



EUROPEAN PARLIAMENT

**DELEGATION TO OBSERVE THE
PROVINCIAL ELECTIONS OF 11 DECEMBER 2006
IN ACEH**

(7-14 December 2006)

**Report by
Mr Jürgen SCHRÖDER,
Chairman of the delegation**

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(12 December 2006)**

Following a recommendation of the Election Coordination Group, the Conference of Presidents decided on 26 October 2006 to authorise a delegation to observe the provincial elections in Aceh, on 11 December 2006.

The political groups appointed the following members to the delegation:

- Mr Jürgen SCHRÖDER, EPP-ED, Germany
- Mr Saïd EL KHADRAOUI, PSE, Belgium
- Mr Sarunas BIRUTIS, ALDE, Lithuania
- Mrs Luisa MORGANTINI, GUE, Italy
- Mr Guntars KRASTS, UEN, Latvia

During its first meeting on 29 November 2006, the delegation appointed Mr Jürgen Schröder as Head of Delegation. At the same meeting, the delegation had an exchange of views with Mr Glyn Ford, Chief Observer, and with Mr Andreas List, Desk Officer for Indonesia at the European Commission.

At a second meeting on 5 December 2006, the delegation discussed the programme of the visit.

The delegation to Aceh followed two previous delegations, an ad hoc delegation following the Tsunami in June 2005 (Jakarta, Aceh and Nias) and the standing delegation for relations with ASEAN in November 2006 (Jakarta and Yogyakarta).

The delegation held meetings in Jakarta and Banda Aceh with the authorities, the head of the EC delegation and representatives of the Member States, representatives of the civil society, of think-thanks out of which it could get a broad picture of the political situation in Aceh (see programme in Annex I).

Political context of the elections

The provincial election in Aceh can be considered an essential milestone of the peace and democratic process in Aceh. Shortly after the tsunami in December 2003, negotiations started in Helsinki between Indonesian government's representatives and Free Aceh Movement (GAM) representatives. They ended in an agreement in July 2003 which was followed by the signing of a Memorandum of Understanding (MOS) in August 2006. Following this, a law governing Aceh (LoGA) was adopted on 11 July 2006. In a way, the tsunami is often described as a catalyst for the peace process; however, the political factor, namely impulse by the Indonesian President, Susilo Bambang Yudhoyono, soon after having been elected in October 2004, to change from the previous exception rule with heavy predominance of the military, should not be overlooked.

According to Minister Sofyan Djalil, who was negotiator of the Helsinki agreement on Government side, the peace process went very well. Almost all the weapons have been given back. All prisoners were released with the exception of twelve, who are held responsible for several bombs in Medan. The minister said also that the rehabilitation of GAM fighters is satisfactory. The Minister highlighted also the great importance of traditional ceremonies to proclaim peace and to make peace visible.

Eight candidates were qualified for the governor election. Five candidates (all of them independents) for the gubernatorial place were disqualified due to failing the Koran reading test mandated by the local regulation (Qanun) N° 7/2006 on the local elections in Aceh. The proportion of failures was on the contrary much more limited at the district level, with 13 candidates disqualified. Overall, a total of 18 candidates (out of approximately 240 candidates for all elections on provincial and districts levels) did not pass the Koran reading test. One of the disqualified candidates filed in a complaint based on her recognised ability to read the Koran, but none of the disqualified dared to complain about the test in itself, which is largely accepted.

The question of religion in general and the practice of sharia law in Aceh have been largely discussed during the meetings. It is a very complex matter which is also linked to the identity of Acehnese. Minister Sofyan Djalil, who is also an Acehnese himself, made the following statement: "the revival of religiosity can be found everywhere. One can find it in every group in Indonesia, including Christians and Hindus. But if you go to Aceh, you will not find any "Taliban-like" people. Acehnese put scarves because they are almost 100% Muslims". The Christian minority in South Aceh are people who moved from North Sumatra (composed of 60% Muslims and 40 % Christians). According to the Minister, the religious question is linked to the fact that the Acehnese are looking for autonomy. "Acehnese think that to solve their problems, they have to go back to the root, to Islam". But it should be also noted that GAM has rather the profile of a secular movement and did not ask for the revival of sharia law.

