

# Report of the Solidarity Observer Mission for East Timor (SOMET)

## On the Timor-Leste 2007 Parliament Election



**August 2007**

**In Timor-Leste:**

**Santina Soares**

**Lao Hamutuk**

Rua Gov. Celestino da Silva, Farol, Dili

+670-727-9574; santi@laohamutuk.org

**NGO Forum**

Caicoli Street, Caicoli, Dili

+670-723-6782

info@fongtil.org

**International:**

**John Miller**

**East Timor and Indonesia Action Network (ETAN)**

PO Box 21873, Brooklyn, NY 11202 USA

Tel. +1-718-596-7668

etan@igc.org, somet@etan.org

**Website:**

[www.etan.org/somet.htm](http://www.etan.org/somet.htm)

## Executive Summary

Timor-Leste's national Parliamentary election was held on 30 June 2007, with candidates from 14 fourteen parties and coalitions contesting 65 seats. A total of 48 SOMET observers were present at polling centers on election day in all 13 districts and at the District Tabulation Centers as votes were counted. SOMET observed the ballots throughout their journey, from arrival from Indonesia at the Nicolau Lobato Airport in Dili, through transport to districts, to the counting tables, and back to the National Tabulation Center.

SOMET found that the 30 June Parliamentary election was carried out largely without violence and that its results reflect the will of the voters. Nearly all polling staff observed performed ably, impartially and conscientiously, both on election day and during the long process of counting. Voters were patient and committed, and nearly all knew how to participate. While the overall process was free and fair, we did observe some problems, including:

- Changes in the Election Law, particularly the amendment calling for moving ballot counting from the polling centers to District Tabulation Centers, presented many challenges for CNE and STAE, who had to design and implement new procedures in a short period of time.
- While we applaud the Political Party Accord on campaigns, we regret that it was not always implemented.
- Working toward gender balance in polling staff, as well as candidate lists, remains a challenge.
- Accommodation for *fiscals* and observers, particularly at the counting stage, needs to be improved.
- There is a lack of clarity about what constitutes a valid vote, and the right of *fiscals* to challenge a counter's decision on validity is not always clear.
- Observer credentials were sometimes issued to *fiscals*, who cannot, by definition, be neutral observers.
- The rules governing presence of police and security personnel at polling centers need to be communicated more emphatically and enforced. STAE regulations are unclear on the presence of police and military in or near District Tabulation Centers.

Based on our observations, the SOMET mission makes a number of recommendations, including the following:

- Changes to election laws and regulations should be frozen when the date of the election is announced.
- Provision should be made for Timorese citizens living abroad, or those disabled, homebound or otherwise unable to get to a polling station, to vote by absentee ballot.
- Party lists achieving an overall gender balance of 25 percent women, calculated cumulatively after every fourth candidate, should be accepted, regardless of whether every individual group of four candidates meets the 25 percent requirement.
- We encourage campaigning focused on the platforms or positions of the various parties, rather than on either the personalities of party leaders or simply discrediting other parties; we recommend there be some sanction for Political Party Accord violations.
- Accommodation in District Tabulation Centers needs to be such that one *fiscals* per party and one observer per organization at each table can observe counting and that they can clearly see the ballots.
- Uniform criteria for determining a valid vote need to be clearly communicated, and the right of *fiscals* to challenge, and the process for challenging, a counter's decision needs greater emphasis in training.
- Senior command of UNPOL, PNTL, ISF and any other security forces should emphasize and enforce the law requiring them to maintain a distance of at least 25 meters from polling centers; and regulations are needed to prevent security forces from entering District Tabulation Centers, except when requested by the CNE Commissioner to respond to a serious security situation.
- Civic education should include information on how Parliament works and what happens after an election.

## Solidarity Observer Mission for East Timor (SOMET)

The Solidarity Observer Mission for East Timor (SOMET) is a non-partisan observer mission including both international and domestic non-governmental organizations (NGOs) to monitor the 2007 Presidential and Parliamentary elections in Timor-Leste, operating from late March to early August 2007. Earlier in the year, SOMET released reports covering the two rounds of the Presidential election. Our assessments of the two Presidential rounds can be found in our two previous reports, dated 18 April and 22 May 2007. This report focuses on the Parliamentary election.

SOMET was created by the US-based East Timor and Indonesia *Action Network* (ETAN), in cooperation with Stichting Vrij Oost Timor (VOT) of the Netherlands, Initiatives for International Dialogue (IID) and the Asia Pacific Solidarity Coalition (APSOC) based in the Philippines and World Forum for Democratization in Asia (WFDA), in response to requests from several civil society organizations in Timor-Leste. SOMET works in partnership with Timorese and other international observers to support a peaceful, free, fair and transparent election process. In Timor-Leste, SOMET cooperates with Asosiasaun HAK, Timor-Leste NGO Forum, La'o Hamutuk, FOKUPERS, Bibi Bulak and the Kadalak Sulimutuk Institute. For the Parliamentary election, SOMET joined with Concern Worldwide, which had 12 accredited observers.

All SOMET observers follow a code of conduct that stresses our non-partisanship and neutrality, as well as adhering to the Timor-Leste *Code of Conduct for National or International Electoral Observers*. We act in an independent manner, not supporting any particular parties or candidates. However, non-partisanship does not mean indifference or passivity toward injustice or violations of any individual's human rights.

Throughout the 2007 election period in Timor-Leste, SOMET observers monitored the process, attending campaign events, meeting with party leaders, observing both the voting and ballot-counting processes, as well as the implementation of the electoral results. For the Parliamentary election, the SOMET team dispatched 48 accredited observers from 10 different countries, including Timor-Leste, to all 13 districts of the country. They observed voting in 123 polling stations and counting in the 13 District Tabulation Centers and the National Tabulation Center.

SOMET found that the 30 June Parliamentary election was carried out largely without violence and that its results reflect the will of the voters. Nearly all polling staff observed performed ably, impartially and conscientiously, both on election day and during the long process of counting. Voters were patient and committed, and nearly all knew how to participate. While the overall process was free and fair, we did observe some shortcomings, which we will discuss in this report.

SOMET congratulates the people of Timor-Leste for overcoming significant obstacles to carry out their first Parliamentary election as an independent nation. The organization of their own national elections marks a significant step in their post-independence development.

### Election history and context

After hundreds of years of repressive rule during Portuguese colonialism and Indonesian occupation, the people of Timor-Leste have only recently been able to participate in democratic politics. The Timorese people formally embarked on a path of self-determination under democratic rule in 1999, when they rejected a proposal for provincial autonomy within the Indonesian state – thereby setting into motion events that established Timor-Leste as a sovereign state in 2002. Despite years of struggle against external oppression, militia violence and inexperience with democratic procedures, the Timorese people held elections for a Constituent Assembly (which later became the first Parliament) in 2001 and President in 2002, under the auspices of the United Nations (UN). Later, in 2004 and 2005, independent

Timor-Leste held elections for village chiefs and councils (which are due to occur again in 2009). The contests in 2007 for President (9 April and 9 May) and Parliament (30 June) are the first national elections under Timor-Leste's sovereign control.

Timor-Leste's history greatly shaped the political context in which the 2007 Presidential and Parliamentary elections have taken place. The violence and destruction orchestrated by Indonesia following the 1999 vote for independence necessitated international forces to establish security, and the United Nations established a civil administration to assist the country's transition to independence. On 20 May 2002, it gained independence; former FALINITIL<sup>1</sup> leader Xanana Gusmão became Timor-Leste's first President and FRETILIN leader Mari Alkatiri served as Prime Minister.

Events beginning in April 2006 had a major impact on the current political and security environment. A confrontation between "petitioners" within the defense forces and the government to address grievances involving perceived regional favoritism resulted in the dismissal of about 600 soldiers who had refused to return to their barracks. Fighting erupted between soldiers and police forces, and civil disorder ensued, with gangs fighting in the streets and burning houses. By June, this had resulted in 37 deaths and the displacement of more than 150,000 people. Interior Minister Rogerio Lobato resigned, and was later convicted of murder and illegal distribution of firearms. Defense Minister Roque Rodrigues also resigned and, later, Prime Minister Alkatiri resigned under pressure from then-President Gusmão, and was replaced by José Ramos-Horta. An International Stabilization Force (ISF), led by Australia with support from New Zealand, Malaysia and Portugal, was invited into the country to restore security. The UN increased its presence, including deploying a large number of international police.

