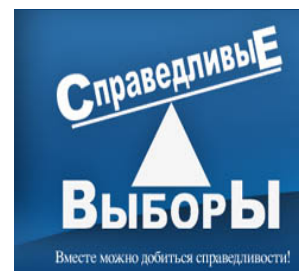


For Fair Elections 2012 Campaign
(www.vybary.org)



FINAL REPORT

Outcomes of monitoring the election of deputies to the House of Representatives under the National Assembly of the Republic of Belarus, 5th convocation

For Fair Elections 2012 (FFE-2012), a coalition of 13 political parties and civic organizations of the Republic of Belarus, is the country's largest and broadest observer group that monitored the September 23 elections to the House of Representatives of the fifth convocation. The For Fair Elections 2012 campaign had two major goals: to document and report election violations, and to attempt to thwart violations through protest and issuing formal complaints and recommendations, according to the procedures prescribed by Belarusian law.

Campaign representatives monitored all stages of election process in all regions of the country. Their effort began on June 23 immediately following the announcement of elections and ending with the closing of the polls on September 23. Monitoring of the early voting period and the main Election Day, between September 18 - 23, was conducted by approximately 1,600 observers in 36 electoral districts.

Having monitored all stages of election process, For Fair Elections 2012 campaign members concluded that these elections were not free, equal or fair. This conclusion is based on the following facts:

- **The process of formation of district and precinct election commissions was not transparent and was mostly closed to the public. There were no written criteria guiding the process of commission members or candidate selection. The comparative analysis of selected vs. non-selected commission nominees highlights authorities' discrimination of opposition political parties.**
- **During the pre-election campaign period, the opposition candidates faced numerous cases of censorship. Their recorded speeches were not broadcasted; their printed materials including official candidate programs were edited or not printed; and they were refused equal access to the mass media. FFE-2012 documented numerous cases of inequality in candidates' rights and usage of administrative resource and rank by pro-government candidates.**
- **During the five-day early voting period, observers of FFE-2012 campaign continuously documented incidents of voter turnout inflation by the pro-government election commissioners. Observers also recoded numerous cases of organized voting and pressure to vote early applied to students, military personnel and employees of state enterprises,**

- **On the main Election Day, FFE-2012 observers have witnessed a large discrepancy between the actual number of voters who participated in these elections and the number announced by the commissions in the majority of the precincts covered. In 422 of precincts (or 80 percent of precincts monitored by FFE-2012) observers could not see the contents of ballots during the vote count, which is in direct violation of the Belarusian electoral legislation. Mass cases of removing observers from the precincts were registered on September 23, 2012.**

The country maintains extremely restricted conditions that prevent the conduct of free and democratic election. Belarusian citizens do not enjoy the freedom to receive and disseminate information, freedom of expression and belief, freedom of peaceful assembly and association, and equality of all before the law.

No improvements took place during the arrangement and implementation of the key election procedures affecting the election results. First and foremost vote count procedures vital to determining election outcome remained non-transparent and restricted from oversight by observers and even the majority of election commissions members.

Observers of FFE-2012 campaign noted drastic breaches of the existing election legislation at every stage of the election. Furthermore, the acting government has demonstrated its unwillingness to adopt and follow positive amendments to the election legislation, which were proposed by FFE-2012 on March 1, 2012

Proposed FFE-2012 Amendments to the Election legislation in 2012

Submitted by FFE-2012 to the House of Representatives

Under the National Assembly of the Republic of Belarus

And to the Central Election Commission on March 1, 2012

To build the public trust in the declared election results, the democratic forces of the Republic of Belarus, working under the FFE-2012, developed recommendations on improving the legislative framework, which were submitted on March 1, 2012 in the form of the Draft Law *“On making amendments to certain Laws of the Republic of Belarus regarding conduct of elections and referenda.”* These recommendations aim to guarantee:

- transparent vote counting and determination of the election results for all parties invested in the election process;
- inclusion of representatives of all political parties which declare their intent to monitor the elections, into election commissions and the insurance of their equal rights;
- free participation or non-participation of citizens in the election by amending the early voting procedure, namely, granting this right only to those who cannot participate in election on the main Election Day due to legitimate reasons;

The proposals were largely ignored. The Central Election Commission responded in writing (letter No 01-10/K12 of 06.03.2012) and informed FFE-2012 that consideration of draft laws does not belong to their scope of responsibilities. Whereas the official response from the House of Representatives under the National Assembly of

the Republic of Belarus reads that “the Committee for State Building, Local Self-Governance and Rules of Procedure at the present time cannot identify any legal foundation for making amendments to the Election Code of the Republic of Belarus (hereinafter - the Election Code)”.

Formation of district and precinct election commissions

110 district election commissions were formed according to the 110 districts in the House of Representatives under the National Assembly of the Republic of Belarus.

According to the Central Election Commission, 2,127 residents were nominated to serve on district election commissions. Among them are 401 representatives of political parties, 198 of whom represented the opposition. They are: the Belarus Party “The Greens”(“Zeleniye”) – 5, the Left-Wing Belarus Party “Just World”(“Spravedliviy mir”) – 88, the Belarus Social-Democratic Party “Gramada” (“Community”) – 6, the United Civil Party – 42, “Belarus Popular Front” Party (“Belorusskiy Narodniy Front”) – 57.

Following the working meeting decisions by the General Committee of Oblast Council of Deputies, the General Committee of Minsk City Council of Deputies, and the respective executive committees, 214 representatives of the political parties were admitted as district election commission members, including 50 representatives of the opposition parties. 1 person was admitted from the Belarus Party “The Greens,” 2 – from the Party “Just World”, 3 – from the Belarus Social-Democratic Party “Gramada”, 7 – from the United Civil Party, 12 – from “Belarus Popular Front” Party. Together, the opposition parties were able to register 26% of district commissioner nominees they put forward. In contrast, the pro-government parties were able to register 81% of their nominees. In total 1,430 persons were admitted as members of the district election commissions. The opposition received no more than 4% of the allocated seats. This is strong evidence of the ongoing discriminatory practices utilized by the authorities against the democratically-oriented citizens and political forces.