However, the delegation, holding meetings with women organisations and visiting the province before the election day, got the impression that the so-called general acceptance of shari'a by the population is also related to the fear to speak openly against it. Young people in private can be very critical about it.

The election day

The potential number of voters in Aceh were 2,6 millions.

On the day of the election, the team deployed as follows:

- Jürgen Schröder: Banda Aceh and surroundings
- Luisa Morgantini and Saïd El Khadraoui: Lhokseumawe and surroundings
- Guntars Krasts and Sarunas Birutis: Pidie district

Generally speaking, elections went very well.

They were calm and peaceful. The only major problem was that some people were not registered on the electoral list. This was understandable considering that 6 months of residence is required in order to be eligible for registration, a difficult requirement to meet in a post-conflict region, which was also badly affected by the tsunami. Despite their frustration, the unregistered people we met at the polling station remained calm and did not challenge the legitimacy of the poll.

Polling stations closed at 14:00 and the first quick-count results from two different institutes gave Irwandi Yusuf, former leader of the separatist GAM (military branch), the lead with ± 39% of the votes out of 8 candidates. To be elected in the first round, 25 % would have

been sufficient, and analysts were in doubt whether this target would be attained by any candidate team. Irwandi's clear victory came as a surprise.

The following night, Jakarta recognised the victory of Irwandi, and Kofi Annan expressed great satisfaction over the peaceful elections. At the same time, Irwandi promised to work in the framework of the Helsinki agreement (i.e. renounce the independence of Aceh). This is why the interest of the media shifted rapidly from the electoral proceedings as such to the reactions to the election results themselves.

The delegation received in advance a copy of the preliminary EU statement and had the opportunity to discuss its content. The delegation was fully associated to the preliminary statement (annex II). Parliament's delegation participated in both press conferences in Banda Aceh and in Jakarta.

After the elections

The delegation had in Banda Aceh a very interesting exchange of views with Ms Sidney Jones and Mr Nicholas Grono, from the International Crisis Group just after the preliminary results.

The post-election period is crucial under different aspects:

- How is it going to happen at local level where there are strong inter-GAM contests?
- How will the national parliament in Jakarta handle the latest stages of party law, which are necessary to complete the transformation of GAM into a political party?
- GAM will be put under pressure at local level to meet the expectations of direct dividends after the elections - a demand that may come in contradiction with the objective of breaking up from former widespread corruption and nepotism practices.
- The new Governor will have to deal with the problems related to the reintegration of former combatants and must show his difference to the voters.
- There is a necessity to build up an administration with skilled people.
- Finally, concerning the economy, there is a need to develop infrastructures without promoting illegal logging (illegal logging has been already boosted by tsunami reconstruction to a level raising serious concerns about the wild life and fauna. It also facilitates lethal flooding and landslides as could be seen later on in December).

All these questions and challenges need to be answered and met in a relative short period and put pressure on the new governor. He will have to manage expectations.

The delegation holds the view that it is essential for the EU and his Members States, who have had a strong presence in that region since the tsunami, to avoid giving the impression that they are withdrawing from a positive process. Aceh can be considered a success story for the EU external policy.

The EU continues to lead the post-tsunami relief and reconstruction projects; the peace agreement between GAM and the Jakarta government was concluded in Helsinki; the Aceh Monitoring Mission (first CFSP operation in that region of the world) went very well according to all observers; and the EU supported the elections and carried out the election observation. One of the oldest standing conflicts has been resolved in a peaceful manner.

The MEPs of the delegation insisted on the commitment of the EP to continue to support the region of Aceh to consolidate peace and democracy. This is part of the Country Strategy Paper for Indonesia (2007-2013) in discussion now.