The security situation has been further affected by the actions of Major Alfredo Reinado, one of the leaders of the "petitioners" who was detained in prison for his role during the unrest in May 2006. In August 2006, Major Reinado escaped with 56 other inmates from Dili's main jail. They have remained at large in the countryside ever since; when ISF tried to arrest him in Same in March 2007, the Australian forces killed five of Alfredo's men, exacerbating tensions in the country.

The ISF, made up of military forces from Australia and New Zealand, remained during the 2007 election period.<sup>2</sup> Civil unrest also continued, with tens of thousands of people displaced for more than a year, and more than 100 killed by violence over the last twelve months, after the initial crisis. The constant fear of another confrontation and the domestic unrest it could cause heightened tensions and endangered security during the campaign and election period.

These events have many and diverse underlying causes, but are common for most new nations emerging from decades of war and centuries of foreign domination. The factors are complex and controversial, but they include pervasive poverty and unemployment, widespread trauma, the difficult individual and societal transition from resistance to self-government, poorly designed and managed police and military forces, unfulfilled hopes that independence would improve people's lives, and regional and historical schisms. However, the 2006 "crisis" and subsequent events have made the staging of the 2007 elections both more challenging to organize and more critical to the future of Timor-Leste. SOMET found that the Timorese have risen to these challenges, and that the two rounds of the Presidential election were largely peaceful and relatively free and fair.<sup>3</sup>

---

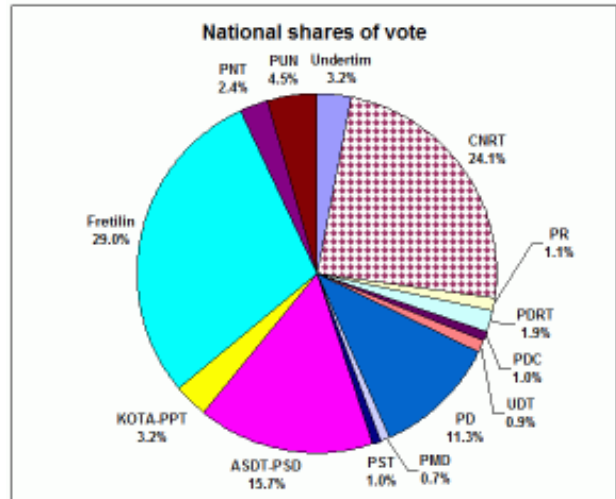
<sup>1</sup> See a full list of acronyms at the end of this report.

<sup>2</sup> Malaysian, Australian, New Zealand and Portuguese police are now integrated into the UN Police (UNPOL).

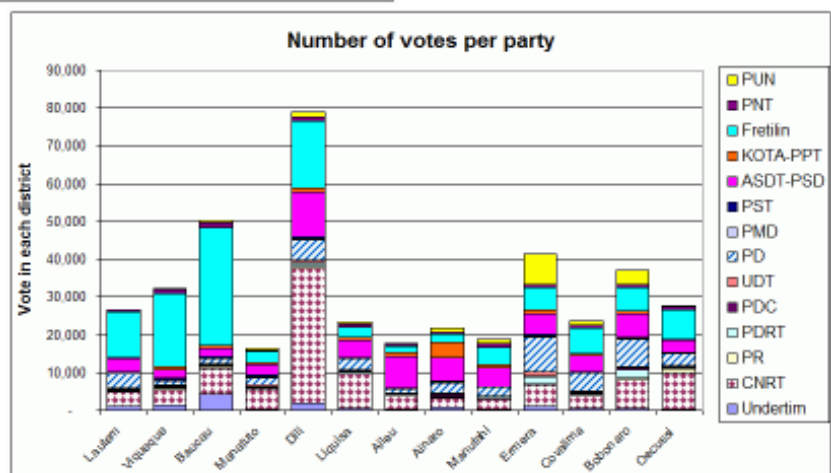
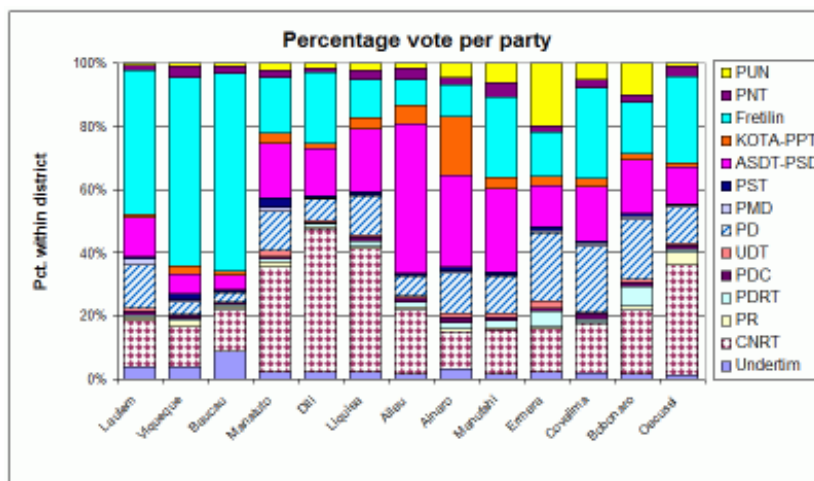
<sup>3</sup> For more in-depth analysis of this period, see "East Timor hits potholes on the road to independence," *Estafeta*, Vol. 12, No. 1, Spring 2007, available at <http://www.etan.org/estafeta/07/winter/1timor.htm>.

## Election results

Fourteen parties and coalitions contested the Parliamentary election on 30 June, but only seven obtained over three percent of the vote, the threshold for winning seats in Parliament. The 65 seats have been awarded as follows: FRETILIN - 21, CNRT - 18, ASDT-PSD - 11, PD - 8, PUN - 3, AD (KOTA-PPT) - 2, UNDERTIM - 2.<sup>4</sup> No single party won over 50 percent of votes, as needed to secure a Parliamentary majority. This resulted in a number of different scenarios put forward from various politicians about the makeup of the future government. FRETILIN, as the party that won the most votes, has tried either to assert its right to form a minority government, or to gain enough support from other parties to form a coalition government. Meanwhile, CNRT, PC, and the previously formed ASDT-PSD coalition have announced their intention to create a coalition government, without FRETILIN.



As in the two Presidential rounds, there were tremendous geographic differences in the vote results. The two following graphs show that, for example, FRETILIN's support ranged from eight percent to 60 percent in different districts. Most of the smaller parties received more than half of their votes from two or three districts. Although changes in counting procedures make it impossible to track the vote results to the village level, this nevertheless shows how difficult it will be to unify the population behind the new government.



<sup>4</sup> See the list of parties and coalitions contesting the Parliamentary election at the end of this report.



# Regulatory Framework

## 1. Amendments to the election law

The *Law on the Election of the National Parliament* (6/2006) was passed by Parliament on 28 December 2006. On 16 May 2007, the FRETILIN government introduced several amendments, including one to enable prisoners and hospital patients to vote, which SOMET and others advocated. The most significant change, however, was to move the counting function from the polling stations where the votes were cast to a Central Tabulation Center in each district. All the ballots in the district are now counted together in order to conceal information on how each polling station voted. The reason given was to protect areas which supported certain parties from recrimination from those supporting other parties. The amendments were controversial, and two parties walked out of Parliament to protest them, but they passed with the votes of 38 FRETILIN members and seven other members. The new President, José Ramos-Horta, signed the law on 29 May, saying that to do otherwise would delay the Parliamentary election.

After Parliament passed the amendments, SOMET and many others expressed concerns about the loss of transparency and increased possibilities for electoral fraud which would result from counting at the district level. This is discussed in the section of this report on the counting process. Some SOMET observers did hear expressions of concern about possible violence toward communities that vote in a certain way as a justification for consolidating counting and reporting results at the district level.