The compositions of the precinct election commissions were made based on the decision of the local administrations and executive committees at the district and city level between August 6 and 8. In total 6,301 precinct election commissions, comprised of 68,945 members, were formed¹.

664 persons were nominated by the registered opposition parties to the precinct election commissions: the Left-Wing Belarus Party “Just World” – 216, Belarus Party “The Greens” – 20, Belarus Social-Democratic Party “Gramada” – 30, United Civil Party – 240, “Belarus Popular Front” Party – 158. Non-registered political parties and movements nominated their representatives to the precinct election commissions via collection of signatures. Only 61 representatives of the opposition political forces, were included into the precinct election commissions, This amounts to about 0.1 percent of the total commission membership.

The comparative analysis of inclusion of the political party representatives into the precinct election commissions’ membership again provides evidence for the discriminatory approach by the authorities towards the representatives of the opposition political parties. 75 to 94 percent of the nominees from the pro-governmental parties and public associations were included in the precinct election commissions: Communist Party of Belarus – 75 percent, Belarus Agrarian Party – 85 percent, Belarus Social Sports Party and the Republican Party – 90 percent each, BRSM (“Belorusskiy Respublikanskiy Soyuz Molodiozhi” – “Belarus Republican Youth Union”) – 85 percent, Belarus Women Union – 94 percent.

Whereas the opposition political parties nominees were included in the precinct election commissions as follows: the Left-Wing Belarus Party “Just World” – 18 percent, Belarus Social-Democratic Party “Gramada” – 17 percent, “Belarus Popular

¹ Precinct commissions are responsible for the initial vote count.

Front” Party –8 percent, United Civil Party – 2 percent. No representative of the Belarus Party “The Greens” was included.

In Minsk, the capital of the Belarus Republic, none of the 186 representatives nominated to serve on commissions by the opposition political parties none were included in the precinct election commissions.

The Election Code allows multiple representatives from the entities nominating commissioners to attend the meetings of the decision-making bodies responsible for the formation of the election commissions. However Anatoliy Rodik, the representative of the Party “Just World” was not permitted to participate at the meetings of Vitebsk Oblast Deputies Council and Vitebsk Oblast Executive Committee. Justification – another representative of the same party had been invited earlier on.

The meetings of the decision-making bodies responsible for the formation of the election commissions were a mere formality. Decision making bodies were confined to voting on pre-arranged lists, without consideration of the individual candidacies, without reporting on their decision to accept or reject certain nominees into the election commissions’ composition.

The employment of election commissioners was not announced, despite requests from FFE-2012 for such information.

The meeting of the Central Homel District Administration in which the precinct election commissions were formed lasted only seven minutes. During the meeting they announced only: the number of nominees, the names of the nominated entities and the number of people who were included to the commission.

In numerous cases the information on the meetings dealing with the formation of the election commissions was not accessible to interested individuals and organizations. Sometimes, these meetings were held during inconvenient hours to deliberately limit citizen participation. According to the report of V. Telepun, the observer, the meeting of Mozyrskiy Regional Executive Committee to form the election commissions was held before work hours – at 7:30. The message announcing the meeting timing appeared on the Committee’s web-site after the meeting had been concluded.

Thus the transparency principle was not adhered to in the course of the election commissions formation. The process of forming election commissions was non-transparent and closed to the public. There are no criteria established for commissioner nominees and no procedures established for selecting commissioner nominees.

There were no improvements or progress towards the formation of democratic election commissions during these elections.

The Left-Wing Belarus Party “Just World” lodged a complaint against the rejection of their representatives to precinct election commissions. The complaint was lodged in Orsha city court, in Leninskiy district of Mogilev city court. Similar complaints were lodged by BPF Party in Avtozavodskoy district, Pervomayskiy district and Leninskiy district of Minsk city courts, and by the Belarus Social-Democratic Party “Gramada” – in Vitebsk city courts.

None of the complaints against the dismissal of inclusion of the nominees into the election commissions was settled successfully.

The illustrative example is the decision by the Orshanskiy District City Court (Orsha city) as of August 10, 2012 against the appeal filed by Vitebsk Oblast Committee of the Left-Wing Belarus Party “Just World” on non-admission of the party members to the 10 precinct commissions. The court decision reads as follows: “The evidence indicated within the appeal and produced by the applicant’s representatives in a court session fails to appear liable for the grievance to be redressed, whereas there are no set criteria provided by the law regarding admission or non-admission of nominees to the precinct election commissions”.

Similarly, Oktyabrskiy District Court of Mogilev city in their decision on August 15, 2012, against the appeal filed by Mogilev Oblast Union of BPF Party titled “Adrazhdeniye” (“Renaissance”) on non-admission of their members to six precinct commissions, made a note that the Election Code regulates the procedure for the precinct commissions formation, yet does not include the list of reasons for

including one or another representative into the commissions membership, whereas the applicants' arguments are not applicable for the court judgment, since the bodies responsible for the formation of the election commissions are entitled to decide independently on the commissions composition as permitted by the respective legislative acts on election.

The reluctance of authorities to provide a democratic and transparent procedure for forming election commissions gives evidence that certain gaps are intentionally left within the legislative framework, thus not allowing the opposition representatives to get admitted to the election commissions, since they are able of responding against the attempts of ballot-rigging and making it known to public.

