

EUROPEAN PARLIAMENT

COMMITTEE ON FOREIGN AFFAIRS, HUMAN RIGHTS, COMMON SECURITY AND DEFENCE POLICY

DELEGATION FOR RELATIONS WITH SOUTH-EAST EUROPE

NOTICE TO MEMBERS N° 11/2001

**Subject: Ad hoc delegation for the observation of parliamentary elections in Albania
from 22 to 25 June 2001**

**Members find attached, for information, the report of the ad hoc delegation for the
observation of parliamentary elections in Albania from 22 to 25 June 2001 to the
Chairman of the Committee on Foreign Affairs, Human Rights, Common Security and
Defence Policy**

DIRECTORATE-GENERAL FOR
COMMITTEES AND DELEGATIONS

13 July 2001

EUROPEAN PARLIAMENT

AD HOC DELEGATION FOR ELECTION OBSERVATION IN ALBANIA

REPORT

on

**the observation of the parliamentary elections in Albania
on 22 to 25 June 2001**

**Report from the Chairperson of the delegation for relations with South-East Europe,
Ms Doris PACK**

**to the Chairman of the
Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy**

Introduction

On request of its Delegation for Relations with South-East Europe, the European Parliament sent an ad hoc delegation¹ of 4 members to observe the parliamentary elections in Albania on 24 June 2001.

In support of the democratization process in Albania, the EP confirmed its long-term commitment by observing this year's election. A delegation had already observed the previous parliamentary elections in 1997 and the constitutional referendum in 1998.

The EP delegation participated in the election observation in the general framework of the International Election Observation Mission, a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly, the European Parliament and the Parliamentary Assembly of the Council of Europe (CoE).

The OSCE/ODIHR Election Observation Mission, headed by Mr Nikolai Vulchanov, with 10 election experts and 18 long-term observers assessed the legal framework, the election administration, the media environment, and conditions for the election campaign.

For election day, in order to assess whether the voting and counting complied with international standards for democratic elections, the International Election Observation Mission deployed

¹ List of participating Members and staff, annexe 1
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over 270 short-term observers from across the political spectrum, including the EP delegation, 39 parliamentarians from the OSCE PA, headed by the OSCE Special Representative, Mr Bruce George, and 17 from the Council of Europe's Parliamentary Assembly, headed by Mr Jerzy Smorawinski.

The EP delegation was divided into three teams and observed elections in about 36 polling stations in the provinces of Tirana, Durrës and Elbasan.

The chairs of the European Parliament, the OSCE PA and the CoE PA delegations co-chaired all briefings organised by the OSCE/ODIHR Election Observation Mission. These briefings were given by the Chairman of the Central Election Commission, Mr Illirjan Celibashi, the Vice-Minister of Foreign Affairs, Mr Pellumb Gjufi, the Speaker of Parliament, Mr Skender Gjunushi, Ambassador Geerd Ahrens, Head of OSCE presence in Albania, Mr Jorgen Gruwnert, CoE Special Representative in Albania, local NGOs such as the Society for Democratic Culture and the Albanian Helsinki Committee, media representatives and representatives of three political parties, such as the Socialist Party, the Democratic Party and the Alliance of Human Rights.

At a press conference, the three co-chairs issued a press release and a statement of preliminary findings and conclusions jointly presented by the International Election Observation Mission.¹

Before the election day², on Friday 22 June 2001, the EP delegation met with Mr Niels Aadal Rasmussen, Chargé d'affaires of the Embassy of Denmark on behalf of the Presidency-in-Office of the European Union, together with other EU Ambassadors and Mr Michel Peretti, Head of the European Commission Delegation.

The EP delegation took the initiative to also meet representatives of other political groups of the Albanian Parliament, such as Mr Genz Pollo (Democrat Party), Mr Skender Gjinushi (Social Democrat Party), Mr Zef Bushati (Christian Democratic Party), Mr Arben Imani (Democratic Alliance Party), representatives of the Republican Party and of the Legality Movement Party.

Assessment of the pre-election phase

28 political parties were registered for the Assembly elections, fielding 1,114 candidates in the 100 single member zones. In addition, 28 political parties and a coalition "Union for Victory" with 823 candidates competed for the 40 proportional mandates.

