



**EUROPEAN UNION  
ELECTION OBSERVATION MISSION**

**Aceh, Indonesia  
GOVERNOR AND  
REGENT/MAYOR ELECTIONS**

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**FINAL REPORT**

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## GLOSSARY

<b>ALES</b>	Aceh Local Elections Support
<b>AMM</b>	Aceh Monitoring Mission
<b>ANFREL</b>	Asian Network for Free Elections
<b>APB-A/K</b>	<i>Anggaran Pendapatan Belanja -Aceh/Kabupaten/Kota</i> Aceh/Kabupaten/Kota - Budgetary Revenue
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>BPS</b>	<i>Biro Pusat Statistik</i> - Public Statistics Office
<b>BRR</b>	<i>Badan Rekonstruksi dan Rehabilitasi</i> - Reconstruction and Rehabilitation Bureau
<b>BUM-N/D</b>	<i>Badan Usaha Milik Negara/Daerah</i> - State Owned Companies
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CIDA</b>	Canadian International Development Agency
<b>CSO</b>	Civil Society Organisation
<b>DEPDAGRI/MoHA</b>	<i>Departemen Dalam Negeri</i> - Ministry of Home Affairs
<b>DPR</b>	<i>Dewan Perwakilan Rakyat</i> - People's Representative Council/House of Representatives (lower chamber of national parliament)
<b>DP4</b>	<i>Daftar Penduduk Potensial Pemilih Pilkada</i> - Civil register extract with potential eligible voters
<b>DPD</b>	<i>Dewan Perwakilan Daerah</i> – House of Regional Representatives (regional chamber of national parliament)
<b>DPRA</b>	<i>Dewan Perwakilan Rakyat Aceh</i> - Aceh People's Assembly of Representatives (provincial parliament)
<b>DPRK</b>	<i>Dewan Perwakilan Rakyat Kabupaten/Kota</i> - Regency/Municipality People's Assembly of Representative (district parliament)
<b>EMB</b>	Election Management Body
<b>EUEOM</b>	European Union Election Observation Mission
<b>FPTP</b>	'First Past The Post' electoral system
<b>FVL</b>	Final Voters' List
<b>GAM</b>	<i>Gerakan Aceh Merdeka</i> - Free Aceh Movement
<b>GOLKAR</b>	<i>Golongan Karya</i> - Functional Group (national political party)
<b>GTZ</b>	Foundation for Technical Cooperation (Germany)
<b>Gubernur</b>	<i>Gubernur</i> - Governor of the province
<b>IRI</b>	International Republican Institute (USA)
<b>KIP</b>	<i>Komisi Independen Pemilihan</i> – Aceh's Independent Election Commission (on province and district levels)
<b>KK</b>	<i>Kartu Keluarga</i> - Family (registration) Card
<b>KPA</b>	<i>Komiti Peralihan Aceh</i> - Transitional Committee of Aceh (political wing of GAM)
<b>KPPS</b>	<i>Kelompok Penyelenggara Pemungutan Suara</i> - Polling Station Officials
<b>KPU</b>	<i>Komisi Pemilihan Umum</i> - National Election Commission of Indonesia
<b>KPU Daerah</b>	<i>Komisi Pemilihan Umum Daerah</i> - Regional KPU (provincial and city/regency level)
<b>KTP</b>	<i>Kartu Tanda Penduduk</i> - National Identity Card
<b>Linmas</b>	<i>Perlindungan Masyarakat</i> - People's Protection ('neighbourhood watcher')
<b>LoGA</b>	<i>Undang-undang Tentang Pemerintahan Aceh</i> - Law on Governing Aceh
<b>LP3ES</b>	<i>Lembaga Penelitian Pendidikan Dan Penerangan Ekonomi Dan Sosial</i> - Institute for Social and Economic Research, Education and Information

<b>LSI</b>	<i>Lembaga Survei Indonesia</i> - Indonesian Institute for Surveys
<b>LSM</b>	<i>Lembaga Swadaya Masyarakat</i> - NGO
<b>LTO</b>	(EU EOM's) Long-Term election Observer
<b>MPR</b>	<i>Majelis Permusyawaratan Rakyat</i> - People's Legislative Assembly at the National level. This body consists of two chambers, the DPR and the DPD
<b>NAD</b>	<i>Nanggroe Aceh Darussalam</i> - Nation of Aceh 'House of Peace' (Arabic)
<b>NDI</b>	National Democratic Institute for International Affairs (USA)
<b>NGO</b>	Nongovernmental Organisation
<b>NIK</b>	<i>Nomor Induk Keluarga</i> - Individual civic registration number
<b>P2P</b>	<i>Petugas Pelaksana Pemilu</i> - Voter Registration Officer
<b>P4B</b>	<i>Pendaftaran Pemilih dan Pendaftaran Penduduk Berkelanjutan</i> - List of voters and population. Combined census and voter registration for the 2004 election.
<b>PAN</b>	<i>Partai Amanat Nasional</i> - National Mandate Party
<b>PANWASLIH</b>	<i>Panitia Pengawas Pemilihan</i> - Election Supervisory Committee
<b>ParPol</b>	<i>Partai Politik</i> - Political Party
<b>PBR</b>	<i>Partai Bintang Reformasi</i> - Reformation Star Party
<b>PD</b>	<i>Partai Demokrat</i> - Democratic Party
<b>PDIP</b>	<i>Partai Demokrasi Indonesia Perjuangan</i> - Democratic Party for Struggle of Indonesia
<b>PEMDA</b>	<i>Pemerintah Daerah</i> - Local Government Administration
<b>PILKADA</b>	<i>Pemilihan Kepala Administrasi Daerah</i> - Election of Regional Heads of Administration
<b>PKI</b>	<i>Partai Komunis Indonesia</i> - Indonesian Communist Party
<b>PKB</b>	<i>Partai Kebangkitan Bangsa</i> - National Awakening Party
<b>PKPI</b>	<i>Partai Keadilan Persatuan Indonesia</i> - Party for Justice and Unity in Indonesia
<b>PM</b>	<i>Partai Marhaneisme</i> - Marhanism Party
<b>POLRI</b>	<i>Polisi Republik Indonesia</i> - Indonesian Police Force
<b>PP</b>	<i>Peraturan Pemerintah</i> - Governmental Regulation
<b>PPK</b>	<i>Panitia Pemilihan Kecamatan</i> - Sub-District (Kecamatan) Election Commission
<b>PPP</b>	<i>Partai Persatuan Pembangunan</i> - United Development Party
<b>PPS</b>	<i>Panitia Pemungutan Suara Kelurahan</i> - Village Election Commission
<b>PPVT</b>	Partial Parallel Voter Tabulation
<b>PVL</b>	Preliminary Voters' List
<b>Qanun</b>	<i>Qanun</i> - Provincial legislation
<b>Rp</b>	<i>Rupiah</i> - Indonesian currency
<b>SIRA</b>	<i>Sentral Informasi Referendum Aceh</i> - Information Centre for a Referendum in Aceh
<b>STO</b>	(EU EOM's) Short-Term election Observer
<b>TAP MPR</b>	<i>Ketetapan MPR</i> - MPR Decree
<b>TNI</b>	<i>Tentara Nasional Indonesia</i> - Indonesian Armed Forces
<b>TPS</b>	<i>Tempat Pemungutan Suara</i> - Polling station
<b>UNDP</b>	United Nations Development Program
<b>USAID</b>	United States Agency for International Development
<b>UU</b>	<i>Undang-Undang</i> - National Law
<b>UD 1945</b>	<i>Undang-Undang Dasar 1945</i> - Indonesian Constitution of 1945
<b>VAS</b>	Voter Attitude Survey
<b>WH</b>	<i>Wilayahul Hisbah</i> – Shari'ah Police

## **EXECUTIVE SUMMARY**

In 2005 the European Union (EU) helped broker the historic Memorandum of Understanding (MOU) between the Government of Indonesia and GAM (*Gerakan Aceh Merdeka*, Free Aceh Movement). The ensuing peace process was policed by a joint EU-ASEAN Aceh Monitoring Mission (AMM) which culminated in the deployment of a European Union Election Observation Mission (EUEOM) to observe the election process.

The Aceh EUEOM, headed by Glyn Ford, Member of the European Parliament, stayed two and half months in the province observing all electoral activities, except the registration of candidates and voters, in the context of the first direct governor, and regent/mayor elections in 19 of 21 districts on 11 December 2006. On Election Day, 32 Long Term Observers (LTOs) and 50 Short Term Observers (STOs) – from 21 EU member states, Canada, Switzerland and Norway, including local observers from EU Member States Embassies in Jakarta and a delegation from the European Parliament – were deployed throughout Aceh's 21 districts. Opening was observed in 35 polling stations, voting in 243 and counting in 38. The verification and aggregation at sub-district level was observed at 40 sub-district election commissions (PPKs). A reduced EUEOM was deployed in the districts of Aceh Barat and Aceh Barat Daya during the second round elections on 4 March 2007 where no candidates obtained the required minimum of 25 per cent in the first round.

The seven guiding principles the EUEOM had developed for observing the elections are: the ability to stand; the ability to campaign; the ability to vote; the conduct of polling; counting and aggregation; the resolution of disputes and the media environment. The EUEOM assessed the elections to be well administered, competitive and peaceful. The transparency of the counting process and the general acceptance of the results by candidates were an important indicator that the results reflected the wishes of the voters.

The EU EOM concluded that, generally, the electoral process occurred in accordance with international standards for democratic elections

This report looks at legal issues, election administration, voter registration, the election campaign, the media, security, the participation of women and the role of civil society in the elections as well as election day(s) and the results. It seeks to highlight good practice as well as raise issues where practice gives room for improvement and make recommendations as to how to improve on the conduct of elections in the future.

### **Legal Issues**

In general, the legal framework provided an effective basis for the conduct of democratic elections. However, there are a number of issues that need to be addressed ahead of future elections, in particular the ability of candidates to stand. Ideally there should be only the most limited restrictions on the ability of candidates to stand. The minimum restrictions normally encountered are age, nationality and an absence of serious criminal convictions. In these elections in Aceh, rules discriminated against candidates on grounds of education, health and wealth. Plus a requirement for Muslim candidates, who made up almost 100% of the total

candidates who stood for election, to pass a *Koran* reading test. In the case of independent candidates, discrimination on grounds of wealth was particularly onerous, considering the financial burden in collecting the necessary signatures for electors to be able to stand, with the added redundancy that it was impossible to adequately verify the tens of thousands of signatures obtained. It may be a one-off difficulty, if the commitment is maintained to remove the ability of independent non-party candidates to contest elections in the future.

There are anomalies within the law with regards to the right to vote, for example members of the armed or police forces are excluded. There are inadequate regulations for complaints and appeals, and a lack of provisions for the enforcement of the decisions of the election supervisory bodies at all levels. In the case of the run-off elections, candidates had an extremely short three-day period for campaigning.

### **Election Administration**

The Independent Election Commission (KIP) dealing for the first time with a direct election for governor and district leaders established a high level of public confidence. However, future independent province and district election commissions should be mandated to supervise the preparation and conduct of elections rather than being involved in day-to-day election management. The delayed results in Aceh Tengah and Aceh Tenggara were due to disputes demonstrating an absence of a clear 'chain of command' within KIP and the danger of political appointments. To help monitor and enforce elections more effectively election management bodies could be strengthened with full-time paid officials.

The ability of the PANWASLIH to carry out its oversight role was severely compromised as most district level PANWASLIHs were established after key stages of the process, like voter registration, had already taken place. Under funded and without effective powers of enforcement PANWASLIHs failed to effectively monitor the election process and were present in less than half of the polling stations visited.