Quite often a commission was set up based on the corporate identification, and nearly all commission members were pulled from the same company and led by the employees' manager. For instance, at the precinct election commission No18 of Mozyr district No 42 seven out of the thirteen commission members were the employees of OJSC Belaruscable, including the company manager D. Rakovchuk and his deputy I. Novitskiy. The commission also had 4 employees of Housing and Utilities Unit No 9 and one employee of the HR department of Mozyrsk Regional Executive Committee. The precinct commission No 555 of Kolasovskiy district No 106 was formed based on similar approach. 11 out of the 13 commission members were teachers at Minsk high school No 8. The commission was headed by the high school vice-principal Zh. Bakunovich. To conceal the in-house nature of the commission's composition, its members were nominated by different pro-governmental political parties and public associations, including Zh. Bakunovich, who was nominated by the Belarus Agrarian Party.

The precinct election commissions No 72, 73 and 74 of Avtozavodskoy district No 92 were also set up based on the in-house approach - they were made of the employees of OJSC "Minsk automotive factory" chaired by the managing staff. Furthermore S. Dudkin, Head of the Trade Union Committee under the above mentioned company ran in elections as the candidate for deputy in this district.

In election commission No 2 of Grodno Zanemanskiy district No 49, twelve out of thirteen commission members were employees of Grodnozhilstroy JSC; eleven out of twelve commission members in precinct No 13 of the same district were employees of Grodnooblavtotrans JSC. In total, 13 commissions in this district were formed according to the so-called corporate principle.

Similar corporate composition of the commission was identified at the precincts No 53 of Mogilev Central District No 85, precincts 10, 38, 39, 46, 47 of Mogilev Promyshlennyi District No 87, more than 30 precincts in Grodno Central District No 50 and Grodno Northern District No 51, and at many others.

Whereas the commissions did not include democratically-oriented residents having the election commissions expertise and knowledge of the election legislation, as well as the authority with the electorate. For instance, in Gomel oblast the election commissions did not include S. Goldade, ex-chair of the Gomel City Executive Committee, as well as N. Novikova, V. Bagin, M. Prineslik - deputies of Gomel Oblast Council of XII convocation. In Minsk city the Supreme Council deputies of XIII convocation - V. Shlyndikov and L. Gryaznova - were denied their right to become members of the district electoral commission.

Registration of initiative groups in support of individuals nominated as candidates for deputies to the House of Representatives

According to the Central Election Commission data, there were 440 applications submitted to the district election commissions applying for the registration of initiative groups in support of individuals nominated as candidates for deputies to the House of Representatives.

In total 355 groups were registered, nominating 330 candidates to compete for the deputies' mandate (some residents registered several initiative groups in various districts).

Among those whose initiative groups were registered, 66 are members of democratic political parties. These included 26 members of "Just World" Party, 18 – BPF Party, 4

- the United Civil Party, 9 - Belarus Social-Democratic Party "Gramada", 1 - Belarus Party "The Greens". Members of pro-governmental parties registered 7 initiative groups, among those Communist Party of Belarus – 5, Belarus Agrarian Party – 1, Republican Party of Labor and Justice – 1.

Nationwide, district election commissions denied registration to 85 groups nominating 15 residents. In certain cases the denials were not based upon the law. The district election commissions denied registration to the initiative groups supporting A. Mikhalevich and N. Statkevich – candidates for deputies to the House of Representatives.

Provided that justification for the denial of registration of the initiative group supporting A. Mikhalevich was the fact that he does not reside in Belarus on a permanent basis.

However, in 2001 it was the Central Election Commission that appeal to the Constitutional Court of the Republic of Belarus regarding the interpretation of the 'permanent residence' concept. On July 15, 2001 the Constitutional Court held that when identifying the place of residence it is essential not only to consider the actual place of residence of a person in that or another period of time, yet to also consider the intended place of residence indicated by the person. The evidence for keeping the Republic of Belarus as the permanent place of residence would be preserving its citizenship, non-availability of registered documents for permanent residence in some other country, asylum granted by a foreign state.

All the above circumstances incur in the case of A. Mikhalevich residing outside Belarus.

Thus, the denial to register the initiative group supporting A. Mikhalevich as the candidate for the House of Representatives deputy is illegitimate, as it contradicts the Constitutional Court decision of the Republic of Belarus.

The initiative group of N. Statkevich was denied registration because of N. Statkevich's current imprisonment². However this case denies citizens to exercise their right to participate in election – setting up of the initiative group and nominating a candidate for a deputy. In line with the current legislation, the district election commission was supposed to deny registration of N. Statkevich as the candidate for a deputy to the House of Representatives. That would be the case if the candidate were nominated by the political party or a workers' association. Yet in the above case the initiative group was established in compliance with the Election Code, and the denial of its registration incurs impairment of electoral rights of the citizens.

Registration of the candidates for deputies

According to Central Election Commission data, 598 document packs related to the nomination of 494 candidates for deputies were submitted to the district commissions. 223 candidates were nominated via the signatures collection campaign, 111 – by the labor collectives, 264 – by the political parties. The Party "Just World" nominated 32 candidates, the Belarus Social-Democratic Party "Gramada" - 15, the United Civil Party – 48, BPF Party – 33.

In total the opposition parties nominated 128 candidates. The other parties nominated 136 candidates, among them the Liberal-Democratic Party – 93, the Communist Party of Belarus – 23, the Republican Party for Labor and Justice – 19, Belarus Social Sports Party – 1.

The district commissions registered 363 candidates, 90 persons more than in 2008.

122 candidates were denied registration, 9 candidates withdrew from the elections prior to the district commissions announcement of registered candidates.

The district commissions did not registered 19.5 percent candidates nominated by the opposition parties, including those nominated by BPF Party – 3 (9 percent), the United Civil Party – 13 (27 percent), the Party "Just World" - 5 (15 percent), the Belarus Social-Democratic Party "Gramada" - 4 (26 percent).

Fifty six percent candidates nominated via signature collection campaigns were not registered. The primary reasons for the registration denial were acknowledged as non-credible signatures and the errors occurring when filling out the income and property declaration.