The delegation reported to the development committee on 17 December 2006 in Brussels.

ANNEX I: PROGRAMME - 7-14 December 2006

Thursday 7 December (Jakarta)

- afternoon Arrivals
- 19:30 Dinner, Briefing by Mr Jean Bret  ch  , Head of European Commission Delegation in Jakarta and the Ambassadors of Germany, Italy and Belgium

Friday 8 December (Jakarta)

- 09:00 Meeting with Ms Smita Notosusanto (Aceh kita magazine) and Mr Hadar Gumay (Centre for Electoral Reform, CETRO)
- 10:30 Meeting of the delegation
- 12:30 Departure for Ministry of Communication and Information
- 13:00 Meeting with HE Sofyan Djalil, Minister for Communication and Information
- 14:30 Depart for airport for
16:30-19:10 Flight to Banda Aceh

Saturday 9 December (Banda Aceh)

- 09:30-11:30 Meeting with Mr. Tony Reis, Deputy Chief Observer EU EOM and the Core Team (Legal, Electoral, Media Advisors)
- 11:30-12:30 Meeting with Mr Paul Rowland (NDI – National Democratic Institute)
- 14:00-17:00 Meetings with international agencies involved in post-tsunami reconstruction and civil society organisations (Europe House)

Sunday 10 December (Banda Aceh)

- 10:00-17:00 Visit to earthquake and tsunami-affected areas or deployment to local positions
- 18:00-19:00 Meeting with Mr Glyn Ford, Chief Observer EU EOM
- 19:00-20:30 Cocktail co-hosted by EU EOM and EP delegation for international observer teams and NGOs

Monday 11 December - Election day (Banda Aceh/Lhokseumawe/Sigli)

- 6:00-14:00 Vote process

14:00-16:00 Counting process
16:00 Return to Banda Aceh (if applicable)

Tuesday 12 December (Banda Aceh)

05:00-10:00 Return to Banda Aceh (if applicable)
10:30-11:30 Debriefing meeting of the delegation
12:00-13:15 Joint Press Conference of Glyn Ford and Jürgen Schröder, MEP
14:00-15:00 Meeting with Sidney Jones and Nicholas Grono, International Crisis Group
17:00 Depart to airport to take the
18:25-22:50 Lion Air flight to Jakarta

Wednesday 13 December (Jakarta)

14:00-15:00 Press Conference
16:30 Depart for airport

**EUROPEAN UNION
Election Observation Mission
Aceh 2006**

Swiss Belhotel Banda Aceh, 4th floor

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Competitive, transparent and well administered elections with Acehese freely electing their leaders contribute to the consolidation of peace and democracy in Aceh

STATEMENT OF PRELIMINARY CONCLUSIONS AND FINDINGS

Banda Aceh, 12 December 2006

The historic elections were the formal culmination of the Aceh peace process. They showed the commitment of the people of Aceh to consolidating and strengthening the democratic process. Election day was peaceful and orderly, with voters turning out in large numbers to freely elect for the first time their governor and district mayors and regents, as agreed between the Government and GAM in the Helsinki Memorandum of Understanding. All evidence to date indicates the elections and the inclusive process have given the people of Aceh the candidates they voted for.

The European Union Election Observation Mission (EU EOM) has been in Aceh since 30 October 2006, following an invitation of the Government of Indonesia and the Independent Election Commission (KIP). The Mission is led by Glyn Ford, Member of the European Parliament (MEP). The EU EOM has assessed the conduct of the election in compliance with the Declaration of Principles for International Election Observation, approved by the United Nations in New York in October 2005. On election day, the Mission deployed 88 observers throughout all 21 districts of the province. Among these was a delegation of five members of the European Parliament, headed by the German MEP, Juergen Schroeder, which associated itself with this declaration. On election day, EU observers visited 310 polling stations in all districts. The EU EOM is currently observing the tabulation of results and will remain in Aceh until after the announcement of the results by KIP. Should a second round be necessary the EU EOM is committed to continue to follow the process.