The major, last-minute, changes in the counting procedures required the two agencies responsible for the administration of the election, the National Electoral Commission (CNE) and Technical Secretariat for Electoral Administration (STAE) to expend significant effort in a short length of time to design procedures and materials to comply with the new law. In our report on the first round of the Presidential election, we were critical of late changes that led to instability and confusion. There were no last-minute changes in the second round and we observed that the voting process operated much more smoothly. For the Parliamentary election, CNE and STAE faced many challenges in implementing the amendments and are to be commended for developing and executing an efficient (but not flawless) counting and tabulation process.

We welcome the amendments that allowed for voting in prisons and hospitals. The lack of accommodation for citizens in these facilities in the Presidential elections was a matter of concern to SOMET and others, and we commend Parliament for enforcing their right to vote and to CNE and STAE for implementing and deploying mobile teams to three prisons and five hospitals. We continue to be concerned that Timorese citizens abroad, homebound or otherwise unable to get to a voting station, are not able to exercise their constitutional right to vote.

## 2. Code of Conduct and Political Party Accord

Parties and coalitions contesting the Parliamentary election were required to sign a Code of Conduct for the campaign period. In addition, the parties themselves drafted a Political Party Accord, affirming their commitment to nonviolence. All parties pledged to make constructive contributions if they are in opposition after the election, and they promised not to politicize state institutions such as the armed forces, police and public administration if they are voted into government. The Code and Accord were signed by all 14 parties and coalitions in a ceremony on 25 May, although neither is enforceable by legal or electoral authorities. The CNE sent several letters of reprimand to political parties for lack of compliance with the Code of Conduct during the four week campaign period, but they were not reinforced by sanctions.

### 3. Application of gender requirements in candidate lists

The election law requires party slates of Parliamentary candidates to include at least one woman in every four candidates.<sup>5</sup> The Aliansa Democratica (AD) coalition of the KOTA and PPT parties submitted a list that was not in strict conformity with the wording of the law, in that it had more women near the top of the list and fewer lower down. The CNE rejected their list, disqualifying the AD, but the disqualification was overturned by the Court of Appeal based on a technicality of the notification given to the AD. It is SOMET's position that lists achieving or exceeding an overall 25 percent gender balance, calculated cumulatively after every four candidates, should be accepted, regardless of whether every individual group of four candidates meets the 25 percent requirement.

### 4. New voter registration

After the second round of the Presidential election, there was a new voter registration period for the Parliamentary election. The process included an "exhibition and challenge" period, during which the voter lists were to be displayed for people to review and challenge any registrations they felt were not valid. On 4 June, SOMET observers visited one *suco* (village) office in Dili and accompanied staff from STAE and the UN Certification Team visiting two other *suco* offices and one sub-district office to view voter lists. They were unable to find lists at any of the offices. In one *suco*, observers talked with the *brigada*,<sup>6</sup> who was going door to door with the list because there is no *suco* office in which to leave a list. He was concerned about the list being removed if it was posted in an unsupervised location. At the sub-district office, it was explained that the *chefe do suco* (village chief) was taking the list to different villages to accelerate checking. There did not appear to be an effective way of informing voters of the exhibition and challenge process or ensuring the lists were located in an accessible place. The UN Certification Team monitored this process in other districts, where it found that challenges were being recorded, and estimated that there may have been as many as 2,000 challenges nationwide based on their sample.

### 5. Independence of the Technical Secretariat for Electoral Administration (STAE)

In our two previous reports, SOMET has expressed concern about the placement of STAE under the Ministry for State Administration within the government. We continue to believe that the administration of elections should be undertaken by a body independent of government to ensure that they are free from partisan influences, both in fact and perception.

## Pre-election environment

### 1. Security

Although the Parliamentary election campaign period was generally peaceful, it also was marred by some incidents of violence. The first two published reports of the Election Violence Education and Resolution (EVER) project released by Belun (an NGO working to reduce tensions and prevent conflict in Timor-Leste) document 79 incidents of election-related violence between 28 May and 1 July.<sup>7</sup> The violence largely consisted of physical attacks, arson, and threats of intimidation. In general, targets of election violence were political party supporters and their property. Such violence potentially curbed political participation, thereby compromising the overall political process. Events in the two districts of Viqueque and Ermera are of particular concern.

---

<sup>5</sup> *Law on the Election of the National Parliament* (6/2006), Article 12, section 3.

<sup>6</sup> A *brigada* is a polling center supervisor. A polling center may contain one or more polling stations, each supervised by a presiding officer.

<sup>7</sup> Belun, *Election Violence Education and Resolution (EVER) Report*, 1:28 May - 12 June 2007 (release date 22 June 2007), 2:13 June - 1 July (release date 11 July 2007).

## **Viqueque**

The most significant incident of election-related violence, and the only one resulting in fatalities, occurred in the district of Viqueque. On 3 June, immediately following a CNRT rally in Viqueque town, a suspended PNTL police officer from the sub-district of Uato Lari fatally shot CNRT security team member Afonso “Kuda Lay” Guterres. Film footage of the incident clearly shows a man in civilian clothing pulling a gun from his pocket. The shooter was later identified as a PNTL officer who had been suspended after being charged with domestic violence.

Further violence occurred on the same day in the sub-district of Ossu, as a CNRT delegation was returning the body of Kuda Lay to his hometown. PNTL officers fired shots to disperse a crowd, killing a 24-year old man and injuring a 16-year old boy.

As a result of these shootings, the Viqueque PNTL commander was suspended and operational officers disarmed pending an investigation. Immediately in response to the incident, the UN increased security in Viqueque for the Parliamentary elections with personnel from the Australian-led International Stabilization Force and the Bangladeshi Formed Police Unit (FPU). UNPOL in Viqueque re-armed PNTL on the night before the elections. According to the Viqueque UNPOL commander, this was done to empower the PNTL in their task to secure the elections.

The Viqueque shootings were isolated incidents and did not set the tone for the Parliamentary election period. However, representatives of one of the smaller parties that SOMET met with shortly after the incident expressed concerns about campaigning in Viqueque, telling SOMET they had experienced an attack there and were not confident the police could be relied upon to help them.

On election day, SOMET observers witnessed a disturbance at a polling station in Ossu de Cima, Viqueque district, by a man who was identified as the younger brother of Afonso Guterres, the victim of the 3 June shooting. This is described later in this report.

## **Ermera**

In the district of Ermera, EVER reports record several incidents of arson and physical attacks that occurred in the Atsabe and Hatolia sub-districts from late May to mid-June 2007. These attacks reportedly displaced over 60 families, many of whom fled to Liquiça and Dili. Moreover, the violence adversely affected the activities of political parties, including supporters of the CNRT, FRETILIN, and PD.

### **Threats against the media**

SOMET is concerned about threats leveled against local media in addressing political topics during the election period. Our interviews suggest that some Timorese journalists at times felt pressured to cover (or not to cover) certain political issues or to advance a particular political perspective. Some local journalists said that they feel insecure in writing on politically sensitive topics and they were occasionally intimidated with verbal or even physical threats. Further, reporters felt that many Timorese do not fully appreciate the role of an impartial media.

SOMET underscores the importance of an independent media in any functioning democratic society, particularly in the context of Timor-Leste’s nascent democracy. An independent media not only plays a vital part in checking the powers of government and holding public officials accountable but also in facilitating civic education about the democratic process. Thus, such threats against the media could potentially undermine the country’s recent democratic advances and limit the willingness of the journalists to improve their own analysis of political issues, moving beyond simply reporting the statements of other participants in the process.

## **2. Election campaigns**

During the campaign period, SOMET observers met with senior national representa-



tives of 10 of the 16 parties (there were two coalitions of two parties) contesting the Parliamentary election, including six party leaders, to discuss their platforms, campaigns and possible scenarios for government after the election. The party leaders were open, generous with their time and respected the role that observers play in monitoring the election. By the middle of the campaign, party representatives and SOMET had busier schedules, and we regret that we were not able to meet with representatives of every party.



*Xanana Gusmão speaking at a CNRT political party rally.*

In general the election rallies SOMET observers witnessed were peaceful with no incidents of violence or intimidation. One SOMET observer witnessed a PR rally when party president Joao Mariano Saldanha told the audience not to commit violence.

