



## Asian Network for Free Elections (ANFREL Foundation)

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### **Preliminary Report**

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#### **The Political Campaign**

The campaign atmosphere was lively throughout Aceh. During the scheduled campaign period candidates and their campaign teams posted signs and banners, held rallies and canvassed districts. Campaign rallies were generally peaceful and held in designated areas specified by KIP. The strong police presence kept crowds under control and violence to a minimum. However, competition between candidates was fierce and candidate's supporters were often involved in scuffles with opposing supporters. Several confrontations had to be broken up by the military or police and resulted in multiple hospitalizations.

Many candidates reported that they were unable to campaign freely. There were multiple accusations of threats against candidates, campaign teams, and supporters attempting to conduct campaigns. ANFREL observers received reports of threats received by SMS or telephone telling candidates to drop out of the race or face violent consequences. Candidates also claimed that their supporters were afraid to attend their rallies because they were being intimidated. Several candidates stopped holding open campaign rallies stating that their supporters were either afraid or being prevented from attending.

There was widespread disregard for the regulation governing posted campaign materials: Campaign posters, flags and signs could be seen on public property, in intersections and in public spaces. In densely populated areas, Panwaslu and KIP were able to remove much of the illegally placed material; however, in rural areas, signs and banners were often left up. There were multiple reports of destruction of campaign posters and signs. Many candidates claimed that a majority of their campaign materials had been removed or damaged.

A majority of the complaints on campaign related intimidation and violence came from independent candidates though all major candidates have complaints filed against them. While many reports of violence and intimidation are still being investigated by the police and Panwaslu, it should be noted that a majority of the complaints were directed at one party in particular.

## **Intimidation**

As mentioned above, there were widespread allegations of intimidation against voters, political candidates, campaign teams and election officials. While it is difficult to determine exactly what types of intimidation were used to influence voters, several observations should be noted. First, there is a general sense among voters, particularly in rural areas, that if Partai Aceh did not win a majority of the vote there may be a return of violence and instability to the area. Second, there were reports of voters being warned that if they voted against Partai Aceh's candidates they would face negative consequences, for example being forced from the village. Finally, there were reports that voters openly supporting independent candidates were told that if they did not remove campaign material from their residence they would be forced from the village. A majority of voter intimidation took place at the village level and appears to have been through implicit threats such as promising that there would be 'consequences' if the villagers chose the wrong party.

Unfortunately, violence and intimidation against candidates and campaign team members was also common. ANFREL observers received multiple reports of threats and violence directed at candidates and campaign teams. The most common form of threat was via SMS. ANFREL, as well as the media and Panwaslu, received reports of campaign team members and supporters being attacked and sent to the hospital while putting up posters or canvassing. Clashes between supporters resulted in numerous injuries and required intervention by the police or military. Campaign vehicles were a common target: There were multiple instances of campaign cars being burned or smashed with rocks. ANFREL also received reports of threats directed towards election officials. Some election officials received SMS threats stating that they should be careful on Election Day.

Cases of intimidation are being investigated by the Police, Panwaslu and election monitoring bodies and will be reported in detail in ANFREL's final report on the election.

## **Panwaslu**

A large number of election related violations were reported to the Panwaslu during the campaign period; however, a relatively small number of cases were eventually directed to the police or KIP. According to Panwaslu officials, many of the reported cases lacked sufficient evidence to warrant further investigation. Many victims of intimidation interviewed by ANFREL felt that the Panwaslu were powerless to take action to resolve their grievances. Some candidates felt that election officials had been intimidated by major parties and were therefore hesitant to take action against the strongest political party.

In general, the mechanisms that Panwaslu have at their disposal to deal with election related

violations are limited. In cases of election related crime they are required to hand over the investigation to the police. In the case of administrative or ethical violations they are required to report the incident to the KIP. In many instances the firmest action available to them is to send a written warning to the wrongdoer or coordinate with the KIP to take a certain action.