### **Voter Registration**

In order to maximise participation first there is a need to improve voter registration. Pro-active door-to-door registration in villages should be conducted by trained registration officers avoiding the current system of payment per registered individual voter that encourages duplicate registration. Voter registration should provide sufficient time to finalize the voters' list and distribute voter cards. The closing of the voters' list should also precede the allocation of polling stations, so that letters of invitation can be prepared and distributed. Claims that large number of voters had been omitted from the electoral register proved unfounded when the voter lists were re-opened for the second round district elections held in the province. Public understanding of the election process needs to include not only how and when to register and vote but also how to file complaints and make appeals to the proper authorities. In December's elections last minute procedural changes led to confusion.

## **Election campaign**

On the whole Candidates and Parties were able to campaign freely throughout Aceh without restriction or interference. There were a small number of violent incidents reported both before and on polling day, but these were isolated and sporadic and did not result in a serious or systematic disruption of campaigns. Consequently, if anything, measures taken to minimise potential conflicts during the campaign period were over restrictive with the establishment of a detailed two-week campaign calendar for public rallies that did not go past 18.00hrs. This was certainly true of the three day indoor only campaigning allowed for the run-off elections where no candidate was elected in the first round. Pre-campaigning under the name of '*socialisation*' made any pretence of an official campaign period redundant. Equally abused was the requirement to submit a financial report on campaign income and spending. Some candidates have still not submitted their statements to the election authorities.

## **Media**

The media monitored by the EUEOM provided good coverage of the election but its attention was mostly on the governor candidates or the district election in the areas where conflict had been most intense. The most significant shortcoming of the media is limited geographical reach with state-owned *Televisi Republik Indonesia* (TVRI) and state-owned station *Radio Republik Indonesia* (RRI) alone providing wide coverage. Radio did play an important role during the second round of elections. Unfortunately the two most influential media outlets, TVRI and *Serambi* newspaper, showed bias in favour of one particular candidate despite clear regulations insisting on 'fair and proportional coverage.' Despite this 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.

## **Security**

Security throughout the election process was good. There were two major incidents and another 18 incidents registered by the EUEOM but these incidents did not impact on the elections.

## **Participation of Women**

The EUEOM noted the very limited representation of women in political life. Only five out of 258 candidates at district were women and the only two women candidates in the Governor/Deputy Governor election failed the *Koran* reading test and were therefore disqualified.

## **Civil Society and Observers**

Civil society organizations played an important role in the electoral process, especially in voter education and reaching those in remote areas and election observation. They remain an important component in the democratic future for Aceh.

## **The Election**

Election day was calm and orderly and voters turned out in large numbers, particularly in rural areas. Secrecy of the vote was well maintained with problems in less than seven per cent of polling stations. There were procedural problems across a range of voting practices but the difficulty was that election officials rarely fully understood the logic of the complex set of rules. For example finger inking which was performed extremely efficiently is completely useless if 'checking for ink' when the voters arrive at the polling station is not carried out thoroughly. Due to delays and the weather requiring some polling stations to relocate from their open air locations, the closing of polling stations varied, while one in four polling stations started the counting process before the official time of 14.00hrs. Counting and aggregation was transparent although there were shortcomings in the reconciliation and in almost 65 per cent of polling stations visited copies of the results were not publicly posted.

There were no problems in Aceh Barat Daya in the second round but in Aceh Barat there was interference by elements of the military and EUEOM observers were not allowed to observe the activities in some polling stations.

The EUEOM wishes to express its appreciation to Vice President M. Jusuf Kalla, the Ministries of Foreign Affairs and Home Affairs, the provincial and district Independent Election Commissions (KIP), the PANWASLIHs (Election Supervisory Committees), 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 EUEOM. The EUEOM expresses its sincere thanks to the citizens of Aceh for their warmth and hospitality, and the AMM for its invaluable work in the province and cooperation with the EOM. The EUEOM only built on the foundations they laid.



## I. POLITICAL BACKGROUND

The historic 2006 elections in Aceh marked the end of almost 30 years of armed struggle between the Indonesian Government and GAM that had resulted in a high number of deaths amongst a population of less than four million. Following the election of Susilo Bambang Yudhoyono and his running mate Jusuf Kalla in the 2004 Indonesian Presidential elections talks were started with the leadership of GAM. The tragedy of the 2004 Boxing Day Tsunami triggered an immediate ceasefire. In 2005 the European Union helped broker an historic MOU between the two parties and the ensuing peace process was policed by a joint EU-ASEAN AMM which oversaw (1) the de-commissioning of arms, (2) the removal of non-organic troops and (3) the resettlement of combatants. At the culmination of the Peace Process with the date of the promised elections set, the AMM was withdrawn and an EUEOM was deployed to observe the whole election process.

The EUEOM was deployed by the European Commission with a mandate to conduct a comprehensive assessment of the electoral process in accordance with the Declaration of Principles for International Election Observation, confirmed at the United Nations, in October 2005. The conflict, fresh in the memory of all Acehnese, gave rise to concerns that local identity politics and past rivalries might erupt during the electoral process. In the district of Aceh Utara, religious leaders (*ulama*) were split between two candidates and in Bener Meriah two anti-separatist leaders and a GAM military commander were running against each other. However such concerns and fears of violence were largely dissipated by the signing of, and adherence to, a Government-endorsed code of conduct by all candidates for governor, replicated at district level, and allowed for a peaceful and orderly election process.

While local parties were not to be allowed to stand before 2009's elections as a one-off provision, Independent candidates were allowed giving GAM the opportunity to participate in the elections while in transition from a military movement to a political organisation. GAM member Irwandi Yusuf won with 38.2 per cent of the votes in the governor election. At district level there were election victories in nearly half the contests for GAM candidates, a show of support foreseen by few political pundits. Whatever the outcome it was clear to the EUEOM that the results had integrity.

## II. LEGAL AND INSTITUTIONAL ISSUES

### A. CONSTITUTIONAL AND LEGAL FRAMEWORK

In general, the legal framework provided an effective basis for the conduct of democratic elections, in line with international standards. The 1945 Constitution of the Republic of Indonesia (as amended in 1999, 2000, 2001 and 2002) and Law No. 11 of 2006 on the Governing of Aceh (LoGA) were the primary legal instruments regulating the local elections (*Pilkada*) in the province of Nangroe Aceh Darussalam. Other relevant legislation were by-

laws applicable to Aceh passed by the provincial legislative assembly, *Qanun* No. 2 of 2004, and *Qanun* No. 3 of 2005, *Qanun* No. 7 of 2006. Regulation 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.

Law No. 11 of 2006 on the Governing of Aceh (LoGA), incorporates the principles contained in the Memorandum of Understanding (MoU) between the Government of Indonesia and the Free Aceh Movement (GAM) on 15 of August 2005<sup>1</sup> and sets out the framework for a new constitutional arrangement between the Central Government in Jakarta and Aceh. Initially, the MoU foresaw local elections to take place before April 2006. However, the LoGA was only passed in July 2006 and the elections delayed until December.

*Qanun* No. 7 of 2006 Regarding the Election Of Governor/ Vice Governor, Regent/Vice Regent and Major/Vice Major was introduced to bring the legal framework for the elections into line with the LoGA. This is an amendment to *Qanun* No. 2 of 2004, as previously amended by *Qanun* No. 3 of 2005. Indonesia acceded to the International Covenant on Civil and Political Rights (ICCPR) on 23 February 2006. According to section 7(2) of Indonesia's Law No.39 of 1999 on Human Rights, provisions of international treaties which concern human rights and which have been ratified by Indonesia form part of domestic law.

The independence of judicial power is provided for in Article 24 of the Constitution. The law on the Constitutional Court (24/03) establishes the jurisdiction of the Court to adjudicate on the result of the elections though not on other election complaints and decisions. The LoGA provides for *Syariah* Courts in Aceh<sup>2</sup>, which had little relevance to the *Pilkada* elections. It also provides that jurisdictional disputes between these courts and the regular courts are to be decided by the Supreme Court.

According to the Law on Governing Aceh (LoGA), the only court with power to annul election results, whether for regent/mayor or governor, is the Supreme Court in the national capital, Jakarta. However, this is inconsistent with previous Superior Court rules which grant jurisdiction to deal with electoral disputes regarding district elections to the High Courts in the provinces, creating the possibility of some confusion.

The second round elections in Aceh Barat and Aceh Barat Daya were a continuation of the *Pilkada* 2006. All legal provisions and regulations for the 11 December 2006 elections were also valid for the second round of district elections. However, in January 2007, KIP Aceh adopted two sets of regulations, modifying the campaign process and re-opening voter

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<sup>1</sup> The extent to which it incorporated fully the principles contained in the Memorandum of Understanding was an issue of some controversy and debate during its passage through the legislative process, during the electoral campaign and even subsequently.

<sup>2</sup> *Syariah* Courts have been legally recognised since the province of Aceh came into being in 1957. Their jurisdiction has increased incrementally since then. The Aceh Autonomy Law No. 18 of 2001 increased their jurisdiction over not just the usual areas of family and property issues but also criminal cases. In 2003, the Presidential Decree 11/2003 formally established *Syariah* courts in Aceh by renaming the existing religious courts while retaining their infrastructure, jurisdiction, and staff.

registration. The second round of elections were to be held within 60 days after the election results of the first round had been announced. Hence, the independent election commissions (KIP) in both districts set the day for polling in Aceh Barat and Aceh Barat Daya for 4 March 2007.

### **B. THE INDEPENDENT ELECTION COMMISSION (KIP)**

The highest electoral authority in Indonesia is the General Election Commission (KPU), of which the Independent Election Commission of Aceh (*Komisi Independen Pemilihan*, KIP Aceh) and the districts commissions (KIP *Kabupaten* and KIP *Kota*) are integral parts.<sup>3</sup> Although KIP Aceh has the mandate to prepare and conduct governor elections, it is the sole responsibility of KIPs at district level to organise elections for their regent or mayor. KIP Aceh has no jurisdiction over independent district election commissions. At the sub-district (*Kecamatan*) level, election commissions were installed as *Panitia Pemilihan Kecamatan* (PPK), and at village (*Gampong*) level as *Panitia Pemilihan Gampong* (PPG). Finally, the polling and counting committees (KPPS) were the electoral management bodies on the level of polling stations (*Tempat Pemungutan Suara* or TPS). 42,355 KPPS staff members were deployed on polling day to operate 8,471 polling stations. After the counting of votes, the KPPSs reported their findings and delivered election materials to their respective PPK. KIP's responsibilities are to co-ordinate and implement all stages of the electoral process.

KIP Aceh established a high level of public confidence and organised the elections in a transparent manner. However, KIP Aceh seems to lack coherence. Those members (8 out of 11) selected from civil society had limited election and management experience in comparison with members representing the national election management body KPU (3 out of 11). KIP Aceh demonstrated independence from the Executive at provincial and national level and retained the confidence of all candidates for Governor. The same was not true of all district KIPs. Future KIPs should be mandated to supervise the preparation and conduct of elections rather than being involved in day-to-day election management as heads of working groups. The delayed results in Aceh Tengah and Aceh Tenggara were due to disputes with KIP or between KIP and District Assemblies which demonstrated the absence of a clear 'chain of command' within KIP and the danger of political appointees running District KIPs. Given that in several instances the chairman of the PPG was concurrently the village head, doubts have been reported to the EUEOM over the impartiality of the election authorities at village level.

### **C. ELECTION SUPERVISORY COMMITTEES (PANWASLIH)**

The LoGA also provides for the Election Supervisory Body (*Panitia Pengawas Pemilihan Aceh*, generally referred to as PANWASLIH), the authority tasked with settling elections disputes, as well as supervising and monitoring the implementation of the governor elections.

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<sup>3</sup> *Qanun* No. 7, Article 1.8

Its committees at district level perform a similar function for elections for regent and mayor<sup>4</sup>. It is an *ad hoc* institution appointed by the national General Election Supervisory Committee PANWASLU (*Panitia Pengawas Pemilihan Umum*) for the duration of the entire electoral process and established as a semi-independent structure.