Although the parties had agreed to concentrate on the positive aspects of their own platforms, they often criticized other parties. For example, during a CNRT rally in Maliana on 16 June, Xanana Gusmão stressed mistakes and shortcomings of FRETILIN rather than proposing specific policies. In a FRETILIN rally in Pante Macassar (Padimau) in the enclave of Oecusse on the last night of campaigning, the representative of FRETILIN youth spoke against CNRT and FRETILIN-e (a dissenting wing of FRETILIN which supported CNRT), but was followed by Labor Minister Arsenio Bano who talked more positively about local issues.

The political parties also had agreed that during the last two days of campaigning (26 and 27 June) no “militants” (party activists) from outside would be allowed to come to Dili. The second EVER (Belun) report states that some incidents of violence could have been avoided if parties had adhered to this provision. Instead, some parties brought convoys from the districts to Dili. SOMET observers on their way to Baucau on 27 June were stopped by a roadblock as around 40 pickups with FRETILIN supporters were going to Dili for the last FRETILIN campaign.

### **3. Other SOMET observations and activities**

SOMET attended all-party debates and forums focusing on issues such human rights and corruption, petroleum revenue management and the recommendations of the Commission for Reception, Truth and Reconciliation (CAVR).

We met with the heads of CNE and STAE following the second round of the Presidential election to present our reports and discuss some of our findings. We found them receptive, conscientious and appreciative of our work as observers.

We also met with the newly elected President of the Republic, José Ramos-Horta, and with the President of the National Parliament and former Presidential candidate, Francisco (“Lu-Olo”) Guterres to discuss their perspectives on both the Presidential and Parliamentary elections. We appreciate the time they took to meet with us and explain their views, and the respect they afforded our observers.

STAE and the UN conducted extensive training in preparation for the election. SOMET observed training for polling staff, *fiscais* (party agents) and observers.

# Election observations

## Voting process

In general, SOMET observer teams noted that the voting process went smoothly; polling staff on the whole were well trained and performed their duties efficiently.

### 1. Polling station set-up

Polling stations were generally set up to allow easy access and circulation by voters. In a few isolated cases, voting booths were located too close to each other or arranged so that voters did not have complete privacy. In Nuno-mogue, Ainaro district, a large tarpaulin completely hid all of the voting booths, making it impossible to tell whether there was only one person in a booth at a time. The SOMET team talked with a UN volunteer working with STAE who said that the station had been cited for this in the Presidential election, but the practice was repeated in this election.

### 2. Opening the polling station

The opening of the polling stations was usually done properly and efficiently, and voting began on time. One exception is the way ballots were counted prior to voting. The election regulation calls for staff to count every ballot paper,<sup>8</sup> but in most reported cases, staff counted only pads of ballots. Each pad was supposed to contain 50 ballots, but many contained more or fewer, which led to reconciliation problems when the polling station closed. In all polling stations in Laga, sub-district of Baucau, inkpads and ink were missing from the supplies provided, which caused delays of 1-2 hours in several stations before voting could commence.

### 3. Queue control

As with the Presidential election, large numbers of voters showed up at polling centers, especially in the early morning, resulting in long lines and waits. Queuing was generally orderly, and the voters good-natured about waiting. However, observers in four districts reported that some elderly and pregnant voters were not given priority in line, as required by regulations. In some polling stations, *fiscais* (party agents) and, in one case, a UN representative took over queue control functions.



*Lacking a Queue Controller, voters crowd and push their way into the polling center.*

### 4. Voter identification process

Polling staff and voters appeared to be well versed in the process of verifying identity. In Ainaro, Baucau and Oecusse districts, observers saw voters complaining that photocopies of their identification cards had been rejected (which is according to regulation), but had been accepted in the Presidential elections. Further training has apparently made staff more vigilant and rigorous in examining identity documents. The practice of issuing

---

<sup>8</sup> Regulation on Procedures for Polling and Tabulation of Results for the Election of Members to the National Parliament, (STAE/VI/07) Article 30, 2(d).

voter cards before a person turns 17 may result in some underage people being allowed to vote, unless identification officers are particularly careful to check the birth date.

## 5. Perforation of identity documents

During the preparation for the Parliamentary election, SOMET observers had been advised that the punch for perforation of voter cards would be a unique shape to differentiate it from the Presidential election punches. However, we noticed that the punches used on 30 June were the same shape as those for the Presidential election. This made it more difficult to ascertain whether voters' cards with one or two punches had already voted in the Parliamentary election.

## 6. Checking fingers for ink

In SOMET's two previous reports on the Presidential election, we noted that voters' fingers were not being routinely checked for ink before they were allowed to vote, a serious gap in the voter identification process. In the Parliamentary election, in two-thirds of the polling stations we visited, identification officers were still not checking voters' fingers. Even after observers mentioned it to polling staff, finger-checking was not done consistently. The inking of fingers is (like the distinctive punch for each round of voting) supposed to protect against repeat voting, but it is not effective if polling staff do not check for ink when verifying voter identification.

## 7. Marking fingers with ink

Ballot box controllers were conscientious in marking voters' fingers with ink after they had deposited their ballots and, as most voters had voted in the two Presidential rounds, they came to expect it. However, the ballot box controllers did not always ink the right index finger as required by regulation. A short informal tally conducted by a SOMET observer in Dili found half the voters leaving the polling station with the wrong finger inked. While this may not represent widespread practice, it indicates an area for better staff training for future elections.



*Electoral worker marks a voter's right index finger with ink.*

## 8. Voting procedures

SOMET observers noticed some breaches in correct voting procedures by polling staff. At one polling station in Baucau, an elderly visually-impaired couple brought their son to help them. The polling staff asked them which party they wanted to vote for and went into the voting booth to check that the son was really voting according to his parents' preference. Everyone in the polling station could watch and hear the proceeding, violating their right to a secret ballot. At a polling station in Covalima, two voters were assisted by the presiding officer. All 14 *fiscais* were asked to look on and could see their vote. Also in Covalima, a presiding officer took voters' ballots and refolded them before depositing them in the box, to the point of possibly being able to see their votes. SOMET observers arriving at a polling station in Viqueque district were advised by other observers that there had been a problem with ballots being given to voters that were torn across the top, almost eliminating the first party on the ballot. Later, at the District Tabulation Center, the observers were able to confirm that the torn ballots were counted as valid.



## 9. Checking voting booths

Voting booths should be checked regularly to ensure that there is no material left that should not be there, especially anything suggesting how people should vote. In about half of the polling stations visited, polling staff did not check the booths. In polling stations in Ermera and Manatuto districts, ballots were found in the booths and it was not known how long they had been there. This raises questions about how voters could leave the booths without putting a ballot in the box.

## 10. Identification of polling staff

Polling staff were provided with identification cards, yellow shirts and blue hats. Most staff kept these forms of identification visible throughout the voting process but some were noted tucking identification cards in pockets and, later in the day, as fewer voters appeared at the station, some removed the hats and shirts and were not identifiable as polling staff.

## 11. Gender balance of polling staff

SOMET again monitored the gender balance of the five staff working in each polling station. Of the polling stations where we collected data, 32 percent were roughly equal, 61 percent had fewer than two women and seven percent had fewer than two men. Seventy-seven percent of the *brigadas* were men and 23 percent were women. Manatuto district stands out as achieving gender balance in all the polling stations SOMET observers visited. We again commend the efforts that STAE has made to recruit more women, but our sample shows that more work needs to be done.

## 12. Role of *fiscais* (party agents)

The number of *fiscais* permitted to monitor voting was restricted to one per party or coalition in each polling station. The 14 parties and coalitions contesting the Parliamentary election presented a challenge for STAE and polling staff to manage activity at the polling stations, especially considering the problems encountered in the first round of the Presidential election, which was contested by eight candidates. Both STAE and the parties are to be commended for meeting this challenge, as observers found most polling stations were well set up with adequate places for the number of *fiscais* who attended. In a few stations, observers saw more than one *fiscais* per party and, in one station in Dili, there were four from a single party, in violation of the Code of Conduct.<sup>9</sup> In most areas, many parties were not able to station *fiscais* in every polling center, reflecting scarcities in personnel or increased trust in the integrity of polling staff. This became more problematic during the redesigned counting process (see below), where limitations on the number of *fiscais* made it impossible for parties to monitor every ballot's classification.