The candidates filed 56 appeals against the registration denial to the Central Election Commission. The Central Election Commission acknowledged the denials to register 11 candidates as illegitimate: three independent candidates, and three from both “Just World” and the United Civil Party, one candidate from the Liberal-Democratic Party and one from BPF Party were also denied registration.

In all of the eleven mentioned cases the denial decisions were made by the district commissions against the current legislation (confirmed at the Central Election Commission meetings), which demonstrates the district commissions’ poor performance. The analysis of the appeals submitted to the Central Election Commission provides evidence for the biased approach practiced by many election commissions regarding the decision making on registration of the opposition candidates, the non-transparent practices that does not comply with the Article 13 of the Election Code.

Numerous complaints submitted to the Central Election Commission, and numerous speeches given by the potential candidates at the Commission meetings highlighted examples of district commissions frequently not providing written claims to justify the registration denial. In particular, the following citizens expressed their well-grounded claims in regard to the matter: O. A. Samuylova (district No 79), D. M. Dashkevich (district No 45), V. V. Pashkovskiy (district No 97), O. A. Trufanova (district No 109), L. A. Mozhal’skiy (district No 109), L. D. Sagidulina (district No 28).

The refusal of the district election commissions to provide the assessment materials for the attention of the potential candidates shows neglect of their responsibilities stipulated under Clause 5, Article 42 of the Election Code.

During the examination of the appeals submitted to the Central Election Commission, there was evidence that the heads of the district election commissions explicitly displayed a partial treatment towards specific individuals. For example, when considering the complaint against the registration denial provided to S.E. Parsyukevich, the activist of “Tell the Truth” Campaign, head of the district election commission No 20 N. N. Konevalchuk explained his denial to present documents of the assessment as “his whim”.

It is worth mentioning that potential candidates for the deputies M.V. Pashkevich (district No 95), A. V. Finkevich (district No 94), S. E. Parsyukevich (district No 20) and others adduced evidence in support of the collected signatures credibility, namely provided the residents’ claims clearly negating the arguments brought forward by the election commissions members. However, the electors opinion in favor of nominating one or another candidate for the deputy was neglected by the members of the district commissions, and further on by the Central Election Commission, which is the proof to violating of civil and political rights of the citizens provided by the Constitution of the Republic of Belarus and stipulated by the Articles 3, 11, 42 of the Election Code.

19 complaints were lodged to the Supreme Court against the refusal of the Central Election Commission to grant the appeals against the decisions by the district election commissions providing the registration denials. The Supreme Court has settled only the grievance by Viktor Tereshchenko (Postavskiy district No 29). Two complaints were not examined due to missing the period for appeal, 16 complaints were left unsettled.

The Central Election Commission, and the Supreme Court dismissed the complaint against the denial of registration to Aleksandr Solop (Slutsk district No 67), in breach of the Constitution and other legislative acts of the Republic of Belarus. The verdict against A. Solop was determined based on “ethical concerns” resulting from a previous conviction, despite the fact that conviction had been expunged clearing him of any

restrictions to his electoral rights. At the current stage of the election campaign the cases of creating pressure on the nominated candidates for the deputies were noted. The aim was to prevent their participation in the election. At the August 22 meeting of the district election commission of the Vileyskiy district No 74 Joseph Matiyun, representative of the Left-Wing Belarus Party "Just World" and acting deputy of the regional council, withdrew his candidacy referring to the fact that his extended family members were disturbed by the KGB officials.

In total the ballot papers represented 293 candidates for deputies, including those who were restored by the Central Election Commission and the Supreme Court of the Republic of Belarus, or those who withdrew their candidacy. Thus less than three candidates competed for one deputy mandate.

All 110 election districts had candidates that were supported by the ruling authorities. The opposition representatives ran in only 41 districts (37 percent).

In 16 districts one candidate ran for the seat, among them 11 officials from the state bodies and defense & law enforcement agencies, and none opposition representative.

In 33 districts (30 percent) 2 candidates competed in each, in 37 districts (33.6 percent) – 3 persons in each, in 20 districts (18.2 percent) – 4 persons in each, in 4 districts (3.6 percent) – 5 persons in each.

The pre-election campaign and media coverage in Belarus State Mass Media

The conditions for the pre-election propaganda in the accomplished election campaign were much more severe in comparison to the previous campaigns.

The candidates were unable to equally use the state-owned mass media, which is the violation of Article 46 of the Election Code.

The Supervisory Board on monitoring compliance with the regulations of conducting of the pre-election campaign via mass media, which was formed according to the decision of the Central Election Commission on July 5, 2012, and made of the officials from the Ministry of Information, employees of the state-owned mass media and the members of the pro-government Belarus Union of Journalists, issued a Directive No 2 of August 2012 on the prohibition of airplay of the candidates appearances calling for non-participation in the election.

The Central Election Commission members in an advisory capacity- V. Korneyenko, S. Kalyakin, I. Lyalkov, I. Lobachov – came out with the proposal to adopt the Directive on prohibition of the censorship for the candidates' mass media appearances. However, the proposal was declined. The Central Election Commission agreed with the decision of the Supervisory Board (Directive No 93 of 29.08.2012).

Based on the above decision, the appearances of 33 out of the 35 candidates from the United Civil Party, including A. Agafionov, M. Afanasyev, A. Vorontsov, L. Margolin, V. Polyakov, A. Sosnov, M. Khatari, N. Kozlov, Y. Kashevatski, N. Koleda, V. Shantzev, A. Krienko, V. Molochko, N. Ulasevicha were not allowed for the TV and radio broadcasts.

The speech of D. Kostyukovich was cut and edited before its airing. Other candidates were pressurized before and during recording.

