

La'ó Hamutuk

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His Excellency M. Faustino Cardoso
President, Nation Elections Commission
Dili, Timor-Leste

La'ó Hamutuk's observations during the second round of the presidential elections

in Dili, polling centers EPS. 30 de Agostu, EP. Fatuhada, E.P. 10 Dezembru, Sede Suku Kampung Alor, Sede Suku Bidau Lecidere, E.S. 12 Novembru and EP. 02 Bidau, Ep Farol in Baucau District - Sede Suku Letemumu and Lautem District -EP. No 1 Tutuala.

La'ó Hamutuk is a Timorese national organization dedicated to monitoring and analysing the development process in Timor-Leste. As a FONGTIL member, we were accredited by STAE several months ago, authorizing us to observe the 2012 presidential elections.

La'ó Hamutuk congratulates all the people who participated in the second round of the elections, voting freely, peacefully and conscientiously. We also congratulate STAE, CNE and all the entities that provided technical, intellectual and moral contributions to the entire election process, so that the whole territory was violence-free.

La'ó Hamutuk's observations during the second round of the elections:

About PNTL's presence at the polling centers

From our observation at the polling centers, we noticed some improvement from the first round, but not enough considering the law's requirements. At the polling centers Sede Suku Kampung Alor and Sede Suku Letemumu, the police respected the 25 meters legal distance, and when they voted, they took off their gun or other arms. However, at the polling center EPS. 30 de Agostu-Comoro, the policemen kept going in and out of the polling station, and did not wear any emblem or identification showing their identity as PNTL security staff and their unit. The polling center E.P 10 Dezembru-Comoro was visited by STAE Director, who shook hands with police inside the polling station. We noticed that this act did not respect the distance imposed to police at the polling centers, and that STAE authorities did not respect either the rules concerning their security role inside the polling centers.

At the polling center EP.02 Bidau, the police sat very close to the polling station, smoke with STAE officials, and talked with voters who were going to vote. Even though it did not have a significant impact on the elections, they did not respect the distance required by law. At 2.00 pm, the polling center E.P. 10 Dezembru-Comoro received the visit of PNTL Superintendent M. Longuinhos Monteiro, Vice-Superintendent M. Afonso de Jesus and Dili District's Commander M. Pedro Belo. When we asked the Fatuhada Chefe Suku about the presence of the Superintendent and his other officials, he said that he had called them and asked them to come and patrol. We believe that the Chefe Suku violated the law, because he does not have the authority to contact anyone in relation to the polling process. Indeed, the STAE head of the polling station (*brigada*) is the only person with this responsibility according to the law.

About the voting process at the polling centers

At the polling centers where we observed, we noticed some positive changes made by STAE officials compared with the first round of the elections. For example, the limited number of candidate representatives *fiskais* resulted in more space for STAE officials and for voters when voting. But at Sede Suku Bidau-Lecidere and EP. No.1 Tutuala (Lautem), there was no place for observers to sit and observe. At the polling center E.S. 12 Novembru the *brigada* limited our observation to 5 minutes only in each polling room. At Sede Suku Bidau-Lecidere, the *brigada* asked us to leave the veranda, but we could continue observing over the wall.

At the polling center EP. No 1 Farol, we observed that all the ballot boxes were outside without sufficient security to ensure their protection. We think that we should pay real attention to these ballot boxes, guarantee that nobody can destroy them, and put them in a safe place, even if so far the elections went well.

At the polling center EP. Fatuhada, STAE officials undertook the ballot counting outdoors, in an open place. We observed that this process went well and was transparent, but the *brigada* should be careful because a strong wind can carry away the ballot papers spread out on the table. If a problem arises because a strong wind carries away the ballot papers, who will ensure the security of these ballots?

At the polling center EP. Fatuhada, some STAE officials did not wear the official STAE shirt that indicates that they work independently to facilitate the whole election process. This can confuse the public.

We observed that some electors brought an electoral card with a hole in it, an expired passport (invalid), while other electors used a billete-identidade (BI), or a recommendation letter. This provoked a quarrel at the polling centers, as they demanded to vote but could not, because the *brigada* confirmed that their names were not on the list.