*Fiscais* generally acted in an orderly and professional manner. Some infrequent exceptions were noted, including: concealing their identification; taking over polling staff tasks; instructing voters inside the polling station and expressing partisan sentiments to them outside; locating themselves too close to polling station entrances, voting booths and ballot boxes where they could be an intimidating influence or compromise privacy; wearing party clothing inside the polling station; leaving unauthorized material in polling stations (although it was non-partisan); more than one *fiscais* per party in polling stations. It is regrettable that in most of the examples cited, polling staff did not intervene to correct the behavior. A *brigada* in Dili confided to observers that he did not feel that the security provided at the polling center was sufficient to enforce some of the rules. SOMET observed serious breaches of protocol in two separate polling stations in Oecusse district, where *fiscais* engaged with voters in voting booths. In both cases, polling staff witnessed the violations but took no action.

---

<sup>9</sup> *Code of Conduct for Delegates of Candidacies and Delegates of Political Parties or Coalitions*, Terms of reference for delegates of candidacies and delegates of political parties or party coalitions, paragraph 2.

### **13. Role of observers**

In addition to accommodating a large number of *fiscais*, polling stations also had to provide for national and international observers. Most polling stations we visited provided adequate space for observers while not affecting the voting process. The *brigada* at Libagua polling station in Baucau district refused to allow observers inside the station, saying he was not told about it in training. He relented when SOMET observers showed him the article of the election law allowing observers. There was also one case of an unauthorized person using a forged observer identification card.

### **14. Observer accreditation for political parties**

In the first round of the Presidential election, STAE issued credentials for “party observers,” although there is no legal provision for it in the election laws and regulations. SOMET commented that the role of *fiscais* is incompatible with being a non-partisan observer and that this added to the confusion created by large numbers of *fiscais* in polling stations. The practice was discontinued for the second round of the Presidential election, but in the Parliamentary election, representatives of political parties were accorded national observer status. In contrast to the role of *fiscais*, the role of observer is to undertake neutral, non-partisan monitoring and analysis of the election process. Representatives of parties contesting the election are unable to comply with the *Code of Conduct for National or International Electoral Observers*, which requires them to “observe strict impartiality and neutrality in the performance of their duties, avoid any partiality or preference in relation to national authorities, parties or candidates”.<sup>10</sup> Parties’ interests are protected by *fiscais*, who were adequately provided for in polling stations and tabulation centers, and it is inappropriate and unnecessary for additional party representatives to be accorded privileges as observers.

### **15. Presence of police/security personnel**

The election law prohibits the presence of defense forces in polling centers and requires police forces to remain at least 25 meters outside polling centers unless requested by polling staff. On election day, SOMET observers in 10 districts observed breaches of this law. In Lourba polling station, Bobonaro district, an armed PNTL officer was seen blatantly walking in and out of the polling station, and in Cotaucto polling station, Lautem district, police were standing in the doorway. Officers either seemed not to be aware that they were violating the law or did not think it was serious. In other stations, PNTL officers who were too close moved away after SOMET observers asked STAE personnel to request them to move, or UNPOL officers failed to accurately judge their distance from the center. The importance of following the law is not being communicated with sufficient emphasis to police officers to ensure their compliance.

### **16. Mobile polling stations**

For the first time, provision was made for Timorese citizens in prisons and hospitals to vote. Arrangements were made for a polling station near each prison or hospital to close at 2:00 p.m. (another polling station in the same polling center remained open until 4:00), and for the polling staff to take a mobile unit to the facility. SOMET observers accompanied mobile teams to prisons in Baucau, Dili and Gleno, and to hospitals in Dili, Maliana, Oecusse and Suai. The process was generally well organized, but it was noted in Suai that the number of *fiscais* and observers joining the team may have been disruptive to hospital patients. The polling staff assigned to the prisons in Dili and Gleno closed the polling station before 2:00, believing they had to start the prison voting at 2:00. SOMET observers were consequently not present to observe the closing of the polling station. In Baucau, a SOMET observer noted that convicted prisoners may have been allowed to vote, but was unable to confirm this.

---

<sup>10</sup> *Code of Conduct for National or International Electoral Observers*, Duties of the national and international observers, paragraph (f).



## 17. Closing the polling station

The process of closing polling stations was simplified in the Parliamentary election, with the responsibility for counting being moved to District Tabulation Centers. Polling staff were required to seal the ballot boxes, reconcile the number of votes cast and remaining unused ballots with the number of ballot papers provided, enter the information in the *acta* (minute), and prepare the materials for transportation to the district centers. With a few exceptions, this was carried out quickly and efficiently, and the materials were on their way to the district centers within a reasonable length of time. In Covalima district, 100 unused ballots were properly stamped “*la uja*” (unused) but also contained a CNRT party stamp. SOMET observers were not present in the polling station (Maudemo) where the ballots were discovered, but attended shortly after and were unable to obtain a satisfactory explanation of how it happened. They were advised of similar occurrences at Gala



A PD fiscais (facing front, holding paper) takes over the work of polling staff trying to reconcile the number used of unused ballot papers.

and Nanu polling stations (100 and 109 unused ballots respectively). PNTL launched an investigation into the incident. At Malilait polling station in Bobonaro district, 474 unused ballots were not stamped “*la uja*”. At Pante Macassar polling station in Oecusse district, polling staff took five hours to reconcile the number of votes cast and remaining unused ballots to a satisfactory margin of error, amid much confusion and a *fiscais* virtually taking over the task of the polling staff.

## 18. Serious incidents

At Ossu de Cima polling station, Viqueque district, a man who was refused entrance by the queue controller on grounds of an invalid voting card, forced his way in, screaming, assaulting polling staff, upsetting material on the tables and throwing an empty ballot box. Polling staff were literally thrown out of the polling station, while *fiscais* and other observers fled, as he was joined by two other men who continued to hit tables and act in a threatening manner. They then walked out, and the SOMET observers stayed with the materials in the polling station until the *brigada* returned. The *brigada* then locked himself in the polling station with the materials while the men remained on the grounds of the school that housed the polling station, insisting on casting their votes. UNPOL and the Bangladeshi FPU arrived in full gear to secure the area, and polling staff returned. The STAE Logistics and Operation Advisor announced that voting could proceed until 6:00 p.m. due to the interruption and an earlier delay in voting while more ballots were

being delivered. The man subsequently entered the station and voted (with an acceptable voting card), proclaiming his choice as he dropped the ballot into the box. Witnesses advised that he was a brother of the man who was shot in the Viqueque incident on 3 June and had tried to use his deceased brother's voter card.

The day before the election, UNMIT staff learned that the *chefe aldeia* (sub-village chief) of Ducurai Leten in Ermera district had collected 109 voters' cards before the election. His intention was not clear and, when questioned, he claimed he planned to return them to voters on election day. UNMIT recovered the cards and managed to return 107 of them to their owners before election day.

Also in Ermera, SOMET observers witnessed a man at a polling center carrying a knife, slingshot and darts. When apprehended by police, he claimed he had the weapons for self-defense.

## Counting process

In compliance with the amendments to the Parliamentary election law passed in May, ballot boxes and other sensitive materials were transported after closing from polling stations to District Tabulation Centers, where they were processed and counted for each entire district. There were two stages in the district tabulation process:

- *Reception* – The boxes of ballots and other sensitive materials were taken to reception tables, where they were opened and the ballots were unfolded and rolled into bundles of 50. As the stated purpose of counting at the district level was to conceal voting results at the polling station level, the bundles were to be placed in new boxes, which were to be sealed and stored for counting.

- *Counting* – The boxes containing the rolls of ballots were opened and the rolls distributed to counting tables in groups of 500 where they were displayed individually to observers and *fiscais*, classified, counted and sorted by *brigadas* and presiding officers from polling centers throughout the district who were selected to work in the tabulation center. The totals were recorded and the ballots placed in boxes designated for each of the 14 parties/coalitions, with others for invalid, blank and contested ballots. The totals were entered in a computer as each table or group of tables completed a count, and cumulative results projected on a screen. At the end of counting, an *acta* showing the final results was completed and made available to sign by *fiscais* who wished to do so. The sensitive materials were then sealed and prepared for transport to the National Tabulation Center in Dili.