The institution is composed of a central office with five members, including the chairman and deputy chairman, and is assisted by the KIP Secretariat. Members are drawn from the police, the provincial prosecutor's office, academics, public figures and the media. The current chairman, Iskandar Muda Hasibuan, is from the media sector. Its structure resembles that of the KIP, with offices in each district or municipality and sub-district. The central PANWASLIH appoints the district PANWASLIH, which in turn appoints the sub-district ones.

The ability of the PANWASLIH to carry out its oversight role at each stage of the electoral process was severely compromised as most district-level PANWASLIHs were only established after key stages of the electoral process, like voter registration, had already taken place. PANWASLIH monitors were supposed to be present in polling stations but the monitors, volunteers who receive an honorarium, were present in only a third of the polling stations visited by the EUEOM at the opening of polls though this number did rise to 60 per cent during the count.

During the run-offs the PANWASLIHs barely functioned due to the critical assessment of the district legislators over the performance of the members of PANWASLIH during the first round of elections, and in one case to the mutual accusations of incompetence and inefficiency exchanged by members of the district PANWASLIH at a legislative hearing. Since time was short, the considered reshuffle of its members was not implemented. In consequence, PANWASLIH failed to supervise the voter registration and to monitor the three-day campaign period. On polling day, the EUEOM observed only occasionally representatives of PANWASLIH, although they were the election officials in charge of monitoring the election and, among other functions, responsible for receiving written complaints submitted by citizens, witnesses and monitors.

#### ***D. RIGHT TO VOTE***

The legal framework guarantees the respect of fundamental freedoms including the general principles of direct, free and fair elections enshrined in the Constitution (Article 22 E) and the LoGA (Article 1). The general criteria for voter eligibility are spelled out in Article 71 of the LoGA and are generally in line with internationally accepted standards. A countrywide peculiarity is the voting is at 17 years, plus those who are or have been legally married before turning 17. In practice, this applies only to females as the legal minimum age to get married for women is 16 and men 19. Members of the Indonesian Armed Forces and members of the

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<sup>4</sup> Article 21 of *Qanun* 7 of 2006

Indonesian Police Force are not allowed to vote<sup>5</sup>. This disenfranchisement amounts to an unreasonable restriction on the right to vote and might violate international principles. In a commendable effort to combat discrimination against handicapped citizens, all polling stations were required to be accessible by handicapped persons<sup>6</sup> and there were pilot initiatives, like polling stations exclusively for handicapped voters, by KIP. However, the efforts were spoiled by the failure to register handicapped voters at stations where these facilities were provided.

International principles require that that all persons entitled to vote are able to exercise that right<sup>7</sup>. Therefore, problems with the voters' register were of concern to the EUEOM. In order to maximise participation there is a need to improve voter registration. Pro-active door-to-door registration in villages should be conducted by trained registration officers to avoid the current system of payment per registered individual voter that encourages duplicate registration. Voter registration should provide sufficient time to finalise the voters' list and distribute voter cards. The closing of the voters' list should also precede the allocation of polling stations so that letter of invitation can be prepared and distributed. A new voters' list might be fused with the civil register, which could in turn be updated and maintained by the permanent registration officials of the local government administration (PEMDA) that should be the sole authority to deal with the official voters' lists and be supported only administratively by the district, sub-district and village levels.

However claims that large numbers of voters had been omitted from the electoral register proved unfounded when the voter lists were re-opened for the second round district elections.

Political education is important for further enhancing voter participation and ensuring the election of candidates which clearly expresses the will of the people. Public understanding of the election process needs to include not only how and when to register and vote but also how to file complaints and make appeals to the proper authorities. In December's elections last minute procedural changes led to confusion.

For the second round of elections KIP Aceh also changed the major requirements to qualify as an eligible voter and to be registered. Decree No.3/2007 on 15 January 2007 revised the regulations established for the first round, which required that an eligible person must be "17 years of age by the last day of voter registration" and redefined the age criteria as "having reached the age of 17 prior to polling day." Voter registration officers at village levels registered all eligible voters whose 17<sup>th</sup> birthday was on the day of polling.

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<sup>5</sup> Article 230 Law No. 32/2004 regarding Regional Governance provides that "Members of the Indonesian Armed Forces and members of the Indonesian Police Force shall not use their voting rights in the regional head and deputy regional head election as long as such ruling is not provided in the laws."

<sup>6</sup> Article 7 of KIP Decree No 42 of 2006 on Implementation Procedure for Polling and Vote Counting.

<sup>7</sup> See paragraph 11 of the Human Rights Committee General Comment No. 25.

### ***E. RIGHT TO STAND FOR ELECTION***

Ideally there should be only the most limited restrictions on the ability of candidates to stand. The minimum restrictions normally encountered are age, nationality and an absence of serious criminal convictions. As stated in its Preliminary Statement, the EUEOM assessed that for these elections “the right to stand as a candidate included requirements that were both subjective and discriminated on grounds of education, health and wealth.”<sup>8</sup>

Eligible citizens who qualify for verification as candidates are only those who are citizens of the Republic of Indonesia; are conducting their religion and therefore belong to one of the six faiths granted official status to stand for election<sup>9</sup> and if Muslim are capable of reading the *Koran*; who are compliant, yielding and obedient to Islamic law and Indonesia’s 1945 Constitution; whose minimum educational qualifications are a diploma from a High School or from another educational institution with the same level; are at least 30 years old; are physically and mentally healthy and free from drugs based on a thorough medical examination by a government-appointed doctor; have never been sentenced for crimes with at least five years imprisonment based on a court decision with permanent legal power;<sup>10</sup> whose right to vote has not being annulled based on court decision with permanent legal power; who never conducted atrocious actions, never committed adultery, never gambled, never committed indecencies, faithful, have moral integrity, never bribed and never accepted a bribe, never conducted corruption, collusion and nepotism, including “money politics;” who know their territory and are known by their constituencies; who submitted a personal assets and wealth declaration and are willing to make it public; who are not holding the position of governor, regent or mayor; who are free from personal and/or legal debts or caused losses to the state’s finances; and finally whose husband or wife is not holding a public and political position in the related area.

The requirement for Muslim candidates to submit to a public *Koran* reading test resulted in the exclusion of the greatest number of potential candidates and generated the largest number of complaints to the PANWASLIH. Seven of the nine complaints to the PANWASLIH regarding candidate registration were with regard to the *Koran* reading test, mainly the test procedures. The other two concerned the health test requirement. Discrimination on the basis of level of education is contrary to commonly accepted international principles.

Provisions allowing independent candidates to stand for election were a welcome feature of the legal framework. However, in addition to the requirements above, independent candidates had to obtain signatures of at least 3 per cent of the total number of residents spread out in at least 50 per cent of the total number of regencies/cities for the governor election and 50 per

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<sup>8</sup> EU EOM Preliminary Statement, [www.eueomaceh.org](http://www.eueomaceh.org) ; [http://ec.europa.eu/external\\_relations/human\\_rights/eu\\_election\\_observ/index.htm](http://ec.europa.eu/external_relations/human_rights/eu_election_observ/index.htm)

<sup>9</sup> The Ministry of Religious Affairs extends official status to six faiths: Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism, the latter since January 2006. Religious organizations other than the six recognized faiths can register with the Government, but only with the Ministry for Culture and Tourism and only as social organizations

<sup>10</sup> Exceptions were subversive crimes or political crimes that had been granted amnesty or rehabilitation.

cent of the total number of sub-districts for the election for the regent/deputy regent or the mayor/deputy mayor. This amounted to 120,000 signatures for the governor election and up to 15,000 for the district elections which in turn resulted in massive financial and administrative burdens.

### **III. ELECTION ADMINISTRATION**

#### ***A. ELECTORAL SYSTEM***

The electoral system used for the Aceh *Pilkada* is a variation of ‘first past the post’ (FPTP) system, with the added feature that if no contesting pair gains an absolute majority of valid votes then the pair which receives ‘25 per cent plus one’ of the valid votes is elected. If no pair achieves this a run-off election between the two pairs with the most votes is held.

#### ***B. ELECTION PREPARATION***

Election preparations could only begin after the LoGA had been enacted by the national legislature in Jakarta and were then hampered by delays in adopting the legal framework. In the absence of an election timetable there was insufficient time for preparation and many election management bodies were confronted with financial constraints. Due to these restraints the selection, appointment and training of officials was inconsistent. Some districts provided training before polling, counting and aggregation procedures had been compiled into an official manual<sup>11</sup> and for others the failure to receive a manual at all may explain why most electoral disputes between polling officials and witnesses were resolved on an *ad hoc* basis rather than in reference to the procedural guidelines.

The cooperation between election officials and candidates continued adequately during the second round. However, due to delays in the release of funds from the district parliament (DPRD) to KIP Aceh Barat Daya, the training of polling staff was insufficient.

#### ***C. ELECTION MATERIAL***

Only five printing companies meet the various criteria for printing ballot papers and they are all based in Jakarta. This created problems of delivery but also quality control. As no representatives of the candidates or domestic observers were there to supervise the printing and packing of ballots it was only at a late stage that mistakes were spotted. There was also a problem with ballot distribution. On 6 December, less than a week prior to Election Day, the district election commission in Bireuen discovered that it had a shortfall of 300 ballots for governor elections. In Aceh Timur, the district election commission needed several days to

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<sup>11</sup> The decrees number 42 and 43 had, however, already been adopted by KIP Aceh on 20 October 2006.

identify and trace 4,000 ballot papers which had initially been lost.<sup>12</sup> The fact that the distribution of ballot papers had not been centrally organised, that KIP had an emergency overprint of 2,000,000 ballot papers and that ballot papers had no serial numbers raised suspicions about potential misuse of ballots. The EUEOM identified several cases of unsecured piles of ballot papers in various election administration offices. In future elections sensitive election material could be treated with additional safeguard measures.<sup>13</sup>

## IV. VOTER REGISTRATION

### A. VOTER REGISTRATION

To register it is necessary to provide a valid national identity card (KTP),<sup>14</sup> a family card (KK), a certificate of re-location or a certificate of the head of village confirming the status of residency. The eligible voters who were not registered could register with election registration officers at least 15 days before the final voters' list was announced. Each registered voter was to be given a registration receipt. There are no provisions for out-of-country, postal or absentee voting.<sup>15</sup> KIP decided in early 2006 to disregard existing population data and to conduct a comprehensive voter registration.<sup>16</sup> This proved to be complicated; a great number of people had been displaced by conflict and the tsunami (internally displaced persons, IDPs) coupled with an inadequate administrative infrastructure, insufficiently qualified staff and limited finances.

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<sup>12</sup> The head of KIP Aceh Timur informed the EUEOM on 5 December 2006 that 4,000 ballot papers for governor were missing. The explanations provided were inconsistent. At that stage, the Election Supervisory Committee (PANWASLIH) had not been officially informed about this incident. The 4,000 'missing' ballots were eventually found after a recount was ordered of all ballots at the KIP head office as well as by all sub-districts which had received ballots. As result, 513 ballots were found 'somewhere' in the KIP head office and six PPKs notified KIP that they have received an excess of ballot papers (Rantau Selamat 50, Peudawa 1.393, Serba Jadi 91, Madat 559, Julok 14, Birem Bayeun 8 and 8 PPKs that they were short of ballots. Peureulak 1490, Idi Rayeuk 352, Indra Makmur 34, Banda Alam 26, Rantau Peureulak 14, Darul Aman 145, Peureulak Timur 100).

<sup>13</sup> See "Recommendations." The EU EOM's Final Report 2004 suggested the serial numbering of ballot papers.

<sup>14</sup> *Kartu Tanda Penduduk*, the ID cards are either the old yellow ones, or the read/white ones issued under the Military Emergency (19 May 2003 until 18 May 2004) or the newly issued ones in blue. This requirement is outlined in the Helsinki MoU (article 1.2.5).

