parliamentarians from the Council of Europe's Parliamentary Assembly to monitor voting and counting procedures in polling stations and election commissions across Albania.

The IEOM wishes to thank the OSCE Presence in Albania for its support throughout the duration of the mission, as well as the international organizations and embassies for their support on election day.

The EOM wishes to express appreciation to the Ministry of Foreign Affairs, the Central Election Commission, and other national and local authorities for their assistance and cooperation during the course of the observation.

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