Preliminary Conclusions

- **The 11 December 2006 provincial elections were in general well administered, transparent, competitive and peaceful. On election day, voters turned out in large numbers in a calm and orderly manner, demonstrating their commitment to the consolidation of peace and democracy. Voters freely expressed their choices for governor and local leaders.**
- **The pre-election and campaign period was conducted in an open environment, in which freedoms of expression, association and assembly were respected. Candidates were able to campaign freely throughout Aceh without restriction or interference.**
- **The legal framework provides an effective basis for the conduct of democratic elections; however, some aspects should be addressed like the provisions relating to the registration of candidates and the lack of power of enforcement affecting the election supervisory body (PANWASLIH) pursuant to complaints of electoral violations.**

- The right to stand as a candidate included requirements that were both subjective and discriminated on grounds of education, health and wealth. The requirements for independent candidates were particularly onerous.
- The voter register is widely considered to be an improvement in comparison to those used in previous elections, an impressive achievement in view of the need to cope with the fatalities of the tsunami, conflict and the internal migrations. There were delays in the printing and delivering of voters' cards caused by the late requirement of the Ministry of Home Affairs to include the national civil registration number, which resulted in a last minute change of rules; a few days before the election, the requirement for the presentation of a voter card in order to vote was broadened to allow voters to vote with letters of invitation or figuring in the preliminary voters' list. There were issues in most polling stations on how to deal with individuals who were not on the register.
- The Independent Election Commission (KIP), dealing for the first time with a direct election for governor and local leaders, was able from the outset to establish high levels of public confidence, and organised the elections in what was seen as a transparent and unbiased manner, despite some funding and logistical shortcomings.
- The PANWASLIH, responsible for settling election disputes and monitoring the conduct of elections, was under funded and lacked effective powers of enforcement. While it dealt adequately with formal complaints received, with rare exceptions, it failed to monitor the process.
- Civic and voters education programmes were of a high standard although there was some concern that the material failed to reach sections of the electorate. Training of polling station staff and candidates witnesses was limited.
- The media generally provided good coverage of the election process. However, distinct biases were exhibited by television stations and newspapers in favor of individual candidates, and reporting concentrated mostly on the gubernatorial election.
- Civil society organisations played an important role in the electoral process, especially in voter education and election observation. These organisations remain an important component in the democratic future of Aceh.
- While the EU EOM was by far the largest and most extensive of international observer groups, observers from the United States, Japan, Asian Network for Free Elections (ANFREL) and Australia also played a role.
- Aceh has a very limited representation of women in political life; only five out of 258 candidates at district level were women and the only two women candidates in the governor election were disqualified. Women, however, were better represented amongst civil society organisations involved in the elections.
- Voting procedures were generally well followed by polling station staff and the secrecy of the vote was well maintained. There were no actions observed that might compromise the impartiality of the polling station officials and candidate agents (witnesses) were present in a large majority of polling stations visited, and domestic observers present in almost half of them.
- Counting procedures were also generally well followed in the polling stations observed, and candidate agents were present at all polling stations observed. However, in almost 65 per cent of the polling stations visited copies of the results were not publicly posted in spite of electoral regulations.
- The EU EOM urges all candidates and political leaders to continue to abide by the terms of the Code of Conduct signed by the candidates and its commitments to maintain a peaceful and lawful electoral process. Any concerns about the process should initially be addressed to the complaints and appeals process outlined in the election legislation. The PANWASLIH and the electoral authorities should transparently investigate

allegations of irregularities to ensure public confidence in the post-election period and the integrity of the election.

The final assessment of the elections will partly depend on the announcement of the final results by KIP, the complaints and appeals process and an eventual second round of elections where necessary. The EU EOM will remain in the province to observe all remaining aspects of the electoral process and will issue a final report, containing detailing recommendations to further improve the electoral process, within one month of the completion of the entire process.