The ruling Socialist Party broke with its smaller alliance partners to contest the election on its own. The opposition Democratic Party (DP) formed a coalition with four smaller parties to campaign as the "Union for Victory". Some Members of Parliament from the DP broke ranks one and a half year ago and formed a rival party called the Democrat Party, which was contesting these elections as an alternative to the two main parties.

The EP delegation welcomed the peaceful atmosphere in which the election campaign was conducted. The main contestants were noticeably more restrained in their rhetoric than during earlier elections. Also positive was the broader spectrum of media which offered voters a wide range of information for an informed choice. The public broadcaster and some private media

¹ Joint press release, annexe 3, statement of preliminary findings and conclusions, annexe 4

² Programme, annexe 2

allocated time to the main election contestants with a generally fair coverage. Most private media, however, supported one of the two main competitors.

The electoral code adopted in May 2000 and amended in 2001 generally provided a fair basis for democratic elections. The Central Election Commission's conduct was more professional, objective, transparent, and pragmatic than on the occasion of earlier elections.

The most contentious political issue and indicative of the polarised political atmosphere during the election campaign was the controversy surrounding the "independent" candidates. The idea of fielding party-supported candidates, but labelling them as "independent" was an attempt by the Socialist Party to increase the party's share of compensatory mandates thus to ensure a 60% majority in Parliament needed for the presidential elections taking place next year . This practice was copied by the DP declaring almost every candidate as independent. The CEC declared almost all of these candidates as party-affiliated; the Appeals Court upheld the CEC decision two days before the election day.

Women only represented 7% of candidates in single member zones and 15% in the proportional lists, with even fewer in positions high enough on the list to stand a chance to be elected. Women comprised also only 7% of the zone election commissions membership and 8% of polling station commissions.

Three domestic observation non-governmental organizations registered over 1000 observers to monitor the elections. The groups reported no problems in receiving accreditation or in gaining access to any aspect of the electoral process. Domestic observers, however, were present in only 20% of polling stations observed.

Assessment of the elections

First round

The turnout was reported around 60%. Election day was largely peaceful.

The voting, the vote count and the tabulation of results were assessed as relatively positive. International observers gave a positive assessment for the conduct of the poll in 88% of polling stations.

The problems the EP delegation observed concentrated mainly on the inaccuracies in the voter lists. Compared to the local elections in October 2000, steps had been undertaken to address the technically difficult issue of ensuring the accuracy of voter's lists, mainly through a nation-wide, multimedia information campaign. Albanian citizens and political parties were urged to check the provisional voters lists and everyone excluded from the lists was able to get a court order allowing him/her to vote up until one day before the election. However, shortcomings still existed during these elections and created frustration for people turned away, but the overall percentage of people concerned did not influence significantly the outcome of the vote.

Secondly, evident on election day was the lack of professionalism of polling station commissions in conducting the polls according to the rules, and the lack of communication facilities between them and the zone electoral commission. The vote count, however, was assessed "poor" in only 5% of polling stations observed.

Second round

The second round of voting took place on 8 July in each single member constituency where no candidate received an absolute majority. The International Election Observation Mission concluded ¹ that most polling stations functioned well and generally voting proceeded without incident. However, the observers reported a number of serious concerns, including isolated cases of police interference, detentions of election commission members, and ballot stuffing. Voting could not take place in a number of electoral zones due to disruptions to preparations by election commission members.

The international observers have reported a number of irregularities stemming from the first round elections, in particular in some hotly disputed constituencies. In these constituencies, conflicting counting protocols raised concerns about the accuracy of the results. To date, the relevant election commissions and courts have failed to adequately investigate questionable protocols and other alleged irregularities in these constituencies.

Final assessment

The Head of the Observation Mission of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) declared: "Looking at the election as a whole, we can say there has been progress in the areas of election administration, media and campaign conduct. However, problems remain which show that further substantial improvements are needed to fully meet international standards for democratic elections.

The irregularities must be fully investigated and addressed by the authorities. The final assessment of these elections will depend on how this is carried out by the relevant national institutions as well as on the remaining steps of the post-election process, including the tabulation of results, the allocation of compensatory mandates, and the conduct of further rounds of voting."