Debates of A. Sosnov with violation of rights were not recorded; recordings of TV debates with the participation of Yu. Khashevatsky and N. Kozlov were not aired.

Eleven UCP candidates' programs were not published in state media, which is a violation of the Election Code. National newspaper "Respublika" refused to publish programs of A. Lebedko, A. Kanopatskaya and N. Kozlov. "Zvyazda" newspaper did not publish programs of S. Bogdankevich, N. Koleda and Yu. Khaschevatsky, newspaper "Babruyskoye zhytsyo" did not publish M. Khatari's program, "Golos Lyubanshiny" newspaper did not publish A. Agafonov's program, etc. All the other statements which were actually published in some state newspapers were more or less censored. Practically all of them demanded taking out the word "boycott" and the last name "Lukashenko".

Besides, there were outstanding cases noted when the candidates' speeches and publications in mass media were censored.

For instance, the editorial staff of the "Mogilevskiy vedomosti" newspaper censored the election program of L. Sivakova, the candidate from the Party "Just World" at the Mogilev Oktyabrskiy district No 86. The editorial staff of the "Arshanskaya gazeta" newspaper refused to accept the text of the election program of N. Demidov, the candidate from Orsha Dneprovskiy district No 27, because of his statement "These authorities are unfair. It should be changed".

The editorial staff of the "Respublika" newspaper refused to publish the election program of V. Buriy, the candidate from the Party "Just World" at Zapadnyy district No 102. He was also denied TV and radio broadcasts, though he did not call for the boycott.

The election program of Y. Khashchevatskiy, the candidate at Oktyabrskiy district No 97, was not published due to his call for boycott of the election.

At the same time the speeches of the following candidates – L. Avtukhov (Vitebsk village district No 21), I. Shego (Slonimskiy district No 58), A. Romanovich (Pinsk district No 14) – were broadcasted, despite containing the calls for non-participation in the election. Thus the provisions on the candidates' equal rights under Article 72 of the Election Code were abused.

Prohibition of the broadcasts and censorship of the candidates' appearances containing calls for boycott cannot be acknowledged legitimate and relevant, since the Election Code does not provide prohibition of the election boycott propaganda. The propaganda (including that calling for the election boycott) is not allowed only on the Election Day (Article 45). Whereas the elections in the Republic of Belarus are free: the voter is to decide whether he/she shall be involved in the election (Article 5). The numerous clauses stipulating the reasons for the restriction of the candidates' appearances contents in the course of the pre-election campaign, are provided under Article 47 of the Election Code.

The Central Election Commission with its Order No 122 dated September 5, 2012 prohibited participation in the debates for those individuals who are the candidates for the deputies themselves. However the Election Code does not provide such a restriction. By adopting the decision, the Central Election Commission altered the Election Code provisions and thus abused its mandate. For the first time it set a precedent of altering the pre-election campaign regulations during its conduct. Based on the above decision, the record of the debates with participation of A. Yanukevich, BPF Party Chair and official proxy of the candidate for a deputy A. Kuznetsov, was not broadcasted. Here we may detect the violation of Article 72 on the equal rights of the candidates, since before similar debates records with participation of other candidates' proxies used to be broadcasted on TV.

In many cases remote locations with low amounts of people traffic were assigned to opposition candidates to conduct their pre-election campaign. For example:

- V. Rybchenko, candidate for a deputy at Zhlobinskiy district No 40 filed a complaint to Zhlobinskiy Regional Executive Committee, because of the poor location where he was allowed to campaign. He received an unhelpful formal

complaint. I. Maslovskiy, candidate at Brest Tsentralnyi district No 2 filed an appeal to Oblast Executive Committee and Central Election Commission against the decision of the Brest City Executive Committee on assigning only two locations within the district for pickets in the poorly attended areas. Yet their complaints were not settled.

- V. Saranchukov, the candidate for a deputy at Grodno-Central district No 50, on his appeal to allocate additional areas in Grodno city for his pre-election campaign received the formal reply from Grodno Executive Committee. The Central Election Commission responded that their authority does not cover this issue and they are not entitled to evaluate the decision of the City Executive Committee.

During the pre-election period, the democratic candidates and activists suffered from serious pressure from the state authorities.

- On July 11, 2012 the employees of Dzrezhinsky regional department of internal affairs under pretense of checking the house inhabited by V. Korneyenko, national coordinator of For Fair Elections 2012 Campaign, conducted a search which resulted in illegal confiscation of 73,000 informational brochures related to the election.
- On August, 23 militia officers detained Y. Novikov and G. Lisitsina, coordinators of For Fair Elections 2012 Campaign in Mogilev oblast. The militia confiscated from them 291 copies of Observer Methodological Guide and 291 copies of the Observer Handbook.
- On August 30, 2012 the candidate for a deputy at Vitebsk Chkalovskiy district A. Gavrutikov was detained for over three hours. The car examination was carried out without the prosecution warrant, his and his daughter's personal possessions were confiscated, including the documents of E. Fomina, the candidate for a deputy from Vitebsk Gorkovskiy district No 17.
- On September 7, 2012 the manager of the mechanic enterprise "Slavutichi" at Zelvenskiy region called off the meeting of the candidates from Slonimskiy district No 58 - I. Shego and M. Korotkevich – with the machine operators. The complaint was lodged against these actions to Zelvenskiy Regional Executive Committee.
- On September 10, 2012 the General Prosecutor's Office of the Republic of Belarus issued an official notice to S. Kalyakin, coordinator of For Fair Elections 2012 Campaign, regarding his appearance in the mass media and providing his assessment of the current election campaign. S. Kalyakin filed an appeal against the above illegitimate verdict in accordance with the established procedure.

The candidates from the pro-governmental parties were recorded taking advantage of the administrative resources and their official rank.