The EU EOM wishes to express its appreciation to Vice President M. Jusuf Kalla, the Ministries of Foreign Affairs and Home Affairs, the Independent Election Commission (KIP), the PAWASILIH, the acting Governor of Aceh and other provincial, district and Indonesian authorities, the media, the police and civil society organisations for the assistance received throughout the deployment of the Mission. The EU EOM expresses its sincere thanks to the citizens of Aceh for their warmth and hospitality, and the Aceh Monitoring Mission (AMM) for its invaluable work in the province and cooperation with the Mission.

Background

The 2006 elections in Aceh were the first direct elections for governor and mayors and regents of 19 of its 21 districts. After almost 30 years of conflict that left thousands of victims, a devastating earthquake and tsunami, Acehnese seemed to want to make sure that the peace agreement signed in 2005 between the Government and the Free Aceh Movement (*Gerakan Aceh Merdeka*-GAM) would hold. The elections were a fundamental component in the process. GAM had not formally endorsed any pair of candidates, although two pairs contained GAM “members” were seeking the governorship and many others vying for local elected positions in 16 of the 19 districts. Five pairs of candidates for governor had the support of political parties, and three ran as independents. These were the first elections in the history of Indonesia to allow for independent candidates for executive offices.

The conflict, however, was still fresh in the memory of many Acehnese, and there were concerns that past rivalries might erupt during this electoral process. The signing of a Government-endorsed Code of Conduct by all candidates for governor, and replicated at district level, substantially helped to alleviate those concerns and allowed for a generally peaceful and orderly election process.

Constitutional and Legal Issues

The elections were regulated by the 1945 Constitution (as amended in 1999, 2000, 2001 and 2002), Law No. 11 of 2006 on Governing of Aceh (LoGA), *Qanun*¹ No. 7 of 2006, *Qanun* No. 2 of 2004, and *Qanun* No. 3 of 2005. Regulations of the election administration body, the KIP, and the election supervisory body (PANWASLIH) also have the force of law but are subordinate to the electoral laws of Indonesia and *Qanuns* of Aceh. In general, this legal framework provides an effective basis for the conduct of democratic elections; however, it contains a number of problematic aspects that should be addressed ahead of future elections. These include, as priorities, provisions relating to the registration of candidates and the lack of clear enforcement provisions for decisions of the Election Supervisory Body (PANWASLIH) pursuant to complaints against electoral violations.

The general criteria for voter eligibility are generally in line with internationally accepted standards, guaranteeing universal and equal suffrage to all Aceh-domiciled Indonesian citizens. A peculiarity throughout Indonesia is the additional entitlement of married persons aged 16 being allowed to vote, an obvious discrimination based on marital status.

¹ Laws passed by the provincial legislative assembly, the Assembly of Peoples’ Representatives of Aceh (DPRA, in its Indonesian acronym)

The LoGA and *Qanun 7* provide for general requirements for the right to stand, such as age, nationality and education. In addition, and more problematically due to their subjective nature, there are also requirements regarding the practice of candidates' religion, loyalty to the 1945 Constitution, that candidates be physically and mentally healthy and free from narcotics and drugs (to be supported by a medical report), as well as familiar with their region and well-known by the community in their region. Candidates are also required never to have committed "disgraceful deeds."

In addition to these requirements contained in the LoGA, *Qanun No 7* also introduced the requirement for all Muslim candidates to submit to a Koran reading test. Of the candidate requirements, the conduct of this test generated the largest number of complaints to the PANWASLIH before the electoral period and resulted in the exclusion of the greatest number of potential candidates. Discrimination on the basis of level of education is contrary to commonly accepted international principles. In addition, independent candidates require an onerous number of signatures of up to 130,000 signatures for gubernatorial elections and 15,000 for district elections. As well as placing a high burden on potential independent candidates—the number of signatures required was both onerous and expensive to obtain with the requirement that hundreds of thousands of copies of identity cards be provided to accompany the signatures—the checking of these signatures also added unnecessarily to the workload of KIP.