Annexe

List of EP delegation's participants

Programme

Joint press release

Joint statement of preliminary findings and conclusions

¹ Press release, annexe 5 and statement of preliminary findings and conclusions, annexe 6
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EUROPEAN PARLIAMENT

AD HOC DELEGATION FOR OBSERVATION OF PARLIAMENTARY ELECTIONS IN ALBANIA

22 – 25 June 2001

LIST OF PARTICIPANTS

Members of the European Parliament:

| | Group | Country | Committee |
|-------------------------------------|--------|---------|--|
| Ms Doris PACK <i>Chairperson</i> | EPP-ED | Germany | Culture, Youth, Education, the Media and Sport, Chairperson of the Delegation for Relations with South-east Europe |
| Mr Giorgos DIMITRAKOPOULOS | EPP-ED | Greece | Constitutional Affairs |
| Ms Anna KARAMANOU | PES | Greece | Citizens' Freedoms and Rights, Justice and Home Affairs; Women's Rights and Equal Opportunities |
| Ms Adriana POLI BORTONE | UEN | Italy | Regional Policy, Transport and Tourism |

Secretariat of the Delegation:

| | |
|------------------------|------------------------------------|
| Ms Sabina MAZZI-ZISSIS | Administrator, Head of Secretariat |
| Ms Ursula BAUSCH | Administrator |
| Ms Kirsti PAAKKOLA | Assistant |

Abbreviations:

| | |
|--------|--|
| EPP-ED | Group of the European People's Party (Christian-Democratic Group) and European Democrats |
| PES | Group of the Party of European Socialists |
| UEN | Union for a Europe of the Nations Group |

EUROPEAN PARLIAMENT



AD HOC DELEGATION FOR OBSERVATION OF PARLIAMENTARY ELECTIONS IN ALBANIA

22 – 25 June 2001

FINAL PROGRAMME

Friday, 22 June

14.10 Arrival of Members and staff to the Tirana airport and transfer to

Hotel Rogner Europapark
Bd. Deshmoret et Kombit, Tirana
Tel. 00 355-4-235.035, fax 00 355-4 –235.050
e-mail: hotel.tirana@rogner.com

All the meetings take place in the Hotel Rogner Conference Room and are organised by the OSCE and co-chaired by the heads of parliamentary delegations from the European Parliament, the OSCE PA and the Council of Europe

16.00 Briefing by OSCE Ambassador Geerd AHRENS, Head of OSCE presence in Albania, Mr Jorgen GRUWNERT, Special Representative of the Council of Europe in Albania and local NGOs

18.00 Briefing on security items by OSCE/ODIHR

19.30 Working dinner and briefing by Mr Niels Aadal RASMUSSEN, Chargé d'affaires of the Embassy of Denmark on behalf of the Presidency-in-Office of the European Union, together with other EU Ambassadors and Mr Michel PERETTI, Head of the European Commission Delegation (*EP Delegation only*)
Venue: Hotel Rogner

Saturday, 23 June

08.30 Briefing by OSCE/ODIHR Election Observation Mission

10.00 Briefing by Chairman of Central Election Commission

- 10.30 Briefing by Speaker of Parliament
- 11.00 Break
- 11.30 Briefing by Minister for Foreign Affairs
- 12.00 Briefing by media representatives
- 13.00 Lunch break
- 14.00 Briefing by political parties: Socialist Party, Democratic Party, Human Rights Party
- 15.45 Briefing on Logistics and Deployment
- 16.30 Meetings with representatives of the other political groups of the Albanian Parliament
(*EP delegation only*)
- 18.30 Meeting of the co-chairs of parliamentary delegations (first draft of statement of preliminary findings)
- 20.30 Working dinner of the EP delegation
Venue: Hotel Rogner

Sunday, 24 June

Observation of elections in and around Tirana, Elbasan and Durrës

Upon return to the hotel, informal meeting between the co-chairs of parliamentary delegations