### 1. Transparency

Transparency refers to the ability of interested parties and independent observers to view the ballots cast and observe each step as they are counted and consolidated into larger totals which become the basis for the allocation of seats. A more transparent method of counting was used in the Presidential election. In every polling station, *fiscais* and observers were able to view each ballot as it was counted, and observe the reconciliation of counted ballots cast and those not used with the number of voters recorded by the identification officer. Totals for each polling station were certified, posted at each station and reported nationally. Citizens could review the results for their community and see how those results, along with those in other communities, contributed to the final outcome of the election.

In the Parliamentary election, the amendment to the procedures for counting the ballots reduced the level of transparency: ballots were transported to the district capital, removed from sealed boxes, mixed with others, resealed in other boxes, stored overnight, again removed from boxes and distributed to various tables in the tabulation center for counting. The process was designed to make it impossible to follow a set of ballots through the process and identify how an individual polling station voted.

The UN Certification Team found that the amendment moving the counting to District Tabulation Centers “will jeopardize compliance with a number of critical benchmarks” which it has established to assess the legitimacy of the elections. The team stated:

District level counting is inherently much more complex and difficult to manage efficiently than counting at an individual polling station. Within a counting centre, the level and diversity of activity tends to be higher and more confusing than at polling stations, and the counting of individual votes is much harder for agents of all parties to scrutinise. It is, overall, highly likely that party agents and domestic observers will be unable to observe fully all aspects of, and therefore verify fully the validity of, the counting process.<sup>11</sup>

We found this to be the case in our observations, even though efforts were made to design the process at the tabulation centers so that the reception and counting process could be done in an open manner. It seemed that a higher priority was sometimes given to getting the counting done quickly than to making it transparent.

## 2. Accommodation of *fiscais* and observers

As representatives of parties, national civil society organizations and the international community, *fiscais* and observers play a pivotal role in ensuring the transparency of the counting process and communicating their findings to the Timorese population. *Fiscais* in particular are charged with closely scrutinizing the classification of each ballot, and protesting it if they believe it is incorrect. It is therefore important that the layout of the District Tabulation Centers and the counting procedures be established in such a way as to accommodate observation. When the centers opened, the practice in 11 districts was to allow only one *fiscais* per party or coalition and one observer per organization. Since each district used from two to 10 tables as concurrent counting stations and an individual can only observe one closely, this prevented each party from watching the counting of every ballot, and *fiscais* protested in many districts. In all these districts except Aileu, policy was ultimately changed to allow one *fiscais* or observer for each organization at each table. The Aileu center continued to permit only one *fiscais* per party to try



*Fiscais and observers (upper left) are unable to get close enough to observe ballots in the Baucau District Tabulation Center.*

to observe four counting tables. The two other centers, in Baucau and Liquiça, admitted two per organization to observe seven and six tables respectively throughout the counting process. The set-up in Baucau was particularly unsuitable, even though the CNE did its best to work within the space limitations imposed by the venue. Only the first table was clearly visible, and the others lined up behind it with only a space at the side for *fiscais* and observers to watch. The screen showing results was at the other end of the room, too far away to be read by *fiscais* and observers. We commend the CNE for its flexibility in adjusting their policies during the counting process, although the initial one per party policy had been identified as problematic long before election day. It should not have taken vociferous election-night protests by *fiscais* to partially change the policy, and in three districts it was never adequately addressed.

<sup>11</sup> *Certification of the 2007 Parliamentary and Presidential Elections in Timor-Leste, Seventh Report of the Certification Team, 19 May 2007, p. 7.*

### 3. Tracking of seal numbers

Another aspect of transparency is the ability of *fiscais* and observers to track seal numbers on ballot boxes after they are closed to ensure that they are the same when the box is re-opened. There were two transfers of ballots during this tabulation process, and observers were generally able to track the seal numbers. In the Dili District Tabulation Center, the largest and busiest in the country, the area reserved for observers was too far away from the boxes to read the seal numbers, and polling staff did not read them out on the first day of the count, as they did in other tabulation centers. In response to requests, they began reading them out on the second day.

### 4. Counting procedures

In the District Tabulation Centers, ballots were displayed to *fiscais* and observers, the vote for the indicated party announced, and the ballots placed in piles for each party. Each round of counting was supposed to cover 10 rolls of 50 ballots each but sometimes the tallies at the end of counting were slightly above or below 500. From SOMET's observation of the process, if district-level counting is continued, it would be far more efficient for the unfolding and sorting into rolls of 50 were done at each polling center.

### 5. Tracking of ballots

The intended purpose of counting at district centers was to prevent ballots from being tracked back to the polling station where they originated. However, SOMET observers in Aileu were able to see into which box rolls of ballots from each polling station were put, then were able to identify them again when the boxes were opened for counting. Therefore, a vigilant *fiscais* or observer could tell how people in a particular area voted. If ballots have not been destroyed, a future painstaking effort to identify the polling center workers' signatures on the back of each one could also identify in which station they were cast.

### 6. Statistical anomaly

In Aileu, observers noted a statistical anomaly in the number of votes being cast for the PD. In general, the party was receiving about seven percent of the vote in the district – between 30 and 50 out of each 500. Their final vote when all Aileu votes were tallied was 6.15 percent. But when ballots from one box were being counted, PD received 127 votes (25 percent), more than any other party and four times the 32 votes they got from the other 500 ballots from the same box that were counted at the next table. As Aileu did not mix the ballots between reception and counting, this box contained ballots from at most two polling stations. We cannot explain this deviation, which is a statistical near-impossibility.

### 7. Challenges by *fiscais*

A set of counting center instructions was issued by the President of the CNE on 27 June. Instruction six states: "Party Agents and Observers *are not allowed* to discuss with counting officers" (emphasis in original). This conflicts with the STAE regulation on polling and tabulation, which states: "Agents of parties or coalitions shall be allowed to present protests against counting procedures directly to the teams, which shall decide over it with the participation of the presiding officer of the District Tabulation Center".<sup>12</sup> It also conflicts with the Code of Conduct for *fiscais*, which guarantees them the right to "present doubts and obtain clarifications during the functioning of the polling station and also during the counting operation".<sup>13</sup> Application of the CNE policy in the Oecusse District

---

<sup>12</sup> *Regulation on Procedures for Polling and Tabulation of Results for the Election of Members to the National Parliament* (STAE/VI/07), Article 45, section 1(e).

<sup>13</sup> *Code of Conduct for Delegates of Candidacies and Delegates of Political Parties or Party Coalitions*, Terms of reference for delegates of candidacies and delegates of political parties or party coalitions, paragraph 4(c).



Tabulation Center led to problems when *fiscais* challenged the validity of votes called by the polling staff or in the counting process. The UN Volunteer monitoring advisor at this center became agitated when *fiscais* challenged polling staff, and shouted several times at groups of *fiscais* that he would not tolerate any verbal interventions, had a plane waiting to transport the ballots to Dili and they were slowing down the process. After threatening *fiscais* that he would have them removed, he eventually ordered all *fiscais* and observers out of the tabulation center, readmitting only one from each organization. Observers in Ermera also noted that the CNE focal point (counting supervisor) discouraged *fiscais* from contesting polling staff decisions, and in Aileu, staff refused requests by national observers to examine ballots, but not those of international observers. The ability to challenge the classification of ballots is fundamental to the integrity of the electoral process, even though it may slow the counting process and require cooperation from those conducting the count.

Observers also saw *fiscais* behaving inappropriately at some tabulation centers. In Dili, some *fiscais* behaved disrespectfully to polling staff, sometimes insulting them. In Ermera, a *fiscais* tore a ballot paper that had been declared invalid (“*nulu*”) during an argument with polling staff and other *fiscais*. He was ordered out of the tabulation center but the matter was not pursued with police. The staff put the ballot back in the invalid pile but did not enter any record of the incident with the ballot (it should have been reclassified “*reclamado*” as there was an unresolved dispute to be referred to the national level), and the commissioners reviewing invalid ballots in Dili cannot know that it was torn by a *fiscais* after voting, rather than by the voter. In Baucau, one *fiscais* noted that a ballot for his party had been placed in another party’s pile. He would not let the CNE and polling staff correct the error, but insisted on filing a written complaint.