Election administration

The Independent Election Commission (KIP Aceh) and its subdivisions at district (KIP district), sub-district (PPK) and village (PPG) levels generally enjoyed public credibility and confidence, and at all levels efforts were made to assure an efficient and transparent electoral process. Most deadlines of the electoral calendar were met and the distribution of non-sensitive electoral material was made in a timely manner. In a few cases EU EOM observers were refused full access to polling stations. KIP decisions were clearly communicated even if a number were issued too late for effective implementation. The commissions carried out their duties in general with independence and without interference from the central government in Jakarta. KIP's media center and its various publications, besides a very informative web site, were very effectively in maintaining the media and citizens informed about the election process. The cooperation between election officials and candidates was fundamental to maintain until polling day a high level of confidence in the election management bodies. A consequence of this cooperation and confidence was the signing by all candidates at provincial and district level of a code of conduct committing them to a peaceful and lawful election.

However, the election commissions performed differently in each district facing different problems ranging from financial constraints to logistical difficulties, and coordination among the different intra-district levels suffered from excessive decentralisation. In some districts, like Lohksumawe and Simeulue, elections officials threatened at one stage to postpone elections for lack of funds. The absence of specific provisions and information for voters in hospitals and prisons and about the so-called "mobile polling stations" was noticeable among the several regulations and guidelines issued by KIP. The late request by the Ministry of Home Affairs to include the national civil registration number (NIK) on the voters' cards severely delayed the completion of the final voters' list and the printing and distribution of voters' cards.

Voter Registration and Voters' Cards

The massive migration within Aceh as a consequence of the conflict and the tsunami in 2004, which left around 130,000 people dead and a similar number displaced, led KIP to launch a new comprehensive voter registration campaign. Following a province-wide door-to-door exercise, periods of display and corrections the final voters' list contained 2,632,935 voters. There were complaints that the final voters' list was not displayed in time in some areas. Problems with the voters' list were heightened by the compulsory incorporation of the national civil registration number on the cards, which was accomplished with 2,424,696 cards, leaving 208,239 voters without an assigned number and, therefore, without a voter card. Finally, the process of distribution was abandoned by KIP in favor of allowing voters to participate on basis of a letter of invitation. The regulation, however, was public announced a few days before the election, with insufficient time to be adequately disseminated to the citizenry. In the majority of polling stations a small of individuals were turned away for being unregistered. It was not always clear whether they met the criteria for registration laid down in the *Qanun*. KIP should consider where there are second round elections the creation of a supplementary voters' list allowing those individuals who meet the original criteria for registration but that were inadvertently omitted to participate in these elections.

Voter Education

The outreach and quality of voter education did not fully meet the expectations of Acehnese citizens towards the 2006 elections. KIP's Media Center produced a variety of good quality election material for distribution to the electorate; however, there was little evidence of a broad distribution and most of the direct information activities were left to civil society organisations. There was particularly a lack of adequate information to voters about their status of registration and on the contestant's programmes, or the so-called "mission and vision" addresses. Since Acehnese were for the first time directly electing their political leaders and could choose among a variety of pairs of candidates, many voters, especially in the rural and more remote areas with limited access to print and electronic media, received little or no information.

Pre-election Period and Campaign

The pre-election and campaign period was conducted in a generally open environment, in which freedoms of expression, association and assembly were largely respected. Candidates campaigned intensively in the districts and were able to move freely throughout Aceh without restriction or interference. Many rallies were held despite the short campaign period of 14 days, and a calendar of meetings established by KIP helped to ensure that candidates did not campaign in the same area on the same day, thereby reducing the potential for confrontations. Candidates generally respected the formal commitment of peaceful and lawful elections. Besides one serious incident dealt below, only minor infractions were observed or reported during the campaign. Only one complaint was received by PANWASLIH involving the use of public resources (see below).