Monday, 25 June

- 08.30 Debriefing of the EP delegation
- 09.00 Meeting of the co-chairs of parliamentary delegations (finalising press release and statement of preliminary findings)
- 09.30 Debriefing of the international observers organized by the OSCE
- 13.30 Joint press conference by the co-chairs of the OSCE PA, Council of Europe and EP delegations and the head of OSCE/ODIHR EOM
Venue: Hotel Tirana International
- 14.00 Departure to the airport



EUROPEAN PARLIAMENT



International Election Observation Mission

For information – not an official document

1.1.1.1.1. PRESS RELEASE

Albanian Parliamentary Elections Mark Progress Towards International Standards

Tirana, 25 June 2001 – Yesterday's parliamentary elections in Albania marked progress towards meeting international standards for democratic elections, concluded the International Election Observation Mission in a statement issued in Tirana today (attached).

“This election represents another important step towards the consolidation of democracy in Albania”, said Bruce George, Vice-president of the OSCE Parliamentary Assembly and Special Coordinator for these elections designated by the OSCE Chairman-in-Office.

“The Central Election Commission's professional and transparent conduct contributed significantly to the progress noted in these elections. Their distance from political party disputes was courageous”, said Jerzy Smorawinski, Chairman of the delegation of the Council of Europe's Parliamentary Assembly.

“The media assumed an important role in this election campaign and a large spectrum of media gave voters the opportunity to make an informed choice”, added Doris Pack, Head of the European Parliament delegation.

The campaign took place in a generally peaceful atmosphere. A total of 28 parties took part and fielded some 2,000 candidates. The most contentious issue was the attempt to field party affiliates as independent candidates, aiming to increase the number of compensatory mandates allocated to parties. Other shortcomings observed include inaccuracies in the voter lists, and excessive deviations in the number of voters registered in some electoral constituencies.

Election day was largely peaceful, except for a handful of isolated violent incidents. The voting and counting process was relatively positive. However, despite the best effort of polling commissions in most areas, their lack of training and disorganization were evident on election day. Also, disputes among polling and zone commission members and other procedural difficulties will force reruns in one out of

100 constituencies and a limited number of polling centers in others. The voter turnout was reported around 60%.

“The final assessment on whether these elections will bring Albania closer to international standards depends on the tabulation of results for the first round, and the conduct of the second round on 8 July, as well as on the process of allocating the compensatory mandates and the role which the Central Election Commission and the courts play in this process”, concluded Nikolai Vulchanov, Head of the OSCE/ODIHR Election Observation Mission in Tirana.

Mission Information

The International Election Observation Mission is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (PA), the Parliamentary Assembly of the Council of Europe and the European Parliament.

An OSCE/ODIHR Election Observation Mission with 10 election experts in the Tirana headquarters and 18 long-term observers deployed to the regions was established in late May to assess the legal framework, the election administration, the media environment, and conditions for the election campaign. For election day, the International Election Observation Mission has deployed over 270 short-term observers from 30 countries, including 39 from the OSCE PA, 17 from the Council of Europe’s Parliamentary Assembly and 7 from the European Parliament, from across the political spectrum. Also, the *Organisation Internationale de la Francophonie* contributed 14 observers for election day. International observers monitored the voting and counting procedures in polling stations and election commissions across Albania.

For further information, please contact:

- Nikolai Vulchanov, Head of Mission of the EOM in Tirana, +(355 4) 230979, -232523, -232524, -232525
- Jens-Hagen Eschenbächer, OSCE/ODIHR Spokesperson, +48-603 683 122
- Jan Jooren, Press Counsellor, OSCE PA, +45 40304985
- John Hartland or Vladimir Vronov, Parliamentary Assembly of the Council of Europe, +33 607 427298
- Sabina Mazzi-Zissis, Administrator, European Parliament, +32-496 599 473



EUROPEAN PARLIAMENT



1.1.1.1.2. INTERNATIONAL ELECTION OBSERVATION MISSION

1.1.1.1. 2001 ELECTIONS TO THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

1.1.2. STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Tirana, 25 June 2001 — The International Election Observation Mission (IEOM) for the 24 June 2001 elections to the Assembly of the Republic of Albania is a joint effort of the Organization for Security and Cooperation in Europe – including the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the OSCE Parliamentary Assembly (OSCE/PA), the Parliamentary Assembly of the Council of Europe, and the European Parliament.