(Left) STAE worker holds up a ballot incorrectly classified as invalid (“*nulu*”). (Right) Contested ballot: voter marked preference with an asterisk instead of a check mark.





## **8. Determination of valid votes**

As in the previous elections, there were inconsistent judgments in determining whether a ballot was valid or not. As with the Presidential election, the regulation defines a valid vote as one “clearly showing the intention of the voter expressed by the mark made by him/her within the rectangle defining a candidacy,” but also defines invalid votes as those having any word or mark that could identify the voter or has any cut, drawing, erasure or word on it.<sup>14</sup> The regulation attempts to accommodate various marks voters use to indicate their choice, while protecting the integrity of the voting process. Cutting out a party symbol (which was observed in Ainaro) clearly demonstrates voter choice but could also be an indication of vote-buying, as voters could be required to submit the symbol as proof of their vote for payment. In the tabulation centers, there were varying decisions as to what types of marks should be considered valid. Ballots with large holes punched out were sometimes ruled invalid, although the regulation does not specifically address them, unless they are considered to be a “cut”. Photos taken by one observer show ballots inappropriately classified as invalid (“*nulo*”) in Aileu, where the voter made an asterisk instead of an X.

## **9. Maintaining order**

District Tabulation Centers were crowded and busy places, many with up to 14 *fiscais* and several observers clustered around each counting table. Space available in district centers for such an operation was limited and the atmosphere was sometimes described as chaotic, but for the most part the proceedings were orderly if not quiet. There were some complaints about *fiscais* unruliness and disrespect for polling staff, but most observers felt the counting process was generally well managed.

## **10. Logistics**

The projection of regular updates of the count on screens at the tabulation centers was mostly well managed and everyone was kept informed as to the progress of counting. In Manufahi, the computer system was not operational for five hours due to an erroneous entry and a delay in getting a password from Dili to restart it. CNE in Dili issued press releases and updated its website several times daily with partial results from each district, a welcome improvement over the misinformation that circulated while the first round Presidential ballots were being counted.

## **11. Presence of police/security personnel**

At the Viqueque District Tabulation Center, at least two armed PNTL officers were inside at all times. At one point, on the second day of counting, four officers were present. The CNE supervisor asked the officers to leave, but they refused, saying they had orders to stay. The UNPOL commander denied giving such orders. SOMET observers questioned the PNTL acting commander of operations, whose only comment was that PNTL was in charge of security for the whole voting process. STAE regulations are unclear on the presence of police and military in or near District Tabulation Centers. In contrast with the sections on polling centers, the section on tabulation does not specifically mention the presence of police or military.

---

<sup>14</sup> *Regulation on Procedures for Polling and Tabulation of Results for the Election of Members to the National Parliament* (STAE/VI/07), Articles 47 and 49.

## Security and transport of sensitive materials

SOMET observers witnessed the arrival of 650,000 ballot papers from Indonesia at the Dili airport on 23 June, and followed them as they were transported to STAE headquarters, where they were turned over for distribution to the districts. On 29 June, SOMET observers accompanied vehicles delivering sensitive materials (ballots, stamps, seals, ink, card punchers, documents) and non-sensitive materials (voting booths, stationery, supplies) from the District Tabulation Centers to the polling stations in preparation for voting the next day. The materials were accompanied by UNPOL, PNTL, *brigadas*, presiding officers of the polling centers and election staff. Polling staff were present to receive the materials and stay with them overnight, with police guards provided by PNTL. On election day, SOMET observers usually watched the opening of the same polling stations where they had observed delivery, checking seal numbers to monitor the integrity of the process. This process was repeated at the closing of the polling station and the transport of materials to the District Tabulation Center, and through the various phases there, as described above. SOMET observers found no discrepancies in seal numbers. Finally, after district counting was completed, several SOMET observer teams accompanied the material as it was transported to Dili or transferred to aircraft.

Throughout all these processes, we found a good level of security, transparency and efficiency with a few exceptions:

- In the District Tabulation Center in Ainaro, boxes of sensitive materials destined for distribution to the polling stations before election day were stored in an unguarded, easily accessible room.
- At one polling station in Ermera district, polling staff were not on site to take delivery of the sensitive materials and had to be tracked down.
- Staff at a polling station in Viqueque district left the site after receiving the sensitive materials, leaving them guarded only by police officers. In another Viqueque polling station, observers found no polling staff accompanying the boxes and boxes were kept in a cell at the PNTL station, instead of the polling center.
- In three polling stations in Manatuto district, polling staff remained with the sensitive materials after delivery but observers found no police officers present to guard them.
- During delivery of sensitive materials to a polling station in Bobonaro, one ballot box was mistakenly given to a *fiscals*, but was recovered without a problem.
- Before the opening of Waiaca polling station in Baucau district, observers saw a ballot box ready for voting that had no seals. When they brought it to the attention of the *brigada*, he said he thought that sealing was only required when the ballot box was closed but then agreed that it should be sealed during voting.
- There seemed to be inconsistent procedures about what to do with a ballot box that was full when a second box was started. In Aileu, observers saw some boxes left with slots unsealed until closing, while others had been sealed immediately, perhaps without *fiscals* or observers being able to record the seal numbers. In at least one station, the slot was never sealed. There were also inconsistencies about when to consider one box full and switch to another, resulting in torn ballots and slowed processes when a box was filled beyond capacity.

- At the close of voting in Pante Macassar polling station, Oecusse district, a filled ballot box with an open slot and a stamp were left unattended on a table beside an open door while polling staff were concentrating on reconciling their records in another part of the station.
- The pilot of a helicopter transporting the sensitive materials from seven polling stations to the Covalima District Tabulation Center refused to take the polling staff along because they were not listed on the manifest. A car was sent to pick up the staff, but when they arrived at the tabulation center, they refused to accept responsibility for sensitive materials which had been out of their sight for 24 hours. The matter was settled by the CNE commissioner, with polling staff signing affidavits. The seal numbers on the boxes were checked and found to match those recorded at the closing of the polling stations.
- It was noted in Manufahi that adequate contingency plans for bad weather had not been made. A thick fog prevented helicopters, which had no lights, from landing to pick up the sensitive materials. They had to be transported on foot for four to five hours to places where the helicopters could land.

## Recommendations

### On the regulatory framework for elections

1. Changes to election laws and regulations should be frozen when the date of the election is announced, so that CNE, STAE and political parties are able to plan and regulate their activities accordingly.
2. Provision should be made for Timorese citizens living abroad, or those disabled, homebound or otherwise unable to get to a polling station, to vote by absentee ballot.
3. The Codes of Conduct both for political parties and for observers should be enforceable by law or regulation.
4. We recommend that party lists achieving an overall gender balance of 25 percent women, calculated cumulatively after every fourth candidate, should be accepted, regardless of whether every individual group of four candidates meets the 25 percent requirement. This would ensure that there is at least one woman within the first four candidates on the list, at least two within the first eight, and so on. We encourage parties to place more women candidates higher on their lists, where they will be more likely to get elected. We also encourage them to exceed the minimum 25 cent requirement. SOMET feels that the current regulation, which requires at least one woman in every group of four candidates, is a good baseline which resulted in 18 women (27.7 percent) being elected to Parliament. Some parties met only the minimum requirement, and they will be represented by 25 percent or fewer women parliamentarians. However, CNRT, ASDT-PSD and PUN placed more women higher on their slates, and their parliamentary delegations will be 33 percent, 36 percent and 33 percent women, respectively. This is still well below the 49 percent female population in Timor-Leste.
5. There should be a convenient, effective and well-publicized way for voters to review the voters' lists and challenge names they feel should not be included.
6. Future elections should be administered by an independent agency which is not under the jurisdiction of any government ministry.