<sup>15</sup> It is estimated that between 20,000 and 45,000 Acehnese are either living in Malaysia or other parts of Indonesia. Also the 3,554 eligible Acehnese voters who were officially chosen to participate in the *hajj* pilgrimage to Mecca and therefore were out of country during polling day were not able to vote.

<sup>16</sup> The civil registry of potentially eligible voters (DP4) provided by the Ministry of Home Affairs to KIP Aceh in December 2005 was deemed inadequate in view of KIP officials. For instance, data for 17 of the 21 districts had not been updated since the 2004 national elections. Moreover, these district lists were only forwarded to KIP Aceh in February 2006. Given that the elections were initially scheduled for 26 April 2006, it was considered too late for producing a final voter list for the elections. Since the overall exercise was also intended to serve the purpose of establishing valuable data for the civil register, the registration officers also collected data on profession, family status, religion and blood group of the respondents.



This registration began before any election timetable was in place and to ensure registration PPKs initiated a door-to-door registration organised at village (*Gampong*) level through the PPG by recruiting voter registration officers (P2P)<sup>17</sup> in 6,019 villages. A preliminary voters' list (PVL) was displayed in all villages, providing an opportunity for residents to check whether the lists were accurate.<sup>18</sup> There was then an opportunity to submit corrections and a second preliminary voters' list was published in July 2006. However, these 'display and correction' exercises were not fully conducted in all villages which caused uncertainty among the electorate about their registration *status* which lingered until polling day.<sup>19</sup>

After the timetable for elections had been announced PPKs and PPGs initiated proactive registration, then another round of 'display, correction and addition' period which led to extra lists. An audit of voter registration conducted by the NGO *Jurdil Aceh* in cooperation with the Washington-based National Democratic Institute (NDI) indicated that 86.9 per cent of the eligible voters searched for in the voters' list had been found. This audit indicated that insufficient numbers of IDPs had been registered and so KIP initiated a last minute registration in IDP camps and the final voters' list was released on 22 November 2006 – two weeks after the legal deadline.

As a maximum number of voters allocated to one polling station was 600 the late conclusion of the voter register meant the final number and location of polling stations had to be made at a very late stage and many people did not receive their letters of invitation with information about their assigned polling station.

For the second round of elections KIP outlined<sup>20</sup> reviewed guidelines for the voter registration. The decree restated the criteria for citizens to be registered as the following: a) at least 17 years of age before polling day, b) to have lived in the constituency for at least 6 months; c) possession of a national identity card, or a 'family card' or at least a letter of notice from the head of village; d) had not been revoked of the right to vote by a court order and e) is registered as a voter, but not already registered for the first round. Article 4 required that voters who had not been registered yet had to register themselves proactively at the latest one month before the second round polling day. Furthermore, KIP Aceh requested that the

<sup>17</sup> *Qanun* No. 2 (articles 18 and 19).

<sup>18</sup> According to the voter registration audit conducted by *Jurdil Aceh* together with NDI, the registration officers interviewed stated that the voters' list was generated by data obtained in the following manner: 59.7 per cent through door to door registration, 31.7 per cent from civil records, 5 per cent from previous elections lists, 1.7 per cent provided by third parties and 1.9 per cent from other sources.

<sup>19</sup> A survey conducted by the Washington-based International Foundation for Electoral Systems (IFES) and presented on 10 November 2006 stated that 30 per cent of the interviewed persons had confirmed that they had been registered, while 68 per cent said they had not been registered; another 2 per cent did not know. By comparison, an alternative survey conducted by *Jurdil Aceh* and the NDI (funded by USAID and Australia Indonesia Partnership) stated that 67.5 per cent of respondents answered that they were registered, while 22.4 per cent did not know, and another 10.1 per cent believed they were not registered. The two surveys were carried out in October 2006. All these figures were not necessarily alarming since voter registration was done in person and also through third parties, as through the submission of residents' lists or via neighbours who provided data of temporarily absent persons during the door-to-door registration exercise.

<sup>20</sup> Decree No.3/2007

additional voters' list be made public for inspection and correction, and that the final voters' list should also be publicised and accessible to the public. Due to the changes, the issuing of new voters' cards, as it had been conducted for the December 2006 elections, was put on hold. Since the final voters' list were finalised one month before polling day, KIP districts had no problems in the allocation of polling stations, assignment of voters to their polling stations and issuing letters of invitation. Due to a more timely efficient delivery of letters of invitation, there were no cases observed of an eligible voter being turned away.

In Aceh Barat, a surprisingly low number of additional citizens, 179, were added to the voters' register of the first round, where initially 106,446 eligible voters had been recorded. Such marginal increase of only 0.17 percent could not be fully explained. In Aceh Barat Daya, 2,762 new voters were added to the registry. In total 76,966 people were eligible to vote in the run-off election, an increase of 3.7 per cent. One major procedural irregularity was recorded in Aceh Barat, where 23 of 28 TPS visited had no final voters' list (FVL). In Aceh Barat Daya such shortcoming was reported in only one polling station visited. In 75 per cent of the polling stations observed in Aceh Barat and in all in Aceh Barat Daya the total of ballot papers received was not publicly announced. In December 2006, that was the case in 68 per cent of the polling stations in the province.

## **B. VOTER CARDS**

The population register is a precondition for complying with the MoU, which establishes that every Aceh resident must be provided with a national identification card (KTP). These KTPs were to replace 'special red-white ID cards'<sup>21</sup> which had been issued to stigmatise those assumed to be affiliated with GAM. In October 2006 the Ministry of Home Affairs issued a decree making voter cards, which incorporated a national civil registration number (NIK),<sup>22</sup> mandatory for the Aceh *Pilkada*.<sup>23</sup> Since many had lost all their documents through conflict or the tsunami or because various PEMDAs had lost their civil records, the issuing of identity cards and NIKs was interlinked with voter cards. These voter cards were subject to delays and problems of delivery and on the eve of poll, KIP issued a new procedural 'circulation letter' that softened the requirements for the electorate to vote. The need to present letters of invitation and voter cards could be substituted by showing an ID card and voters not enlisted on the final voters' list could still vote if once registered on previous preliminary or additional voters' lists. The chairman of KIP Aceh, Muhammad Jafar, could not confirm to the EUEOM that this new policy letter had been sent in time to all KIP districts and whether heads of polling stations had this information by election day.

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<sup>21</sup> These cards, issued in the colors of the Indonesian flag, were only issued to Aceh residents whose loyalty to the national unity was beyond question. Failure to possess this ID card was tantamount to being a member or sympathiser of the Free Aceh Movement (GAM).

<sup>22</sup> The *Nomor Induk Keluarga* (NIK) includes the administrative number of the province, the district and sub-district, followed by a randomly established four-digit 'personal' number.

<sup>23</sup> The national election voter cards had been introduced for the general elections 2004 but were not mandatory.

This last minute change prompted three district candidates and representatives of other two campaign teams in Aceh Singkil to lodge formal complaints to their district KIP, claiming that 17,337 eligible voters could not vote because they had never received the letter of invitation and that KIP Aceh Singkil only received the circulation letter with the amended regulation at 12:00hrs on polling day.<sup>24</sup>

A majority of complaints were by candidates and campaign teams affiliated with GAM alleging the exclusion of their supporters who were either not registered or had not received a voter card. But there were complaints across the province by people who had not received a voter card and/or a letter of invitation.

However, the EUEOM observed the participation of a high number of registered voters, especially if one considers the difficulties faced. The last minute procedural changes to soften the voting requirements for voters who were not on the final voters' list and/or had not received the letter of invitation and/or voter card, contributed to the enfranchisement of eligible voters. The EUEOM learned only of a few individual cases of multiple voting which were subsequently prosecuted.<sup>25</sup>

### **C. VOTER EDUCATION**

The Aceh Local Elections Support project (ALES), facilitated by the United Nations Development Programme (UNDP) with EU funding helped KIP Aceh set up a Media Center to produce election education material such as banners, leaflets and a monthly newsletter and to place radio spots and advertisements in the print media. The GTZ financed and supported outreach activities to inform the electorate about door-to-door voter registration, display and correction exercises. The media were involved in the late stages of the process to encourage voters to register in the additional voters' lists at community level. Some of the related radio announcements were broadcast in Acehnese, Indonesian and up to five other locally used languages. Other voter education activities included a radio quiz and a voting simulation by an Aceh Women Organisation for first time voters and handicapped voters.<sup>26</sup> However, according to an IFES' survey conducted in November 68 per cent said they had not received enough information about the elections, while 11 per cent said they had had no information. These pre-campaign figures indicate that the public outreach of the election authorities and NGOs committed to voter education needs to be enhanced in the future.

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<sup>24</sup> *Qanun* No. 2, article 57 explicitly foresees that "seven days prior to polling, the committees send the invitations for voting prepared by the District Election Committees to every registered voter in the polling station area."

<sup>25</sup> In the districts of Banda Aceh and Sabang, some voters had been arrested for attempting to vote a second time using the letter of invitation of someone else.

<sup>26</sup> According to KIP Aceh, the radio quiz was broadcast by 22 radio stations and led to the participation of over 8,000 people. The voting simulation was conducted by the *Balai Syura Ureung Inong Aceh* on 8 December at the National Museum in Banda Aceh.

For the second round voter education in the two districts was modest if not non-existent. The lack of voter education programmes for the second round was mainly caused by the financial constraints of KIP but also the very low level of involvement of civil society organisations, and resulted in low numbers of new voters. Another reason shared with the EUEOM referred to the interlocutors' understanding that most voters would anyhow have learned about the procedures, rights and duties during the December 2006 elections. Voter turnout indicates that any shortage of voter education was not seriously translated to the ballot box.

## V. ELECTION CAMPAIGN

The overall campaign period was characterised by the EUEOM in its Preliminary Statement as calm and orderly, “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 official election campaign started on 24 November 2006 with candidates presenting their “vision and mission” at the provincial or district legislative assemblies and was limited to two weeks with a three day silence period prior to election day. Campaigning was only allowed between 09.00hrs and 18.00hrs (except in the electronic media) and was prohibited during Muslim prayer times. The EUEOM recorded a fairly high number of rallies and other public campaign events, despite the short campaign period. A calendar of public mass gatherings, established by KIP, helped to ensure that campaign teams and candidates' rallies did not overlap.<sup>27</sup> Such measures combined with the overall determination of all contestants and their supporters to conduct a peaceful *Pilkada* effectively reduced the potential for confrontations. Some of the measures, taken to reduce the potential for conflict, were overrestrictive. This was certainly true of the three day indoor only campaigning allowed for the run-off elections where no candidate was elected in the first round. However, early-campaigning described by the candidates as ‘*socialisation*’ made any pretence of an official campaign period redundant.

One serious incident was registered on 22 November 2006 in the district of Bireuen, when a van carrying electoral material and PPP candidate Humam Hamid was stoned by a group of rival supporters. Besides some flash kidnappings (people held for few hours) and minor physical confrontations, only minor infractions were observed or reported during the campaign, such as cases of vandalism involving the destruction of banners, posters, stickers and other campaign material in Banda Aceh and Lhokseumawe. In other cases, election supervisory committees (PANWASLIH) denounced the placement of campaign material on public and religious buildings, in violation of the electoral law. Incidents known locally as “black campaign” were also reported in Bener Meriah, Lhokseumawe and Banda Aceh, involving the distribution of pamphlets discrediting individual contestants. Such incidents

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<sup>27</sup> On 13 November 2006, KIP Aceh had presented an official campaign calendar for the eight candidates' pairs for governor and vice governor. Based on this schedule, drafted in consensus among all 16 contestants, each pair had up to 36 opportunities to hold mass gatherings. One single site was reserved in each district for each of the 14 days of the campaign period. Similar campaign calendars were adopted by the KIPs at district level.

were isolated and sporadic and did not result in a serious or systematic disruption of campaigns.