Media

The media monitored by the EU EOM provided a variety of information and debate about the governor elections in general as well as the main candidates. Public television consistently reported on the preparation of the election and focused its attention mostly on the candidates for governor. It complemented its news by airing special programmes such as debates, talk-shows and live, interactive events. The press also focused on the governor election but also dedicated space to the contests in the main cities and districts where the conflict was most intense during the 30-year armed struggle. By contrast, radio coverage of the electoral process was limited. Public radio provided a modest coverage of the candidates for governor, and the two main private stations only reported on two of the eight candidates.

The most significant shortcoming of the broadcasting media is their limited geographical reach. The public television station (TVRI) was the only one that covered areas beyond the capital city and the main cities of Aceh. The private television station METRO TV was mostly available in the main cities but not in rural areas, whereas ACEH TV was confined to the capital city and its environs and only broadcast for an average of five hours a day. Likewise for radio, the public station had a wide coverage throughout the province, but the private stations only covered the capital and the second largest city.

Television: Television's coverage of the three main candidates was dominated by Malek Raden (Golkar coalition), who received 28 per cent of total news coverage, followed by Irwandi Yusuf (Independent) with 18 per cent and Azwar Abubakar (PAN-PKS) with 15 per cent. By contrast, Humam Hamid (PPP)² received only 2 per cent. On private stations, METRO TV gave most of its coverage to Azwar Abubakar (36 per cent), followed by Malek Raden (24 per cent) and Irwandi Yusuf (18 per cent). Malek Raden dominated ACEH TV with a little over one third of total coverage (34 per cent), followed by Iskandar Hoesin (23 per cent) and Azwar Abubakar (13 per cent). Irwandi only received 5 per cent of ACEH TV's coverage.

Newspapers: Newspapers also focused on three candidates, Malek Raden, Humam Hamid and Azwar Abubakar. *Serambi*, Aceh's largest daily, provided Malek Raden one third of its coverage, followed by Humam Hamid (16 per cent) and Azwar Abubakar (13 per cent). The second main newspaper, *Rakyat Aceh*, concentrated more than one third of its coverage on Azwar Abubakar (38 per cent) but still giving Humam Hamid more than one fifth (21 per cent). Malek Raden got significantly less coverage (10 per cent). *Waspada*, the newspaper from the neighboring province of North Sumatra that contains a daily supplement on Aceh, dedicated 46 per cent of its coverage to Malek and 41 per cent to Azwar Abubakar. Humam Hamid received very little coverage (4 per cent).

Radio: Radio's piecemeal reporting on the elections and the main candidates provided a contrast with television and press. Although both public and private radio stations offered some coverage of the election, there was limited news reporting of the candidates. During the peak hours monitored by the EU EOM, the main private stations (*Prima FM* and *Radio Baiturahman*) concentrated their reporting on three of the eight candidates for governor, Azwar Abubakar, Malek Raden and Human Hamid. The public station (*Radio Republik Indonesia*) was more inclusive in its coverage, reporting on five out of the eight candidates. The tone of editorial coverage was mostly neutral overall across the media, but the two most influential media, public television TVRI and *Serambi* newspaper, had a clear bias towards Malek Raden.

The statutory bodies established to regulate the media sector, the Indonesian Broadcasting Commission (Komisi Penyiaran Indonesia, or KPI) and the Press Council (Dewan Pers, or DP), played no significant role during the campaign period. The media were able to cover the electoral process with relative freedom and independence without any fear of an arbitrary interpretation of these legal provisions by the authorities, which could have led to some degree of self-censorship. However, the EU EOM received complaints of intimidation made by journalists who requested anonymity. They denounced attempts by a campaign manager to prevent journalists from publishing a story on a physical aggression of a candidate's spokesperson. The journalists refused to press charges because of fear for their personal safety.