- In Kopylskiy region the leaflets of A. Boyko, head of Kletsk Regional Executive Committee and the candidate for a deputy, were disseminated by the medical ambulance employees during the office hours.
- Candidates from Shklovskiy district No 90 – Kostusev (BPF Party) and Z. Meleshchenko (Party "Just World") filed a complaint with the district election commission against the facts of using the official rank privileges by their opponents within their district – by A. Ageyev, deputy head of the Committee of State Control.
- V. Rybchenko, candidate from Zhlobinskiy district No 40, was not allowed to pass through the territory of the Belarus metallurgic plant to participate in the meeting involving his opponent – L. Apanasyuk, head of Zhlobin Regional Executive Committee.

- In district No19, where S. Bokhan, deputy manager of Vitebsk Department of Belarus Railway stands for elections, the opposition candidate V. Kuzmin was not allowed to place his pre-election printed materials on the company's territory. During the preparation and the conduct of the parliamentary elections, the state-owned mass media covered the election process along traditional lines. The major source of information was the Central Election Commission, the overall attention was drawn to the technical and organizational issues.
- The information about candidates running from the opposition political parties was actually missing or provided in a negative or extremely negative context.
- In regard to the appearances of the candidates on TV and radio, their speeches were not announced indicating their names and the district number, which disabled the voters to schedule watching the appearance of their candidates.
- The TV programs involving the candidates were titled not as "Appearances of the candidates", but as "Election 2012".
- In fact, the state-owned Belarus mass media did not cover the political aspect of the election.

Voting and Election Results

Early Voting

Between September 18 and 22 For Fair Elections 2012 Campaign observed the early vote period for election to the House of Representatives at 657 precincts of 36 districts.

According to the data of Central Election Commission, 25.9 percent of voters voted early during these five days.

In violation of Election Code requirements on openness and transparency, observers in 239 precincts (23.3 percent out of those observed) were refused information about the number of voters entered into voter lists.

At a number of precincts where information about the number of voters was accessible to observers, large changes in the total number of voters were noted, both in the increasing and the decreasing direction.

At more than 100 precincts observers of For Fair Elections 2012 Campaign constantly documented significant discrepancies between the number of early voters listed on commission protocols and the number of early voters calculated by the observers. The difference in absolute numbers amounted to between 10 and 500 voters per precinct, which in a highest case constituted 24 percent of the voters on the precinct's list. At more than a half of these precincts the turnout according to commissions' data exceeded turnout according to the data of observers by 10 percent or more.

Observers of the For Fair Elections Campaign covered 28 precincts out of total 33 precincts situated in district No 34 in Gomel city. The remaining 4 precincts where FFE did not observe voting were covered by observers deployed by Human Rights Defenders' monitoring effort except one closed precinct No 24. Human Rights Defenders' observers shared their turnout data from these 4 precincts with the FFE campaign for complete analysis on this district. As a result, data from all precincts where it was possible to observe of the district No 34 was received.

According to the data received, the final turnout for all five days of the early vote period announced by the CEC and the final turnout for all five days of the early vote period announced by electoral commissions to observers matches while observers throughout all five days of the early vote period were consistently recording significant discrepancies in turnout data. Difference between the turnout data announced by electoral commissions and calculated by observers make up 3,882 people or 5.72 percent.

	Voted	percent
CEC	13,501	19.89 percent
Data of precinct election commissions announced to observers	13,206	19.45 percent
Daily observers' calculations	9,324	13.73 percent
Difference on turnout data between what commissions announced and what observers calculated	3,882	5.72 percent

In district No 34 a total of 25 out of 28 precincts observed by For Fair Elections 2012 campaign had significant discrepancies.

Additional examples of discrepancies between the observed voter turnout and the official turnout announced by commissioners and ballot stuffing include:

- At precinct No 45 of Mogilev Promyshlennyi district No 87 where election commission was headed by deputy headmaster on academic issues of Secondary School No 18 S. Yakimenko, an observer from "Just World" party, professor V. Bereziyenko, D.Sc. documented 118 voters in five days while the commission put 230 in the protocol.
- At precinct No 9 of Kalinkovichskiy district No 41 observer V. Siliverst found head of election commission A. Palaznik on September 20 at 3:56 PM stuffing ballots into the ballot box for early voting. Commission members D. Shturma and Ye. Sudas were also present during this activity.

The observers also documented cases of forced early voting. In the majority of cases, the pressured persons were students and state enterprises' employees, especially those living in dormitories. Normally the pressure was imposed by enterprise directors and presidents of educational establishments and their departments as well as dormitory supervisors.

- In particular, on the first day of early voting observer V. Kuzmin noted the fact of forced voting among students of lyceum at precinct No 48 in Vitebsk Oktyabrskiy district No 20.

- Observer A. Chekholsky documented a fact when an early voter, an employee of the security department of the Ministry of Internal Affairs, Republic of Belarus, asked election commission at precinct No 345 in Frunzensky district No 101 to certify her act of early voting with an official document.
- In precinct No 347 of the same district on the same day at 4:00 PM observer A. Marchenko documented collective early voting of about 100 people brought to the precinct by an organized transport.
- Forced early voting was also noted by observer O. Shpakovskaya in precinct No 60 in Vitebsk Oktyabrsky district No 20.
- In precinct No 76 of the same district observer T. Severinets documented early voting of a group of students from industrial pedagogical college on September 18 at 11:00 AM, i.e. at the time of classes.
- By September 21, in precinct No 61 of Vitebsk Oktyabrsky district No 20 located on the territory of state academy of veterinary medicine the elections had already taken place – 52.5 percent voters voted; in precinct No 47 of the same district located next to the dormitory of veterinary academy 56.6 percent had already voted by that time.
- Massive forced early voting of students from Minsk state higher aviation college was documented on September 21 at precinct No 60 of Avtozavodskoy district No 92.
- A resident of Krinitsa village, Lidsky district N. F. Shakurina informed that on September 19 local administration representatives went around the village inviting its residents to visit precinct in Dvorische village in an organized manner, on September 20 at 3⁰⁰ PM.
- An authorized representative of parliamentary candidate V. Frolov, A. Finkevich, noted the presence of an unauthorized person at precinct No 73 in Avtozavodskoy district No 92. It was deputy general director of MAZ JSC V. Yakubov who left the precinct only after the observer had started writing a complaint. One can suppose that his presence at the precinct was associated with controlling early voting of MAZ JSC employees. At the same PEC an observer documented the fact of violating Election Code requirements by commission head V. Budko who was alone at the precinct on September 19 at 5:40 PM and issued ballots to voters.