In accordance with *Qanun 7* (Article 39), all candidates' pairs must register their campaign coordinators and campaign teams with the respective district election commission. The campaign teams are not allowed to include the services of the governor/vice governor, regent/vice regent and mayor/vice mayor; judges of any court; BUMN/BUMD officials;<sup>28</sup> or any local leader.<sup>29</sup>

With regards to campaign financing there is a requirement for candidates to open a bank account for campaign funds and provide an audit on their income and spending. This has been abused with candidates having still not submitted their statements of income and spending to the election authorities. The requirement for KIPs to proceed with the auditing of the candidates' campaign financings and spending was respected but started with delays.<sup>30</sup> The maximum permitted campaign expenditure for governor/vice governors is Rp10,000,000,000 and for regents/vice regents and mayors/vice mayors elections Rp 5,000,000,000. There is a prohibition on donations by State or semi-State enterprises and foreign citizens and firms, and limits on donations by Indonesian citizens to Rp 25,000,000 and firms to Rp100, 000,000. In addition, there is a ban on the use of State resources.

The governor candidates' pair with the second smallest assets was elected and several low-assets independent candidates were elected into office at district levels or reached the second round which indicates that there was a level playing field among candidates who ran on behalf of political parties and coalitions and those running independently, although in many cases linked to GAM and spending was not a determining factor in the election results. However in the run up to polling day unfair tactics were pursued such as “*serangan fajar*” (‘strike at dawn’) where campaigners visit the electorate in the early hours of election day to ‘attract’ voters with money or gifts. The EUEOM was informed in Aceh Barat, Aceh Tenggara, Nagan Raya, Aceh Singkil and Aceh Tamiang about district candidates or their official campaigners distributing money or gifts in an attempt to gain votes.<sup>31</sup>

For the second round of elections KIP Aceh re-defined the framework for campaigning in its Decree No.1/2007 of 10 January 2007. It states that the second round is the extension of the overall electoral process but limits the campaign period to three days, followed by a three-day campaign silence prior to election day. In contrast with the first round, campaigning was allowed only “in the form of limited meetings in confined places,” meaning that only indoor

<sup>28</sup> *Badan Usaha Milik Negara/Daerah*, state owned companies.

<sup>29</sup> Like *imum mukim* or *keuchik*.

<sup>30</sup> As of writing of this report, no KIP could provide precise information.

<sup>31</sup> Such ‘early strike’ strategies, by which campaigners in the early hours before polling approach the homes of voters offering money or gifts, are explicitly prohibited by the *Qanun*. Article 82/2 clearly stipulates the respective penalties: “every one who deliberately gives or promises money or other materials to someone to make him/her skip his/her rights to vote or to vote for certain candidates or use his/her rights in such a way that his/her ballot is not valid, will get a penalty of at least two months or maximum of six months imprisonment or have to pay a fine as much as Rp.1,000,000 (almost €100 euros) or at the most Rp.5,000,000”.

meetings were allowed. The EUEOM learned from district election officials that they had not been consulted by KIP Aceh during the drafting process of the regulations. However, KIP did not make a formal complaint.

Candidates in Aceh Barat signed a new code of conduct committing them to a peaceful and lawful election. In Aceh Barat Daya, election authorities and candidates met to reconfirm the commitment to abide by the code signed for the first round election. Despite some cases of “early campaigning” shrugged off by the election officials as “*socialisation*”, the public display of electoral material and candidates’ posters in the cities was modest and almost non-existent in the villages.

The candidates were pre-assigned by the district KIPs to a few public places. The indoor events were held only in the major urban centres, and some candidates opted in some cases for visiting the rural areas rather than risk low attendance indoor meetings. The short days of campaigning seemed not to be enough to raise the enthusiasm of the voters, who attended the indoor meetings in lower numbers than expected. Overall, the EUEOM noticed much lower campaign intensity in comparison to the 11 December elections as a possible result of the campaign restrictions imposed by KIP Aceh. However, the apparent voter’s apathy did not affect the voters’ turnout on election day, which was almost as high in the 11 December elections (77 per cent in Aceh Barat and 80 per cent in Aceh Barat Daya, two and five points, respectively, lower than in the first run).

However, the run-off elections registered some incidents in which elements of the military interfered in the electoral process. The EUEOM observed interference by elements of the Armed Forces (TNI in its Indonesian acronym) and alleged intimidation by them and individual GAM activists. The EUEOM was informed of a meeting on 26 February 2007 in sub district Pante Ceureumen, Aceh Barat, where local military invited all heads of villages to a meeting to advise “on how not to vote.” One head of village confirmed the meeting and its content to the EUEOM observers.

Candidate Ramli and the Non-Governmental Organisation Asoh complained in Aceh Barat to the EUEOM about military movements and late night training exercises in sub district Meurebo near the village of Pasi Aceh, where former GAM combatants reside, and of intimidation by military personnel in the village of Gunong Kleng. Supposedly, TNI officers asked several people to show their wallets and when a GAM logo or a GAM affiliated candidate picture was found, they were threatened. Ir.H. Iskandar, Ramli’s rival in the run-off elections, showed the EUEOM a cell phone message he and other people received on 28 February 2007, in which the drawing of an AK-47 automatic weapon was shown together with the warning “if you don’t vote for # 10 (*Ramli’s number on the ballot paper*) we will go back to war.” Iskandar, however, did not complain to PANWASLIH. Also, it was reported to the EUEOM that two *Seuramoe Aceh* (a weekly newspaper in Aceh Barat) journalists received phone threats, supposedly from GAM supporters.

## VI. MEDIA

### A. REGULATORY FRAMEWORK

The two statutory bodies established to regulate the media sector are the Indonesian Broadcasting Commission (KPI) and the Press Council (DP). The KPI's role in regulating the media during the Aceh election period is laid out in KPI Decree No. 009/SK/KPI/8/2004 on a Code of Conduct for Broadcasting and Program Standards. Article 63 (3) of the Code of Conduct stipulates that "It is mandatory for broadcasting institutions to provide fair and proportional coverage of participants in general and regional elections," whereas Article 63 (4) forbids broadcasters from being partisan vis-à-vis one candidate in the general or regional elections. The media monitored by the EUEOM complied with the provisions in the law and the KPI's Code of Conduct despite the fact that these were unclear and that the Electoral Commission had failed to issue any regulations on the role of the media during the election period. There remains some concern about the KPI. Despite the fact that it is established as an independent body, the law allocates important powers in this area to the government, contrary to prevailing international principles on this issue. However, the KPI was largely redundant in the regulation of the media during the election period as there was only one complaint referred to the KPI during the deployment of the EUEOM.

The most significant step taken by the KPI's Aceh branch to regulate the media during the election period was to sign a Memorandum of Understanding with the Election Supervisory Committee (PANWASLIH). The MoU laid out a mechanism requiring PANWASLIH to notify the KPI about potential infringements of the Code of Conduct and the Aceh Regional by-laws (*Qanuns*) by the media. Unfortunately, given the overall weak performance of the PANWASLIH for reasons detailed in other sections of this report, the implementation of MoU was extremely limited. Therefore, an important issue for the future will be to ensure that the statutory bodies established to regulate the media during election periods have the resources and political will to enforce equitable access by the parties and candidates.

### B. MEDIA MONITORING RESULTS

The media monitored by the EUEOM during the first round of elections in December 2006 provided a variety of information and debate about the governor election in general as well as the main candidates,<sup>32</sup> (but offered only superficial coverage of the regent and mayor elections) and were generally able to cover the electoral process with relative freedom and independence. Unlike many developing countries where radio is the most widespread

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<sup>32</sup> Commercial television stations MetroTV and AcehTV, and state-owned TVRI were monitored daily between 4:30 pm to 9:00 pm from 16 November to 15 December 2006. Commercial radio stations Prima FM and Radio Baiturahman, and state owned RRI were monitored daily between 7:00 am and 8:00 am and 4:30 pm to 6:00 pm from 16 November to 15 December 2006. The regional print media *Serambi*, *Rakyat Aceh* and *Waspada*, and the national print media *Kompas*, *Republika* and *Media Indonesia* were monitored during the same period. All print media are privately owned.

broadcast media, it is noteworthy that in Aceh television was the main source for information about the 2006 elections, followed by newspapers, and radio as a distant third.<sup>33</sup>

The most significant shortcoming of the broadcast media is the limited geographical reach. The state-owned television station, TVRI, was the only one that covered areas beyond the capital city, Banda Aceh, and the main cities of Aceh. The private television station MetroTV was mostly available in the main cities but not in rural areas, whereas AcehTV was confined to the capital city and its environs and only broadcast for an average of five hours a day. Given this, it was unfortunate that state-owned television's coverage was dominated by candidate Malek Raden (Golkar coalition), who received 28 per cent of total news coverage, followed by Irwandi Yusuf (Independent, ex-GAM member) with 18 per cent and Azwar Abubakar (PAN-PKS) with 15 per cent. By contrast, Humam Hamid (PPP/GAM) received only 2 per cent.

The print media 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) despite clear regulations insisting on 'fair and proportional coverage'.

Radio's short and fragmented reporting on the first round of elections provided a contrast to television and press. Although both state-owned and private radio stations offered some coverage of the election, there was limited news reporting of the candidates. Of the three radio stations monitored, the state-owned station *Radio Republik Indonesia* (RRI) was more inclusive in its coverage when compared to the two private stations. As with the broadcast media radio coverage barely extends beyond urban areas. RRI was unique in its wide coverage.

The media monitored by the EUEOM for the second round provided adequate information about the elections and the candidates. Most of the coverage was conducted by local private radio stations, followed by the provincial dailies and by the local weekly press. Access by the candidates to the local media was remarkably balanced with the four pairs of contestants getting almost equal amounts of coverage. There was no paid advertising by any of the candidates in the two districts.

The local weekly newspapers *Seuramoe Aceh* and *Guenta*, published in Aceh Barat, provided significant space to the two elections and the candidates. However, their small circulation and the fact that they are weekly publications reduced their overall impact as sources of information about the elections. *Guenta* was neutral in its coverage of the Aceh Barat election, and did not cover Aceh Barat Daya. However, the access granted by *Seuramoe Aceh* to the candidates was very lopsided, giving Akmal Ibrahim and Saymsurizal M. in Aceh Barat Daya (who won the first round) approximately twice more coverage (71 per cent) than for their opponents Sulaiman Adam and Munir H. Ubit (29 per cent). *Seuramoe Aceh* also showed a clear bias in favour of candidates Akmal and Syamsurizal. The provincial

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<sup>33</sup> Survey published by the Washington-based International Foundation for Electoral Systems (IFES-Democracy At Large) in December 2006.



newspapers gave limited coverage to the candidates in both elections but were very balanced in the space they granted to all contestants. Of all the coverage given to the elections, *Serambi* gave most coverage (66 per cent), followed by *Waspada* (27 per cent) and finally by *Rakyat Aceh* (7 per cent). National newspapers *Kompas*, *Republika* and *Media Indonesia* virtually ignored the elections. Aceh's provincial dailies *Serambi* and *Rakyat Aceh* offered limited coverage of both elections but showed more interest in the Aceh Barat Daya elections than those in Aceh Barat. *Waspada* newspaper, published in the neighbouring province of North Sumatra, has a daily supplement on Aceh and gave less coverage of the Aceh Barat Daya and Aceh Barat elections than Aceh's provincial dailies.

Local commercial radio stations offered a thorough and professional reporting on the elections and the candidates. This was in sharp contrast to television and the regional and national press which largely ignored the elections. During the peak hours, the main commercial stations in Aceh Barat and Aceh Barat Daya (*Dalka FM* and *Fatali FM* respectively) gave equal access to the four pairs of candidates. *Dalka FM* gave exactly 50 per cent to each of the two contestant pairs in Aceh Barat. Likewise, *Fatali FM* gave 50 per cent to each of the two contestant pairs in Aceh Barat Daya. The tone of coverage remained neutral throughout the election. State-owned television's coverage of the election was almost nonexistent. *Televisi Republik Indonesia* (TVRI) dedicated three minutes and thirty seconds of coverage about the election during the two-week period of monitoring until the eve of polling day.