### On the campaign

1. While we realize that campaign style cannot be regulated, we encourage campaigning focused on the platforms or positions of the various parties contesting the election, rather than on either the personalities of party leaders or simply discrediting other parties. Voters would be helped by more discussion of issues and of positive and concrete policy proposals.
2. We applaud the Political Party Accord and the agreement of all parties to abide by it during the campaign. We regret that it was not always fully implemented, and recommend there be some sanction for violation.

### On the polling center staff and the voting process

1. Voting cards should be distributed only to persons who have reached seventeen years of age, with documentary proof.
2. Checking that fingers have not been inked prior to voting should be reinforced as part of the identification process in polling stations.
3. The holes punched in voters' cards should be a different shape for each election.

4. Polling staff who provide assistance to voters in the booth should ensure that their vote remains secret. Voters who bring someone to assist them should be allowed to rely on that person alone.
5. Polling staff should inspect voting booths regularly during the voting process for materials or marks that should not be there.
6. *Brigadas* and presiding officers should ensure that all polling staff, *fiscais* and observers have their identification visible at all times.
7. STAE should continue its efforts to include more women as election staff at all levels to achieve a greater gender balance.
8. There should be clearer instructions, including a numeric target, about when to switch from a full ballot box to a new one during voting, and about sealing and protecting the full box.

### **On the counting process**

1. Accommodation in District Tabulation Centers should be such that one *fiscais* per party and one observer per organization at each table can observe counting and that they can clearly see the ballots.
2. District Tabulation Centers should read seal and box numbers aloud to *fiscais* and observers when boxes are sealed and opened, and show empty boxes when ballots have been removed.
3. Staff in District Tabulation Centers should have sufficient authority to maintain order during counting, and should exercise this authority with discretion and respect for the roles of *fiscais* and observers.
4. There should be a clearer definition of what constitutes a valid vote, taking into account voters' past voting experience (e.g. punching ballots). Ballots where the voter's intention is clear and the voter cannot be identified should be considered valid.
5. There should be more education for polling staff and *fiscais* as to what constitutes a valid vote. There should continue to be a review of disputed ballots at the national level, as 23 percent (51 percent in one district) of the ballots ruled invalid at the district level were later counted.

### **On the role of *fiscais* (party agents) and observers**

1. *Fiscais* identification should include a photograph.
2. Polling staff should enforce more strictly the rules regarding *fiscais* behavior.
3. Representatives of political parties should not be given observer accreditation.
4. Ensure that training is a requirement for accreditation of *fiscais* and observers.
5. District Tabulation Center staff should respect the right of *fiscais* to question the classification of each ballot, even if it slows down the counting process.

### **On the security and transport of sensitive materials**

1. More attention should be paid to ensuring that sensitive materials are secure at all times – before election day; during polling station opening, voting and closing; and while they are being transported. There should be greater clarity as to who is responsible at each stage and what is expected of them.



2. There should be adequate contingency planning for the transport of sensitive materials, particularly to anticipate adverse weather and road conditions.

### **On the proximity of police and security forces**

1. The senior command of UNPOL and PNTL should take responsibility for ensuring that their officers comply with the law requiring them to maintain a distance of at least 25 meters from polling centers.

2. ISF and other military forces also should be governed by the 25 meter rule, which should be transparent and well-known to their troops and the public.

3. There should be regulations to prevent police officers from entering District Tabulation Centers, except when requested by the CNE Commissioner to deal with a serious situation involving security or public order.

### **On voter and civic education:**

1. There should be more voter education on how to cast a valid vote.

2. Civic education should include information on how Parliament works and what happens after an election, especially when no party wins an absolute majority of the votes.

3. Electoral education should be part of the school curriculum.

## Acronyms

CNE	National Electoral Commission (Comissão Nacional de Eleções)
F-FDTL	FALINTIL/Defense Forces of Timor-Leste (FALINTIL/Forças de Defesa de Timor-Leste)
FPU	Formed Police Unit
GNR	Republican National Guard (Guarda Nacional Republicana), Portugal
ISF	International Stabilization Force
PNTL	Timor-Leste National Police (Policia Nacional de Timor-Leste)
SOMET	Solidarity Observer Mission for East Timor
STAE	Technical Secretariat for Election Administration (Secretariado Técnico de Administração Eleitoral)
UNMIT	United Nations Integrated Mission for Timor-Leste
UNPOL	United Nations Police
UNV	United Nations Volunteer

### *Political parties and coalitions contesting Timor-Leste's 2007 Parliamentary election, in order of appearance on the ballot*

UNDERTIM	Partido Unidade Nacional Democrática da Resistência Timorese
CNRT	Congresso Nacional de Reconstrução de Timor-Leste
PR	Partidu Republikanu
PDRT	Partido Democrática República de Timor
PDC	Partido Democrata Cristão
UDT	União Democrática Timorese
PD	Partido Democratico
PMD	Partidu Millénium Demokratiku
PST	Partido Socialista de Timor
Coligação	
ASDT/PSD	Associação Social Democrática Timorese / Partido Sosial Democratico
AD -	
KOTA/PPT	Aliansa Demokratika – Klibur Oan Timor Aswain / Partido Povo Timor
FRETILIN	Frente Revolucionária do Timor-Leste Independente
PNT	Partido Nasionalista Timorese
PUN	Partido Unidade Nacional

## Observers and volunteers for the Parliamentary election process and project followup

Akinlua Akinbowale, SOMET, Nigeria  
Nico Alvez, NGO Forum Secretariat  
Fransisco Pinto Amaral, Bibi Bulak  
José Amaral, NGO Forum Secretariat  
João Brito, Bibi Bulak  
Barbara Brouwer, SOMET, Netherlands  
Pedruco Capelao, Concern  
Antonino Correia, Concern  
Bob Crane, SOMET, Canada  
Irene Cristalis, SOMET, Netherlands  
Humberto Manuel da C. Silva, Concern  
Clare Danby, Concern  
Tito de Aquino, Concern  
Nivea E.C. dos Reis, Bibi Bulak  
Kevin Fogg, SOMET, USA  
Joaquim da Costa Freitas, Civil Society  
Capacity Building  
Felisiano C. Guterres, Bibi Bulak  
Elice Higginbotham, SOMET, USA  
Sol Iglesias, SOMET, Philippines  
Jaana Karhilo, SOMET, Finland  
Mateus de Oliveira Lopes, Bibi Bulak  
Maria Madalena, Bibi Bulak  
Laurinda da Costa Maia, Concern  
Catharina Maria, SOMET, Indonesia  
Kevin McGahan, SOMET, USA  
Marie-Ann Merza, Concern  
Conor Murphy, SOMET, USA  
Deirdre Nagle, SOMET, Ireland  
Guteriano Neves, La'o Hamutuk

Annie Nolan, SOMET, USA  
Maj Nygaard Christensen, SOMET,  
Denmark  
Roy Pateman, SOMET, UK/USA  
Daniel Pereira, Kadalak Sulimutuk  
Institute  
Bonifacio Sereno Ramalho, Concern  
Mark Rhomberg, SOMET, USA  
Sabino Da Costa Salsinha, Concern  
Cesario Soares Sarmento, Concern  
Charles Scheiner, La'o Hamutuk  
Jakob Schmidt, SOMET, USA  
Sue Severin, SOMET, USA  
Jeff Smith, SOMET, Canada  
Jaime Soares, Concern  
Pedro Soares, Bibi Bulak  
Santina Soares, La'o Hamutuk  
Jill Sternberg, SOMET, USA  
Maximus Tahu, La'o Hamutuk  
Bronwen Thomas, SOMET, Australia  
Mateus Tilman, Kadalak  
Sulimutuk Institute  
Artien Utrecht, SOMET, Netherlands  
Endie van Binsbergen, SOMET,  
Netherlands  
Willy van Rooijen, SOMET, Netherlands  
Justino Vilanova, Concern  
David Webster, SOMET, Canada  
Silvano Rodrigues Xavier, Bibi Bulak

## Acknowledgements

We would like to express our thanks to the United Nations Development Programme International Observer Coordination Office for the support and resources provided to SOMET and other observer groups during the 2007 Timor-Leste election cycle. We also are grateful for the cooperation we received from STAE, CNE, other election observers, and particularly the SOMET participating organizations in Timor-Leste.