Women's Participation

The two women candidates for the governor election were rejected for failing the Koran reading test. At district level, only five women out of 258 candidates are women; two running for Deputy Mayor in Banda Aceh, two for Deputy Regent in Aceh Barat and one for Regent in Aceh Tamiang. In most campaign activities and rallies the gender issue was not addressed, even though women form the majority of the electorate. During the campaign period, a group of women protested in front of KIP Aceh against the failure of candidates to address the consequences for women of human rights violations during the conflict. The only quota for women is that the *Qanun* (regulations) requires that at least two women are selected as commissioners of KIPs. At lower levels, the presence of female officials both in the election commissions and amongst polling station staff was an exception not a rule.

Civil society

A number of civil society organisations played an important role in the electoral process, especially in relation to the dissemination of voter education material and observation of polling day. Some organisations assisted the voter registration process by encouraging eligible citizens to register, and others monitored the campaign activities of the contestants, and promoted and initiated debates and forums with candidates. The joint efforts of national and provincial NGOs and grass root organisations to have monitors in as many polling stations as possible clearly contributed to the integrity of the elections.

Complaints and Appeals

The Election Supervisory Committee (PANWASLIH) is the authority tasked with settling election disputes, as well as supervising and monitoring the conduct of the election. Its committees at district level perform a similar function for regent and mayor elections. Although the decisions of PANWASLIH are final, as long as the dispute does not relate to a crime and there is no right of appeal to a court, the EU EOM is aware of a number of cases where the PANWASLIH decisions were not executed by KIP (like in the districts of Langsa and Aceh Utara). These practices are variance with international best practice and the requirements of the fundamental right to a remedy. Clearer provisions providing for the enforcement of PANWASLIH decisions on complaints are required in advance of future elections.

Up to the end of the campaign period, PANWASLIH received 158 complaints from candidates and the public, of which 139 were determined to be administrative violations which were forwarded to KIP and 19 were considered to be criminal violations which were forwarded to the police for investigation. There were complaints from all districts with the highest number in the districts of Pidie and Bireuen, where there were complaints about an attack against a candidate by an unidentified group, the kidnap of a campaign team member released 24 hours later, distribution of "black campaign" material (anonymous leaflets against a candidate), and burning of campaign banners. These complaints were referred to the police for investigation. In Aceh Besar, PANWASLIH officials ordered local officials to stop using official vehicles in electoral campaigns; in Aceh Tengah a village head encouraged voters to attend a campaign by one candidate; in Aceh Tamiang, voters attending a rally paraded towards downtown instead of going home (KIP was informed but took no actions, according to PANWASLIH), and in Aceh Timur, the Department of Religious Affairs issued a false certificate of religious education to one of the candidates for Regent. All other complaints related to minor incidents and destruction of electoral campaign material.

Election Day

Election day was with rare exceptions calm and orderly and voters turned out in large numbers to vote in an well conducted process in the polling stations. However, three

polling stations were ransacked in Banda Aceh and Aceh Utara by individuals who were not able to vote. There were practically no actions observed by the EU EOM that might compromise the impartiality of the polling station officials, and in only four polling stations visited were cases of intimidation reported. Security was adequately and discretely maintained.

The EU observers evaluated the polling as good and fair, although some problems with electoral material and voters' lists were reported in some of the polling stations visited. Almost 60 per cent of the polling stations visited by the EU observers opened late. The electoral material was complete in almost all polling stations. Polling procedures were generally well followed by polling station officials who conducted the process in a serious and dedicated manner. In 15 polling stations (6.36 per cent) it was reported that the secrecy of the vote was compromised. In a few polling stations (4.7 per cent), voters were allowed to vote without presenting a letter of invitation or a voter's card. Representatives of PANWASLIH were present only in half of the polling stations visited by the EU observers. Counting procedures were also generally well followed and there were major problems only in three of the polling stations visited. Candidate agents were present at all polling stations observed and most of them received a copy of the results. However, in almost 65 per cent of the polling stations visited copies of the results were not publicly posted.

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