## VII. SECURITY

Security throughout the election process was good. There were two major incidents which breached the peace. A small improvised explosive device (IED) blew up in the early hours of election day near a polling station in the sub-district Swang, district of Aceh Utara, and on 22 November 2006 the campaign bus of candidate Humam Hamid was attacked by a rival's supporters in Bireuen district leaving material damage only. The other 18 incidents registered by the EUEOM, based on information provided by the observers and other international and national organisations, were physical attacks with the intention of intimidation, flash kidnappings and destruction of campaign material as posters and outdoors. Most incidents occurred on the east coast (Aceh Utara, Bireuen and Aceh Timur) and the western district of Aceh Barat Daya. However these incidents did not impact on the elections and did not represent a threat to the EUEOM.

The Indonesian National Police deployed 10,014 personnel around polling day to secure the Aceh *Pilkada*. Another 2,000 military personnel, at the request of Aceh's provincial police, but were not deployed. The EUEOM maintained constant contact with the police, and also with the special *Syariah* police (*Wilayatul Hisbah*, or WH), to inform about the mission and to guarantee support in case of need of escorts and protection. The police showed a high degree of willingness to cooperate with the EUEOM but were somewhat reluctant to share or give information about security issues

The situation on Election Day in the run-offs was calm and stable to allow for all observation activities conducted by the EUEOM in the two districts. Cooperation with the security forces, especially the police, was adequate although they remained reluctant to provide the mission with detailed information about the general security situation in the province. There were no reports on security or safety incidents. However, in the sub district Samatiga, in Aceh Barat, military personnel were observed by the EUEOM receiving the polling station results and electoral material from the 38 polling stations in that sub-district, jeopardising the integrity of the election process in that sub district.

## VIII. PARTICIPATION OF WOMEN

According to the preliminary figures provided by KIP Aceh, female voters made up 51.2 per cent of the overall electorate.<sup>34</sup> However, the EUEOM noted the very limited representation of women in political life. Only five out of the 258 candidates at district level in Aceh's *Pilkada* were women with four running for vice mayor in Banda Aceh, Aceh Tengah, Aceh Barat and Nagan Raya and only one contesting the regent's office, in Aceh Tamiang. The only two women candidates in the governor/deputy governor election failed the *Koran* reading test and were therefore disqualified. Only one woman, Illiza Sa'Aduddin Djamal, from the PPP was elected as vice regent in Banda Aceh. This demonstrates the under representation and political marginalisation of women in political life despite the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified by Indonesia in October 1984.

The only legal requirement for the participation of women is a minimum of two women commissioners out of seven commissioners in the independent election commissions (KIP, *Qanun 7*, Article 6.2).<sup>35</sup>

Candidates for governor in Aceh seemed insensitive to gender issues during the campaign and in the absence of programmes specifically addressing women's needs, around 60 women protesters gathered on 30 November 2006 in front of the KIP Aceh office to express their disappointment over the absence of concrete offers by the governor candidates on how to address human rights violations committed during the conflict period. The demonstration was the only one reported of this kind against the province election commission, which however was not liable for the content of campaigning speeches and programs.

<sup>34</sup> As of writing of this report, KIP Aceh was still unable to provide comprehensive data of the final voters' list. The gender balance was only available for 2,494,366 out of 2,633,985 enrolled voters, leaving out various sub-districts in Banda Aceh, Aceh Selatan and Aceh Jaya. The data compiled in Aceh Timur, Aceh Singkil and Aceh Barat Daya were based on the preliminary voters' lists.

<sup>35</sup> For the 2004 national parliamentary elections, the election law UU.11 (2003) required a 30 per cent incorporation of female candidates in the political party or coalition tickets. Female lawmakers, however, continue to insist on their demand for a 30 per cent quota for women representatives in legislative bodies nationwide and reaffirm such commitment during a Caucus of Women Legislators last November. After the 2004 general elections, women held only 64 seats, or 11.6 per cent of the 550 seat in the current House of Representatives, compared to 65 seats, or 13 per cent, in the 1987-1992 period, the largest percentage of women in the history of the House.

There were no women among the four pairs of candidates in the two districts during the second round.<sup>36</sup> The limited involvement of women in the election administration during the first round remained the same in the run-off as almost all polling station officials were re-appointments. In none of the polling stations, PPGs, PPKs, KIPs and PANWASLIHs visited the chairperson was a woman. There were few women at commission and committee levels, except for the requirement that the two KIP district commissions have to be women. Again the EUEOM did not observe any women-oriented election campaigns or policies, although a stronger involvement of the male candidates' spouses in their campaign activities was recorded.

## IX. CIVIL SOCIETY AND OBSERVERS

The regulations of *Qanun* 7, Article 26 allows for provincial, national and international monitors to observe electoral processes. Several domestic NGOs and umbrella organisations were involved in the election, including organisations like the People's Voter Education Network (JPPR), *Jurdil Aceh*, the Aceh Recovery Program, and the Institute for Social and Economic Research, Education and Information (LP3ES).

On Election Day, polling, counting and aggregation were observed by 5,089 accredited domestic observers and 150 international observers, according to KIP. Among the certified international observation missions the EUEOM was the largest and the only long-term mission. Other international observers included a delegation of the United States embassy, the Thailand-based Asian Network for Free Elections (ANFREL), the US-based IRI and NDI, a delegation of the Malaysian National Election Commission and representatives of various Jakarta-based embassies. The EUEOM maintained close contacts with most delegations to exchange information and coordinate their activities in the field.

In the second round, no NGO requested accreditation to observe the elections. The main reason given for this was the lack of funding, but there was clearly little interest in covering the 661 polling stations in the two districts. However, the JPPR deployed on polling day some 120 observers in Aceh Barat, after KIP Aceh allowed them access to polling stations by presenting the accreditation cards issued for the first round. There was no observation of the domestic campaign period or the voter registration. On polling day, the EUEOM met only one domestic observer at a polling station, and none during the various stages of aggregation.

Having recorded the potential abuses of 'money and power politics' and procedural shortcomings, especially during counting and aggregation in various districts during the December 2006 elections, a stronger commitment by the NGOs at this stage would have signalled its intent for best practice. This could have also served as deterrent to interference and intimidation.

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<sup>36</sup> Two women ran for vice-regent in Aceh Barat but failed to reach the run-off.

However, civil society organisations played an important role in the electoral process, especially in voter education and dissemination of electoral information to remote areas and election observation. They remain an important component in the democratic future for Aceh.

## X. THE ELECTION

### A. OPENING AND VOTING

Election Day was calm and orderly and voters turned out in large numbers, particularly in rural areas. Opening was somewhat arbitrary as although the start of the opening procedures was scheduled for 08:00 hours, voting had not started by 09:00 hours in 29 per cent of the polling stations visited. Voting had its problems but they did not affect the outcome. Secrecy was jeopardised in less than seven per cent of polling stations by the close proximity of polling booths (14 per cent) or breaches in the procedures (8 per cent). In compliance with last minute regulations by KIP Aceh, in 21 per cent of the polling stations observed voters cast their ballots without having a voter card and used a letter of invitation, but in 4.5 per cent of polling stations visited voters voted without presenting either. Other observed procedural irregularities related to the use of final voters' lists (FVLs). In various cases no FVL was available or displayed; in 36 per cent of all visited polling stations voters were not ticked in the voters' list; in 32 per cent voters fingers were not checked for indelible ink and in 23 per cent voters were not inked after casting their ballots and before leaving the polling station. The difficulties arose not from an attempt to manipulate the vote but because election officials rarely fully understood the logic of the complex set of rules concerning voting. The EUEOM observers assessed the overall opening and voting positively.

The EUEOM observers reported that, although witnesses (candidates' agents) were observed in all polling stations visited during opening and 98 per cent during voting, domestic observers were present only in 34 per cent for opening and 38 per cent for voting. Also, the presence of representatives of PANWASLIH was marginal, with 33 per cent at polling stations visited by EUEOM for opening and 43 per cent for voting.

Opening and voting for the run-offs followed a similar pattern. Although the EUEOM concluded in its Preliminary Statement that *"election day was generally peaceful and orderly, and voters, particularly in rural areas, turned out in large numbers, with no reported problems in Aceh Barat Daya,"* it pointed out that in Aceh Barat *"there was interference by elements of the military on election day and accusations of intimidation by both them and supporters of the Free Aceh Movement (GAM) in the run up to polling day."* Moreover, the EUEOM also stressed that *"EUEOM observers were not allowed to observe the activities in some polling stations in four sub-districts in Aceh Barat in violation of the agreements signed with the provincial electoral authorities"*.

Problems with electoral material and voters' lists were reported in some of the polling stations. In one third of the polling stations visited by the EUEOM observers polling started after 09:00 hours. The secrecy of the vote was maintained in all polling stations visited. With few exceptions, all voters presented their letters of invitation before casting their ballot. EUEOM observers reported that most voters were not checked for ink on their finger before voting, and also were not properly inked after they cast their vote. In Aceh Barat Daya, ink marks were also not checked but all voters were properly inked after the vote. The mission had no direct observation of multiple voting. Despite the presence of witnesses (candidates' agents) in all polling stations visited during polling day, domestic observers were present in only one of the 67 TPS observed. The presence of representatives of PANWASLIH was again limited

In support of the positive assessment of the opening, polling and counting procedures, the EUEOM noted that in no polling station visited any formal complaint had been filed.

## **B. CLOSING AND COUNTING**

Due to delays and the weather requiring some polling stations to relocate from their open air locations, the closing of polling stations varied while one in four polling stations started the counting process before the official counting time at 14.00 hours. A small number of polling stations closed and started counting even before the 13.00 hours deadline for closure of voting.<sup>37</sup> However, no complaints of voters not being able to vote were received by or reported to the EUEOM. Counting procedures were followed in many of the polling stations observed but with some shortcomings, especially regarding reconciliation:<sup>38</sup> in 68 per cent of the polling stations visited the total of ballot papers received was not publicly announced, in 52 per cent the total number of those who had cast their vote was not publicly announced; in 40 per cent of the polling stations observed unused and spoiled ballots were not correctly marked and set aside before opening of the ballot box, and in 64 per cent the invalid ballots were not appropriately marked.<sup>39</sup> These, in the view of the EUEOM, were procedural shortcomings due to a lack of technical understanding and not a result of fraud or manipulation. In 24 per cent of the polling stations visited, the total number of valid and invalid ballots did not match the total of ballots in the ballot box, and in another 24 per cent the vote of each valid ballot was not publicly shown as established in the procedures.<sup>40</sup>

The observers reported that in 20 per cent of the polling stations visited a formal complaint was filed but all related to minor irregularities, some as consequence of misinformation. For example complaints were received about voting starting late, but it was not clear in the instructions if 08.00 hours was the start of setting-up polling stations or voting, or voters

<sup>37</sup> KIP Aceh Decree 42 (20 October 2006), Article 32.

<sup>38</sup> According to unverified media reports (*Jawa Pos*, 12 December 2006), vote counting in Pasie Kuala Peukan Baro polling station was temporarily halted after at least 15 officials were hospitalized with food poisoning. According to the report, the local village heads continued the counting.

<sup>39</sup> The Asian Network for Free Elections (ANFREL) showed at its press conference on 14 December 2006 the photograph of a ballot which, although correctly punched, was invalidated due to traces of a mosquito on it.

<sup>40</sup> KIP Aceh Decree 42, Article 37.1.7.

without a voter card being allowed to vote by KIP. An increase was reported in the presence of domestic observers (44 per cent) and PANWASLIH representatives (60 per cent) in comparison with opening and voting. A negative note observed was that in 64 per cent of polling station observed for closing and counting the election results were not posted publicly, and that in 20 per cent witnesses had not received, upon request, a copy of the result forms.