PRELIMINARY CONCLUSIONS

The 24 June 2001 elections to the Assembly of the Republic of Albania marked progress towards meeting the OSCE commitments for democratic elections formulated in the 1990 Copenhagen Document and Council of Europe standards as embodied in the European Convention on Human Rights and its case-law. These elections were conducted in a more peaceful and calmer atmosphere than earlier polls.

The 2001 parliamentary elections were remarkable for the following accomplishments:

- The electoral code adopted in May 2000 and amended a year later generally provides a basis for democratic elections;
- The Central Election Commission's (CEC) conduct was more professional, objective, transparent, and pragmatic than earlier elections;
- Twenty eight political parties and coalitions campaigned vigorously, fielding some 2,000 candidates;
- The two main contestants were noticeably more restrained in their rhetoric than during earlier elections, thus contributing to an overall peaceful atmosphere; and

- A broad spectrum of media offered voters a wide range of information for an informed choice, with the public broadcaster providing a fair coverage, except in the last days of the campaign.

The most contentious political issue during these elections was the controversy surrounding the “independent” candidates, marring the campaign atmosphere and creating significant uncertainty. The idea of fielding party-supported candidates, but labelling them as “independent” in an attempt to increase the party’s share of compensatory mandates was at the core of the problem. The CEC was left with no other choice but to declare almost all of these candidates as party-affiliated. The controversy inevitably distracted the CEC from supervising the election administration at lower levels. The issue was indicative of the polarised political atmosphere in Albania.

Other shortcomings also became apparent during the run-up to the elections, though these were not of political nature and their impact on the electoral process was limited:

- The need for further improvements in the electoral code – e.g., the independent candidate provisions, and omissions concerning deadlines for the adjudication of appeals against CEC decisions;
- The late and contentious appointment of election commissions at lower levels, compounding the challenge of an already compressed time frame for election preparations;
- Inaccuracies in the voter register, despite a commendable effort and an information campaign conducted by the authorities for citizens to update their registry data; and
- Excessive deviations in the number of registered voters in single mandate constituencies.

Election day was largely peaceful, except for a handful of isolated violent incidents, and was assessed as relatively positive by international observers. However, despite the best effort of polling commissions in most areas, their lack of training and disorganization were evident on election day. Also, disputes among polling and zone commission members and other procedural difficulties will force reruns in one of the 100 constituencies and a limited number of polling centers in others. Nonetheless, international observers also assessed the vote count and tabulation of results as relatively positive. The voter turnout was reported around 60%.

The final conclusion on whether these elections will bring Albania closer to democratic standards will depend, in part, on the tabulation of results for the first round, and the manner in which the second round of voting is conducted on 8 July. Additionally, the process by which the 40 compensatory mandates for the national multimember constituency are allocated, and the respective roles of the CEC and the courts in this process, will be important factors for a final conclusion.

The international community is prepared to work with the authorities and civic society of Albania to address the remaining challenges.

PRELIMINARY FINDINGS

Background

Previous elections in Albania have been marked by a polarized political culture with deep antagonisms between political forces grouped around the dominant Socialist and Democratic Parties, their fortunes shifting dramatically from one election to another.

Following the 1997 crisis, the Albanian authorities undertook measures to reform State structures and improve public order. In addition, a new constitution and electoral code were adopted. These reforms made substantial progress towards meeting international standards for democratic elections. The test came during the local government elections in October 2000, which marked significant progress towards meeting the standards for democratic elections and took place in a tense but remarkably peaceful atmosphere. The 2001 parliamentary elections provided an opportunity for further democratic consolidation.

In a significant development in the run up to the elections, the governing Socialist Party (SP) broke with its smaller alliance partners to contest the election on its own. The opposition Democratic Party (DP) formed a coalition with four smaller parties to campaign as the “Union for Victory”. Earlier in the year, some Members of Parliament from the DP broke ranks and formed a rival party called the Democrat Party, which is contesting these elections as an alternative to both the SP and the DP.