## **Panwaslu & KIP**

While the roles of KIP and Panwaslu are defined in the electoral law, there remained considerable confusion about their respective roles among not only voters but the EMBs themselves. In some instances there appeared to be a lack of communication between Panwaslu and KIP concerning election related violations. Because each body relies on the other, their functioning is often affected by the others' performance. Too often, whether due to unclear jurisdiction or inadequate manpower/resources, the system failed to address complaints or undertake appropriately thorough investigations. ANFREL notes that KIP/Panwaslu inaction made many voters and candidates/parties unlikely to report an incident because they did not believe that any action would be taken against the offending parties.

Going forward, more training for KIP/Panwaslu members and more voter education for the electorate is needed so that their roles are more clearly defined and understood by all. Doing so can help prevent some of the confusion and inaction in complaint resolution that was common during this election cycle.

## **Budget**

The KIP and Panwaslu are funded by a mix of provincial and regency level funding. Budget allocation and delivery for KIP and Panwaslu was an issue raised with ANFREL on multiple occasions.

The primary problem brought to ANFREL's attention was the delayed allocation and distribution of funds for the local levels of these election authorities. Because the local KIP and Panwaslu budgets rely on regency *and* provincial level authorities, each KIP and Panwaslu is subject to the vagaries and mood of the regency head where they operate. In some locations where Panwaslu was not fully staffed, ANFREL was informed that this was due to unnecessary delays by the regency head in releasing necessary funds. This delay left Panwaslu inadequate time to hire enough staff for the election period.

The provision of basic, required funds should be laid out clearly in the law and not subject to the whim of local politicians. Doing otherwise creates a situation where the election management bodies are directly reliant on those they should be managing the elections of, a situation which can quickly politicize the situation in addition to creating opportunities for abuse of the budget

allocation power. Only if the election management bodies are not dependent on local politicians can the danger and appearance of politicization and compromised neutrality be avoided.

### **Electoral Administration**

ANFREL observers initially identified four key areas of concern during the polling process. First, there was a large amount of inconsistency and sometimes confusion among polling station officials concerning the opening of the polls. Common problems included: polling materials arriving late, polling station members arriving late, and, in one case, some ballots arriving already punched. In two cases broken ballot boxes were used. Generally, polling stations opened later than the time appointed by the KIP.

Second, observers noticed some problems with the election environment. ANFREL has received reports and observed cases of polling station members following voters to the polling booth without proper justification. In several cases, groups of individuals were standing behind the polling booths speaking with voters while they cast their ballots. Additionally, the polling stations in many places were porous and unauthorized people moved freely in and out of the area without being questioned by the Linmas.

Third, during the polling process multiple polling stations were observed not checking voter invitations against the voter list or checking for ID cards. In several instances, voters handed the polling station official their invitation and were given a ballot in return without ever consulting the voter list. Additionally, in several instances voters left the polling station without inking their fingers, this was mostly due to inadequate enforcement by the polling station members and security.

Finally, there were several inconsistencies observed during the closing and counting process including significant mishandling of the unused ballots. Many of the polling stations observed did not count or mark the unused ballots before beginning the counting process. Only after the counting was completed did some polling stations reconcile the numbers. In one case polling station member did not know that they needed to mark the unused ballots before sealing them in the ballot box and transporting them to the PPK. This resulted in a situation where polling station members were reopening the ballot boxes after delivering them and marking the unused ballots.

Many of the problems that occurred during the polling process appear to be the direct result of inadequate education of the polling station members. Further investigation is required to determine the exact causes of the inconsistencies and their impact on the polling process.

## **Voter Education**

Inadequate voter education remains a major issue for free elections in Aceh. While there are a number of efforts underway to increase voters' understanding of the election, there remains significant room for improvement. Many voters interviewed were unsure of the election procedure even as they were standing in line to cast their votes. This was especially true for first time voters and the elderly.