The second round followed a similar pattern. Witnesses were present at all polling stations observed and all received a copy of the results on request. However in most polling stations visited the results were not on public display. Also the valid votes for each candidate were not properly packed, sealed and signed. Unfortunately in the second round, the EUEOM observed and photographed in Aceh Barat military personnel interfering in the election process by collecting electoral material after closing of polls at the office of sub-district election commission (PPK) in Samatiga, which is in clear contradiction with the electoral regulations. Nevertheless, at a press conference, the Chief Observer stressed that "...if we consider the entire province of Aceh, the interference in Samatiga sub-district affected the vote of less than 1 per cent of the total population." Again no formal complaint was filed.

### **C. AGGREGATION AND VERIFICATION**

After the close of the polls, it was the duty of one member of the KPPS and PPG to transport the election material directly to the independent sub-district election commission (PPK) for the first level of aggregation.<sup>41</sup> In almost all sub-districts the verification and aggregation process started on 12 December 2006 with a plenary session of the sub-district election commission (PPK). The EUEOM observers considered verification and aggregation as transparent and organised, with only seven per cent of the procedures observed not meeting normal standard. Witnesses (candidates' agents) were present at the centres of aggregation 84% of the time; domestic observers in 66 per cent, and representatives of PANWASLIH in 34 per cent. In five per cent of the places formal complaints were filed, and a quarter of these were dismissed. Witnesses signed the final protocols and only in 5 per cent the witnesses did not receive a copy. However, in 36 per cent of aggregation centres the results were not posted for public view.

In 82 per cent of the aggregation exercises observed by the EUEOM, the overall process was assessed by EUEOM observers to be either good (38 per cent) or fair without significant problems (44 per cent).

At some PPKs during the second round, especially in Aceh Barat, the tabulation and aggregation of results was done by only one person without supervision. However, in most cases, the overall tabulation of the TPS results and the sub district aggregation were

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<sup>41</sup> The aggregation at village (PPG) level as during the 2004 national elections was not used in these elections.

conducted in presence of witnesses of the candidate pairs and no formal complaint was filed at any aggregation level. In Aceh Barat, witnesses of the defeated candidates pair Iskandar-Yunus did not sign the aggregated result forms in various PPKs and also at the plenary session of KIP Aceh Barat when the final election results were announced on 9 March 2007. In Aceh Barat Daya, representatives of both candidate pairs attended the final aggregation and signed the official results form on 8 March 2007, after which the results were publicly announced.

The EUEOM observers considered the general conduct of the verification and aggregation of results as well organised.

## **XI. RESULTS**

### ***A. GOVERNOR ELECTION***

The governor election saw an 80 per cent turnout: 461,922 of the 2,632,935 eligible voters did not vote; 2,171,013 voters cast their votes, of which 2,012,370 were valid votes.<sup>42</sup> The lowest turnout was in Banda Aceh, with 59 per cent and the highest in central Gayo Lues with 91 per cent.

Independent candidate Irwandi Yusuf and his running mate Muhammad Nazar were declared winners of the governor election with 38 per cent of all valid votes cast.<sup>43</sup> The official results of the provincial governor election were:

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<sup>42</sup> The data used the final voters' list (FVL) as reference, although on polling day voters on the preliminary voters' list (PVL) and in the additional voters' lists were allowed to cast their ballots. The available data for district elections, as of writing of this report, varied from district to district, ranging from 56.34 per cent in Banda Aceh to a remarkable 95 per cent turnout in Aceh Tengah.

<sup>43</sup> The only candidates present at the plenary meeting and ceremony of announcement of results were H. Irwandi Yusuf and H. Tamlicha Ali, candidate for the coalition led by the Crescent Star Party (PBB), who according to KIP Aceh also volunteered to sign the final aggregation protocol.

<b>Election Results for Governor Elections as officially announced by KIP Aceh on 29 December 2006</b>			
<b>No.</b>	<b>NAME OF GOVERNOR/VICE GOVERNOR CANDIDATE</b>	<b>Total of valid ballots</b>	<b>percentage of valid ballots</b>
1	Ir. H. ISKANDAR HOESIN, MH Drs. H.M. SALEH MANAF	111,553	5.54
2	H. TAMLICHA ALI Drs. Tgk. HARMEN NURIQMAR	80,327	3.99
3	Drs. H. A. MALIK RADEN, MM H. SAYED FUAD ZAKARIA, SE	281,174	13.97
4	Dr. Ir. H. AHMAD HUMAM HAMID, MA Drs. H. HASBI ABDULLAH, M. Si	334,484	16.62
5	H. MUHAMMAD DJALI YUSUF Drs. H. R. A. SYAUQAS RAHMATILLAH, MA	65,543	3.26
6	drh. IRWANDI YUSUF, M. Sc MUHAMMAD NAZAR, S. Ag	768,745	38.20
7	Ir. H. AZWAR ABUBAKAR, MM M. NASIR DJAMIL, S. Ag	213,566	10.61
8	Drs. H. GHAZALI ABBAS ADAN H. SHALAHUDDIN ALFATA	156,978	7.80
<b>Total of valid ballots cast</b>		<b>2,012,370</b>	
<b>Total of invalid ballots cast</b>		<b>92,369</b>	<b>4,39</b>
<b>Total on final voters' list (FVL)</b>		<b>2,632,935</b>	
<b>Turnout in per cent (based on FVL)</b>			<b>79.94</b>

Irwandi campaigned with a ‘mission and vision’ based on “*damai dan progres*” (peace and progress) and won the majority of votes in 16 of the 21 districts, few of them only known as strongholds of the GAM.<sup>44</sup> In three districts (Pidie, Aceh Tamiang and Bener Meriah) Irwandi and Nazar were second; in Aceh Tengah third, and in Aceh Singkil fourth. In the provincial capital, Banda Aceh, where the turnout was the lowest (59.5 per cent), Irwandi and Nazar received only 15.5 per cent of the votes.

<sup>44</sup> By law the campaign program ‘mission and vision’ of the candidate pair elected becomes a legal document after the swearing-in.



## General Results by District

No	District/State	Estimated total population	Final Voters List	Voter Turnout in %*	Irwandi/ Nazar in % to all valid votes	others in % to all valid votes	Invalid ballots in %
1	Banda Aceh Kota	177.881	115.633	59,41	15,47	Humam/Hasbi 22,01	4,61
2	Sabang Kota	28.597	19.303	79,94	40,80		5,57
3	Aceh Besar Great Aceh	296.541	194.164	80,92	29,66		5,83
4	Pidie	474.359	314.796	80,81	16,37	Humam/Hasbi 49,59	5,78
5	Bireun	351.835	239.241	83,34	62,05		1,62
6	Bener Meriah	106.148	73.133	60,72	17,47	Raden/Sayed 33,43	4,27
7	Aceh Tengah Central Aceh	160.549	103.949	87,94	15,02	Raden/Sayed 32,91 Azwar/Nasir 25,58	4,39
8	Aceh Utara North Aceh	493.670	305.652	80,47	60,60		3,4
9	Lhokseumawe Kota	154.634	99.552	70,81	40,25		6,89
10	Aceh Timur East Aceh	304.643	201.878	78,55	48,76		7,15
11	Langsa Kota	137.586	88.236	67,80	27,32		4,64
12	Aceh Tamiang	235.314	145.837	79,52	19,40	Raden/Sayed 19,71	4,83
13	Aceh Jaya	60.660	44.183	80,78	70,79		5,1
14	Aceh Barat West Aceh	150.450	106.360	79,67	41,14		2,62
15	Nagan Raya	123.743	84.968	87,76	31,82		3,74
16	Aceh Barat Daya South West Aceh	115.676	74.204	85,05	49,76		5,10
17	Aceh Selatan South Aceh	191.539	126.980	79,22	62,35		2,47
18	Aceh Singkil	148.277	86.660	79,51	11,10	Raden/Sayed 32,92 Azwar/Nasir 18,54 Iskandar/Saleh 14,42	5,34
19	Aceh Tenggara South East Aceh	169.053	114.880	80,82	41,10		2,47
20	Gayo Lues	72.045	46.681	90,72	39,18		5,41
21	Simeulue	78.389	47.695	87,11	34,41		2,22
	<b>Total</b>	<b>4.031.589</b>	<b>2.632.935</b>	<b>79,94</b>	<b>38,20</b>		<b>4,39</b>

\* These figures are relative since on polling day also voters on the preliminary and additional voters' lists could vote, but the FVL served as the reference basis

## B. DISTRICT ELECTION

The 19 official district election results were submitted to the district assemblies from 18 December 2006 in Aceh Barat Daya to mid-January 2007 in Aceh Tenggara. So far five out of nine incumbents were re-elected; the three regents in Aceh Singkil, Simeulue and Nagan Raya from *Golkar*, the regent in Aceh Tengah from PBS-PAN coalition, and the mayor from PPP in Banda Aceh. Despite demands for re-polling by some candidates and campaigners in nine districts, official complaints were only submitted in the cases of Bener Meriah, Langsa,

Nagan Raya and Aceh Tengah. These were accusations of favoritism by local government and election officials, money politics and electoral irregularities.<sup>45</sup>

### C. RUN-OFF ELECTIONS

Since candidates were unable to get more than the 25 per cent of votes a second round of elections was held on 4 March 2007 in Aceh Barat and Aceh Barat Daya, and scheduled for 24 May 2007 in Aceh Tamiang (not to be observed by the EUEOM).

In Aceh Barat, the run-off was between two independent candidate pairs, one of them supported by GAM, in Aceh Barat Daya between candidates from PAN and from the PKB-PM coalition and in Aceh Tamiang between candidates from the PD-PBR coalition and the PAN-PKS coalition.

The official results of the run-off election in Aceh Barat as announced by KIP Aceh Barat were:

Sub-district		H. Iskandar / Chudri Yunus Independent	Ramli MS / Fuadri GAM	Total of Valid Votes	Total of Invalid Votes
1	Johan Pahlawan	6,529	14,739	21,268	336
2	Meureubo	1,520	7,398	8,918	188
3	Kaway XVI	4,257	8,999	13,256	167
4	Pante Ceureumen	1,553	3,668	5,221	111
5	Sungai Mas	105	1,870	1,975	22
6	Samatiga	1,945	6,113	8,058	115
7	Bubon	916	2,428	3,344	67
8	Arongan Lambalek	680	5,001	5,681	103
9	Woyla	885	5,875	6,760	104
10	Woyla Barat	650	3,325	3,975	62
11	Woyla Timur	212	2,153	2,365	25
	<b>Total</b>	19,252 (23.82%)	61,569 (76.18%)	80,821	1,300

The pair of independent candidates, Ramli MS and Fuadri, supported by GAM, won with 76.18 per cent of all valid votes cast, winning in all 11 sub-districts. The turnout of 77 per cent was slightly lower compared with the 79.9 per cent of the first round. The ratio of

<sup>45</sup> The dispute in Aceh Tengah reached a point in which the chairman of the district PANWASLIH had for some time to hide for protection on 20 December 2006, after being physically threatened. Out of eight local candidates' pairs, seven challenged the election results alleging various electoral irregularities. These included allegations of intimidation of candidates by government officials and money politics and other irregular campaign activities of the candidates pair elected.

invalid ballots, however, halved from 3.1 per cent in December 2006 to 1.6 per cent in March 2007.