At the polling center EP. No 1 Tutuala, an elector tried to vote with an electoral card whose name appeared on STAE's list, but whose picture was not the elector's one. This resulted in a quarrel and the *brigada* decided that that elector could not vote. At the polling centers sede Suku Kampung Alor and EPS. 30 de Agostu, some voters brought their BI, but as their name did not appear on the list prepared by STAE, the *brigada* did not allow them to vote. We think STAE took the right decision in each case, not to allow people to vote if their electoral card does not fulfill the conditions in the procedures.

We also observed that when STAE officials started to close the ballot boxes (*kaixa*), and to read the seal number (*segel*), they just read the number written on their list, and not the one engraved on the seals themselves. In some polling centers, officials read the ballot boxes' seals number, but did not confirm with the number written on the list. We think that this practice can reduce confidence in the system, possibly allowing manipulation of the ballot boxes.

We also observed that electors voted freely, bringing their mobile telephones and cameras into the voting booth. As this can encourage manipulation and give opportunity for people to sell their votes, we think STAE should create a regulation and inform all voters that when they go into the voting booth, they should only bring their ballot paper, and must leave their things like bags, mobiles and wallets outside.

At some polling centers, the polling booths were located with their backs to a window or an open space, and people could look from outside and see how people were voting, which can cause problems. That is why we think STAE officials should be careful when they put up the polling booths, and find a safe place to guarantee every elector's rights and privacy.

Recommendations

1. We recommend that everyone, including STAE and PNTL officials who are in charge of security, should comply with Electoral Law n.º 6/ 2011 of June 22, article 36 line 2, about the required distance police must keep from the polling center and station.
2. STAE and CNE need to inform clearly police, in charge of security, that they should respect the Electoral Law. They should not stay near the polling center talking to voters going to the polls.
3. We recommend that all police officers wear a shirt indicating complete identity, including emblem or rank, to show that PNTL ensures security during the whole electoral process.
4. STAE and CNE should educate local authorities about the election process, so that they (xefe suku and xefe aldeia) know their roles during the election, to prevent conflict of interest.
5. When the ballot boxes are about to be opened, and the seas numbers to be read, we recommend STAE officials to read the seals, while *fiskais* and observers check if the seals numbers on the list and on the boxes are the same or not, to prevent any manipulation.
6. We recommend STAE to make posters or banners explaining which documents electors can use to vote according to the Electoral Law, and hang them in the polling centers.
7. We recommend all STAE officials wear the official shirt chosen by STAE during the whole election process to fully secure the election process and avoid public confusion.
8. STAE needs to better instruct the STAE staff in the polling centers that they must not abandon the ballot boxes. We also suggest preparing a safe place to reduce the security risks encountered by ballot boxes that are just left out.
9. We recommend that the National Parliament amend the Electoral Law, especially article 40 requiring voters to vote at the village where they are registered. This will facilitate voters' participation in the parliamentary elections anywhere on Timor-Leste's territory.
10. We also ask the non-elected candidate to promptly recognize the victory of the other candidate, informing his supporters quickly about his loss, and congratulating the winning candidate. This will avoid confusion among people and prevent conflict.

We appreciate the maturity of Timor-Leste's people, who participated in the 2012 presidential elections conscientiously and without intimidation, and came and voted freely for the future of Timor-Leste. Congratulations again to STAE and all its officials, CNE, PNTL, and all the authorities that together made the process work well.

To conclude our observation letter, we must not forget to thank STAE and all entities for its attention and collaboration.

La' o Hamutuk coordination team

Mariano Ferreira and Alexandra Arnassalon



The ballot box left outside does not get much attention from STAE officials. Polling center EP. Fatuhada.



Some STAE officials do not wear the STAE official shirt during the polling process. Polling center EP. Fatuhada.



The ballot box is placed outside, while inside the room, STAE officials proceed to the voters' list verifications, and voters make their choice. Polling center EP. Farol.



Ballot papers could be carried away by a strong wind, as they were taken out of the boxes before the counting. Polling center EP Fatuhada