Unsecured ballot boxes, unauthorized persons in precincts, pressure against observers were among the other major incidents noted in the examples of additional early vote problems listed below.

- Constant presence of unauthorized persons was noted at precinct No 6 of Luninetsky district No13 located in the teachers' room of secondary school No 2.
- Interference of unauthorized persons with the work of commission was documented by observers at precinct No 76 in district No 20.
- Observer I. Parshikov (precinct No 385 of Zapadny district No 102) documented early voting of 6 persons on the first day, September 18. A copy of protocol put out in the end of the day listed 86 used ballots. In the morning of September 19 head of commission F. Belapko showed him another version of the protocol, which listed 7 used ballots. This case can be described as an attempt to hide massive ballot stuffing into the early voting ballot box.

According to Article 53 of Election Code, in the period of early voting the storage of ballot box is provided by election commission head. To realize their legal rights, 534 observers of For Fair Elections 2012 campaign addressed election commission heads for a possibility to observe the ballot box at night time. Almost everywhere they got negative replies. Only the head of election commission in precinct No 67 of Vitebsk Oktyabrsky district No 20 O. Shmychkova allowed observers G. Gapeyeva and V. Gapeyev to stay near the room with sealed ballot box.

At the same time cases were documented when integrity of ballots from early voting was not duly provided for.

- Observers noted loose sealing of transparent early voting ballot box in precinct No 51 of Vitebsk Chkalovsky district No 18 – there was a slit about 2 cm wide.
- The integrity of transparent box for early voting in precinct No 29 of Orsha city district No 29 was documented – a bar was ripped off its back wall.

In the course of early voting, biased attitude of election commissions towards observers put forward by democratic organizations was noted.

- In particular, in precinct No 54 of Mogilev Promyshlennyi district No 87 an observer from United Civic Party was refused accreditation due to the lack of stamp on the protocol, though no stamp was required in this case. In precinct No 42 of Vitebsk Chkalovsky precinct No 18 no conditions were created for observers – the commission did not provide tables and chairs.
- On September 22 observer from United Civic Party V. Nepomnyaschikh had his accreditation seized in precinct No 15 of Gomel Sovetsky district No 34 on basis of accusation of transmitting information to a candidate's proxy person.
- On September 21 observers were removed from precinct No 70 of Mogilev Central district No 85 with a formulation "disrupting commission's work." In the course of three days two observers submitted five complaints.
- On September 19 two people dressed in plain cloth introduced themselves as KGB employees, showed their IDs and advised observer A. Lishik (precinct No 18, Slonim district No 58) to stop his observation effort threatening him that he might lose his job.

Due to obstacles in observers' work and their removal from precincts the campaign could not carry out continuous observation and ceased its work in 164 precincts.

In violation of requirements of the Election Code on openness and transparency in the course of elections, at 239 precincts (23.3 percent out of those observed) the observers were refused information about the number of voters entered into voter lists.

Mobile Voting

The order of mobile voting on Election Day is regulated by Article 54 of the Election Code, according to which voting is conducted according to the voter list compiled by election commission based on the oral and written requests of voters. The composition of the list is completed no later than 2 hours before the end of voting time, i.e. before 6 PM. The number of ballots received by commission members chosen for mobile voting must correspond to the number of received voters' requests.

At a range of precincts, observers documented instances when commission members received ballots in the number exceeding the number of received requests for mobile voting, which violated the requirements of this article.

- At precinct No 74 of Avtozavodskoy district No 92, there were 19 voters on the list for mobile voting, but the head of commission announced 170 voters. Commission members issued 200 ballots. Due to the fact that an observer went with commission members for mobile voting, they visited 19 apartments and came back to the precinct. The second time two groups received 100 ballots each. One of the groups was again accompanied by an observer. This time commission members did not visit only apartments of those citizens who were on the list for mobile voting, but also offered to those voters who had not voted yet to vote. The first group was called back to the precinct, and the second one, unaccompanied by an observer, continued its work.

- The residents of houses in Sovetskaya, Mitskevicha, Naberezhnaya streets in the city of Lida informed that in precincts No 18, 21, 22 of Lida district No 54 three people were walking from door to door in apartment buildings since morning. They had a ballot box with them and persuaded people to vote visiting all apartments.
- In precinct No 21 of Gomel Sovetsky district No 34 the turnout during the whole time of voting by 6 PM of Election Day had amounted to about 30 per cent; after that, commission members, without any requests from citizens, took 365 ballots and went around citizens' apartments with a ballot box for mobile voting.
- An observer, D. Kavalgin from United Civic Party met election commission members of the precinct No 246 of Grushevsky district No 98 where he was registered as an observer near the house. Commission members offered everyone residing in this house to vote at home. D. Kavalgin showed them his passport and his name was immediately put on the voting list for mobile voting, and he was issued a ballot to cast. However, D. Kavalgin did not drop his ballot into the ballot box but instead explained these commission members that their actions were illegal. Moreover, contrary to the law this ballot had no signatures of two commission members on its reverse side. He documented this fact in complaints sent to precinct and district election commissions.