The official results of the run-off regent elections in Aceh Barat Daya as announced by KIP Aceh Barat Daya were:

<b>Sub-district</b>		Akmal Ibrahim/ Syamsurizal National Mandate Party (PAN)	Sulaiman Adamy/ Munir Ubit National Awakening Party (PKB)	<b>Total of Valid Votes</b>	<b>Total of Invalid Votes</b>
1	Manggeng	3,916	7,184	11,000	332
2	Tangan-tangan	4,701	4,103	8,804	465
3	Blangpidie	8,065	5,202	13,267	789
4	Susoh	6,634	3,562	10,196	526
5	Batee	6,136	2,768	8,904	278
6	Babahrot	3,926	2,797	6,723	253
	<b>Total</b>	33,378 (56.58%)	25,616 (43.42%)	58,994	2,643

PAN's Akmal Ibrahim and Syamsurizal won with 56.58 per cent of valid votes, winning in five out of six sub-districts. The turnout of 80.1 per cent was lower than the 85 per cent registered during the first round. The ratio of invalid votes of 4.3 per cent was almost the same compared to 4.9 per cent in December 2006.

## **XII. 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. The decisions of PANWASLIH are final, as long as the dispute does not relate to a crime, and there is no right or appeal to a court. However, PANWASLIH lacks the powers of enforcement. The EUEOM learned of a number of cases where the PANWASLIH decisions were not executed by KIP. Clearer provisions providing for the enforcement of PANWASLIH decisions on complaints are required in advance of future elections.

The PANWASLIH received 158 complaints from across the province: 109 were determined to be administrative violations which had been forwarded to KIP and 19 were allegedly criminal violations which were forwarded to the police. The PANWASLIH in Nagan Raya district refused to accept complaints seeking to annul the results, copies of which were also received by the EUEOM. In other districts, the PANWASLIH seemed reluctant to accept complaints and/or was slow in dealing with them. There have been protests, organised by unsuccessful governor candidates and their supporters, in some districts like Bener Meriah,

Aceh Tengah, and Simeulue relating to the number of unregistered voters and the prevalence of “money politics”. However, given the margin of victory of the leading candidates it is not clear that this had a substantial impact on the outcome.

At the time of writing, three months after the elections no results were aggregated in Aceh Tenggara. Before leaving the province, the EUEOM expressed publicly its concern about the failure of the independent election commission (KIP) of Aceh Tenggara to complete the procedures for aggregation of the results of the 11 December 2006 elections.

After more than two months of complaints, legal hearings, threats and a fire that destroyed ballots and results forms of the 11 December 2006 elections, the KIP in Aceh Tengah finally submitted the official results of the election for regent and vice regent of the district to the local parliament (DPRD). However, at the time of writing, in mid March 2007 no official date to inaugurate its new leaders had been announced.

In the second round, no formal complaints before or during election day were received. However, the defeated candidate in Aceh Barat, Ir.H Iskandar, complained to the EUEOM that PANWASLIH had allegedly not acted properly on his complain that his rival, M.S. Ramli, conducted ‘early campaign and violated the campaign silence.’

After the elections, in Aceh Barat, the chief secretary of KIP, Nyak Adam, informed that up to 13 March 2007 they had not receive any formal complaints. One case, however, was addressed in polling station (TPS) No. 16, in the Johan Pahlawan sub district, where some pre-pierced ballot papers had been found during the opening ceremony on polling day. After the polling committee (KPPS) formally invalidated them, they were transported to KIP Aceh Barat, who was still investigating the circumstances at the time of writing this report.

In Aceh Barat Daya, the head of PANWASLIH, Zulkifli Thalib, confirmed that on 6 March 2007 the campaign team of candidates pair Sulaiman Adamy, and Munir Ubit submitted one formal complaint to PANWASLIH regarding money politics and one related to alleged ‘under age voting.’ The complaint on money politics was supported by 20 signed declarations from voters who had received money in 11 villages in all of sub districts of Aceh Barat Daya. As of writing this report, PANWASLIH was still investigating the accusations. At its session on 12 March 2007, it had received 38 complaints. PANWASLIH forwarded 17 to the police for investigation, since the accusations related to criminal offences such as alleged bribery, nepotism and ‘under aged voting.’ Five complaints initially submitted were withdrawn and another 14 complaints were not substantiated and therefore dismissed by PANWASLIH. Finally, the case of one voter that appeared on two voters’ list at different polling stations will be forwarded to KIP Aceh.

### **XIII. RECOMMENDATIONS**

With the objective of assisting in the improvement and strengthening of the electoral process, the following recommendations are offered for consideration to the Indonesian and Aceh electoral and governmental officials, political parties and civil society organisations:

#### **Review the legal and electoral framework**

1. The legal and electoral framework on national, provincial and district levels should be revised, synchronised and harmonised, to accomplish an integrated, coherent and complete legal and procedural basis for future elections. One coherent election calendar, mandatory to all election management bodies, should be applicable to synchronise the election preparation and planning.
2. The electoral legislation should allow all eligible citizens who reach 17 years of age by polling day to vote rather than at the time of registration. The right to vote should be extended to members of the armed forces and the police force, who would not however be entitled to stand as candidates, campaign or join a political party. The right to vote should encompass former members, sympathisers and the families of the PKI.

#### **Consider strengthening the election management bodies**

3. Future election commissioners should be appointed on the basis of broad acceptance by electoral stakeholders. They should have proven knowledge of election processes and management talents. In addition, all senior officials, such as members of KIPs and PANWASLIHs, should conduct their duties as full-time professionals with adequate salaries but be barred from taking or continuing additional positions.
4. The integrity of the election process should be strengthened through a careful selection of polling and counting staff. Early and comprehensive training and support for all election staff members should be provided.
5. Recognising the low participation rate of women in election administrative and management, the legal requirement for at least two women commissioners within KIP at provincial and district levels should be extended to sub district (PPK), village (PPG) and polling stations (KPPS) levels.
6. To strengthen the independence of the KIP at provincial and district levels, KIPs should be authorised to select and recruit staff members, including for their Secretariats.
7. The election management bodies should be able to call for fresh elections when an elected position has to be filled, as in cases where the incumbent cannot continue to fulfil her/his duties.
8. All necessary legal and procedural means should be provided to prevent any governmental or security agency or its staff jeopardising the integrity of elections by

interference at any stage of the electoral process.

### **Improve the voter registration process**

9. A rolling register of eligible voters under the exclusive authority of the provincial KIP should be established and permanently maintained, these being supported only administratively and operationally by the district, sub-district and village election commissions.
10. Incentives to those registering voters should favour 'quality' over 'quantity'.
11. The schedule for voter registration, exhibition and correction of voter lists, and provisions for additional registration should be drafted in such manner that voter cards and invitation letters can be distributed on a timely manner. When second-round elections take place the registration system should allow voters to be added who have been unfairly omitted.
12. In the long run, voter cards could be replaced by the requirement for voters to just present their national photo identification cards on polling day. Such measure would reduce the financial and operational burden of future elections.

### **Enhance procedures for complaints and appeals (PANWASLIHs)**

13. In the event of an unresolved dispute or undue delay the KIP at the next higher level must be able to intervene with the authority to resolve the problem.
14. KIP and PANWASLIH members should be independently appointed and sign a declaration of neutrality.
15. PANWASLIHs should either be given a stronger mandate and adequate funding, be abolished or subsumed within the KIP as in these elections they rarely functioned and served little useful purpose.

### **End Unreasonable and Discriminatory Requirements for Candidacy**

16. As far as possible restrictions on the ability to stand should be kept to a minimum. Potential candidates should not be excluded on the basis of subjective, unreasonable or discriminatory requirements such as level of education, health and wealth. Where possible blanket bans should be replaced by official public declarations, for example, candidate's health and education status, enabling voters to make their own judgement on the merits of those standing.
17. Any tests of suitability for running as a candidate should be conducted by independent unaffiliated experts appointed by the Election Commission and not be *ad hoc* external bodies.
18. There should be no limitations on the ability of candidates representing local parties from standing in any election in the province, including for the National Parliament.

### **Review and Extend the election campaign period**

19. The Election Authorities should look at extending the campaign period from the time of the opening nominations, with '*socialisation*' banned before this date, allowing for the distribution of campaign literature, small indoor group meetings and possible door-to-door visits, before large outdoor meetings and other public events are authorised.
20. During the campaign period-yet consistent with the need to maintain public order - restrictions on campaigning should be relaxed to the maximum possible extent. Run-off elections should normally be governed by the same rules as the first round. Any respective regulating decrees adopted by KIP province should only be adopted in close consultation with the respective KIP districts, where run-off elections are held.
21. While maintaining the policy of limiting large outdoor meetings, campaign hours, currently limited to 6:00 pm, should be extended in order to allow candidates to reach more voters.
22. There should be a ceiling on campaign expenditure by candidates and any failure to submit an accurate financial statement within the timescale laid down should lead to a suspension of the candidate's right to stand in any future election.

### **Improve civic and voter education**

23. KIP should be properly funded to work with civic society to improve voter education, including how to file substantiated and formally correct complaints and appeals to the authorities, as well as to train polling and counting staff.
24. Information dissemination should be all-inclusive and manage to reach also the rural and remotely located electorate and be able to spread unavoidable last minute procedural adjustments to all voters.

### **Promote intra-party democracy and the participation of women**

25. A higher participation by women candidates in future elections should be encouraged through, for instance, political party development programs enhancing internal democracy.

### **Enhance the role of civil society and domestic observers**

26. In full compliance with the national and provincial legislation, all election stakeholders, such as representatives of candidates (witnesses), domestic observers, NGOs committed to the integrity of electoral processes, and the media must be entitled and encouraged to follow all electoral stages, from the selection and training

of election staff and the certification of candidate nominees to the aggregation of election results and the auditing of candidates' campaign finances.

27. The coordination among the various Civil Society Organisations (CSO) and cooperation with the election management bodies, such as KIPs, PPKs, PPGs and PANWASLIHs, should be enhanced to maximise the effectiveness of voter education.
28. The procedural understanding of witnesses and domestic observers must be improved through training.

### **Improve polling, counting, aggregation and verification procedures**

29. To make the electoral system more robust and improve the integrity of future elections some preparatory and procedural adjustments might be considered, such as:
  - timely distribution of materials so any mistakes and omissions could be dealt with;
  - the serial numbering of result and aggregation forms used at each counting and aggregation level;
  - procedures in polling stations should be streamlined and training provided to ensure that polling stations staff know what has to be done and why;
  - ensuring that two copies of final voters' lists (FVLs) are prepared, distributed and allocated to all polling stations (one for public display and one to tick off the voters who received ballot papers);
  - stressing the importance of securing ballot papers and other sensitive election material at all times;
  - strict enforcement of voter identification, including a systematic check for ink and subsequent inking;
  - assuring the secrecy of vote, by locating voting booths in an appropriate manner;
  - improving polling, counting and aggregation procedures to eliminate duplication and simplifying the procedures where possible;
  - assuring the public display of official election results at all levels after counting or aggregation is completed; assuring a direct feed of results from polling station level to district aggregation centres to deter any attempt to manipulate successive aggregations of votes;
  - ensure a consistent application of all rules and regulations.



### **Issue clear regulations for the media**

30. The Indonesian Broadcasting Commission (KPI) should raise public knowledge of its existing media regulations during the election period in order to ensure that all stakeholders are aware of the regulations and comply with their provisions.
31. The Press Council (DP)'s position should be clarified in respect of the election period. It did not issue any regulations for the Aceh provincial elections. It should do so in subsequent elections.
32. The KPI and DP should take a more proactive role in publicising and strengthening regulations pertaining to content issues as well as procedures for processing complaints. In this respect, the law should provide clear guidelines for the access to the media for candidates, publication of opinion polls, and reporting of unofficial results.
33. An adequate system of access to the state owned media should be established, in particular television, to ensure that all candidates for the same election have equal access and airtime during the campaign period.

### **Measures to sustain emerging democracy**

34. In recognition of the recent efforts of the Government of the Republic of Indonesia and the GAM to commit themselves to peace, democracy and reconciliation, the EUEOM considers it imperative that all relevant national and provincial authorities, current national and future local political parties, and newly elected heads of local government continue their engagement in sustaining the democratic process and create a stable environment and robust frameworks for future elections.