In many cases, observers were refused to be present during mobile voting which allows us to assume that secrecy of vote was not observed and citizens were pressured by election commission members.

- For example, an observer in precinct No 10 of Soligorsk city district No 68 was not allowed to observe mobile voting.

Voting on the main Election Day and Vote Tabulation

On Election Day observers have reported instances of multiple voting by same persons in different precincts (so-called "carousel"). For example, observers in Svislotch election district No 94 have witnessed a group of 6 people which, by moving around in a minibus, voted on precincts No 118, 119, 120 and 132.

Observers also reported multiple instances of commission members issuing more than two ballots to one voter. For instance, such facts were recorded at precinct No 37 of Luninets district No 13, precinct No 16 at Gomel Sovietsky district No 34, precincts No 15 and 28 of Zhlobin district No 40, and precinct No 53 of Avtozavodskoi district No 92.

Observers have also reported instances of ballot staffing in precincts No 9 of Kalinkovichi electoral district No 41 and No 2 and Svetlogorsk electoral district No 46.

In order to increase the level of trust into elections, members of commissions nominated by democratic forces as well as observers of For Fair Elections 2012 campaign submitted proposals on the transparent procedure of ballot counting to the election commissioners.

Thus, member of the District Election Commission No 98 S. Voznyak proposed to adopt the transparent vote counting procedure on the whole district. The procedure would require one commission member to count ballots in support of each candidate from separate piles out loud, separating spoiled and invalid ones, and demonstrating each of the ballots to the rest of the commission and observers present. In case of such procedure, any of the members of the precinct commission would have the right to demand recount at one's discretion. Voznyak's proposal was refused by the district commission. Similar proposals were put forth by observers in 626 precincts of 36 electoral districts. However, only one of these proposals was adopted.

On the Election Day mass cases of removing observers from the precincts were registered. Moreover, the more actively the observers tried to interfere with the

violations, the quicker they were made to leave the precinct. As a result, at the end of the number of precincts on which observers were present went down from 657 to 527 by the time vote count began. Observers were able to receive full information from the final protocols only in 448 precincts from 31 districts.

In the majority of precincts, observers reported a discrepancy between the number of voters they calculated and the number announced by the commissions. In total, the number of voters on the lists in the precincts where observers were able to receive full information was 797,815 people. Turnout according to commissions was 485,039 voters or 60.8 percent, but according to observers the number was 419,476 or 52.6 percent. The discrepancy equaled to 65,563 or 8.2 percent. At the same time, in 49 precincts (or 10.2 percent of the precincts covered by observation) this discrepancy was 25 percent or higher.

The member of the district election commission of Avotzavodskoi electoral district No 92, A. Sigaev, while receiving final protocols from precinct election commissions faced a situation, when the Chair of PEC No 74 first submitted a protocol with turnout of 35.7 percent and, after visiting the Rayon Administration of Minsk city, returned with another protocol indicating turnout of 51.7 percent.

As in previous elections, on many precincts a following procedure of vote counting was used. Every commission members would quietly count his/her pile of ballots and then either whisper or hand it on a piece of paper to the Commission Chair who would then announce the outcomes of the count.

In direct violation of electoral legislation, in 422 precincts (or 80 percent of those where observers worked) observers could not see the contents of ballots during the count.

On a number of precincts the observers reported the commissions not fulfilling requirements of the Election Code on separate count of ballots from early voting boxes, mobile voting boxes and main Election Day. This allows us to presume that by mixing up different ballots the commissions consciously violated the law in order to hide manipulations with the ballots from mobile voting ballot boxes and early voting ballot boxes.

In total, throughout the early voting period and on the main Election Day observers of the For Fair Elections campaign have filed over 640 complaints on conducting elections and proposals for improving election practices.

Final Conclusions

For Fair Elections 2012 campaign states that no improvements related to the electoral legislation or electoral practices took place in the Republic of Belarus during these elections. Proposals by democratic forces to amend the existing electoral legislation by increasing transparency and trust in the vote count and the election results were largely ignored by the authorities.

As in previous elections, the process of forming election commissions was practically closed and incomprehensible for election participants. There were no written criteria by which commission members were chosen or candidacies reviewed. The comparative analysis of the accepted commission nominees testifies to a discriminative approach of authorities towards oppositional political parties.

Most election commissions were formed with a significant amount of members coming from the same workplace often under the supervision of their employment manager.

Election commissions refused many citizens' requests for registration as parliamentary candidates.

During pre-election campaigning there were numerous facts of censorship against candidates. Recorded speeches of candidates were not broadcasted; printed materials including official candidate programs were changed or not printed; and

candidates were denied equal access to the mass media.

The Central Election Commission created a precedent of changing the rules of campaign during the same campaign – non-broadcast of candidates' debates where one of the candidates was represented by an authorized person who was also an MP candidate.

State mass media provided information about oppositional parties participating in elections and candidates from these parties in negative and extremely negative aspects.

There were documented cases of inequality in candidates' rights, usage of administrative resource and rank by pro-government candidates.

During all stages of pre-election campaign pressure on democratic candidates and activists by state authorities and law enforcement structures were noted.

Massive forced early voting and discrepancies between the observed voter turnout and the turnout announced by the commissions demonstrated commission efforts to artificially increase turnout throughout the early vote. Other significant issues throughout the voting period include numerous incidents of organizing mobile voting without official requests from voters, ballot stuffing, multiple voting of the same unidentified persons at different precincts was also documented.

Contrary to the requirements of Election Code, there was no separate counting of votes for each candidate as well as votes in boxes for early and mobile voting and stationed ballot boxes at a range of precincts.

The procedure of vote counting on many precincts was closed; observers could not see the content of ballots and watch how the data on protocols on voting results were formed.

Under such conditions For Fair Elections 2012 campaign cannot deem the elections to the House of Representatives to the National Assembly of Republic of Belarus free and fair.

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