The Human Rights Union Party, participating in these elections, has declared that it represents national minorities, but not all minority communities agree. Nevertheless, a significant number of candidates from national minority communities took part in the elections, and standing as independent candidates or nominated by parties.

Legislative Framework

The 24 June elections to the Assembly were held under an electoral code adopted by the Assembly in May 2000, and amended in May 2001. Although the code provides a basis for democratic elections, challenges experienced in the run up to the 2001 elections indicate that the code could be improved. The shortcomings include the need to clarify the provisions for political parties to appoint members to election administration bodies where the party is a member of a coalition, and omissions in the code concerning deadlines for the adjudication of appeals against decisions of the CEC.

The Assembly consists of 140 Deputies elected on the basis of a mixed system – 40 mandates are allocated to political party and coalition lists in a single national constituency, and 100 mandates to party, coalition, and independent candidates in single member constituencies by a majoritarian voting system. A second round of voting is required in each single member constituency where no candidate receives an absolute majority. Each voter receives two ballots, one for the single member constituency and the second for the nation-wide multi-mandate constituency.

Parties and coalitions must receive at least 2.5% and 4% respectively of the valid national votes to participate in the allocation of the 40 mandates. Article 64 of the Constitution requires that the total number of deputies of a party or coalition shall be, to the closest extent possible, proportional to the valid national votes won by them in the first round. Article 66 of the electoral code establishes a formula for this proportional distribution of mandates.

The elections were marred by attempts to take advantage of Article 64 of the Constitution with the aim of improving a party's position in the forthcoming presidential election. Under the Constitution, the President is elected by the Assembly with the support of at least three-fifths (60%) of its Members. The Socialist Party fielded only 81 candidates in the 100 single member zones, and endorsed 19 "independent" candidates in the remaining zones. The opposition parties considered this as a ploy to take advantage of the allocation formula used to generate additional seats from the proportional list, thus improving the Socialist Party's margin of overcoming the 60% threshold for electing the President. In response, the "Union for Victory" registered only seven candidates under the coalition's name and "independents" in the remaining 93 zones.

Both the Socialist Party and "Union for Victory" introduced these "independent" candidates at their election rallies. In many cases, the election posters and literature of "independent" candidates featured party logos.

Election Administration

In contrast with previous elections, the CEC demonstrated courage and increased objectivity, and pragmatism despite the polarized political environment. Also, the CEC administered the elections in general transparently and encouraged political parties to make presentations and suggestions during CEC sessions. However, the CEC took some important decisions in informal meetings without the benefit of a public session.

The controversy over the "independent" candidates and mandate allocation dominated the agenda of many CEC sessions. Throughout the campaign period, parties and coalitions other than the Socialist Party attempted to persuade the CEC that the "independent" candidates should be classified as party candidates to protect the spirit of the constitutional requirement of proportional distribution of mandates. Attempts to resolve this issue brought a significant, if temporary, realignment of political forces. Smaller parties from the former governing alliance united with the "Union for Victory" to call on the CEC to resolve the issue, but they stopped short of submitting the dispute to adjudication by the courts.

The CEC adopted an instruction that attempted to provide additional criteria for defining an independent candidate, but could not solve the controversy. Finally five days before the elections, the CEC adopted a bold decision according to which, for the purpose of the mandate allocation, "independent" candidates supported by political parties would be credited to that party. Thus, the great majority of the "independent" candidates supported by the two main parties were credited to them. The CEC decision was upheld by the Appeals Court.

Similar to the 2000 local elections, discussions concerning the appointment of lower election commissions exposed deep political divisions among the parties. These divisions, together with the lack of reliable communications infrastructure between the CEC and lower commissions, delayed the timely establishment of commissions. The delay had a negative impact on the tight election time frame.

The appointment of Zone Election Commissions (ZEC) Chairpersons was late, but respected a general political balance across constituencies. However, in some areas, inter party conflicts ran so deep that the work of ZECs was blocked and CEC decisions on appointments were not implemented. The CEC attempted to appoint the ZEC Secretaries based on professional

qualifications rather than political affiliation. Regrettably, political parties in many zones nominated for these key positions party trustees regardless of professional qualifications. Often, the CEC rulings, decisions and instructions were not interpreted uniformly across the ZECs, leading to confusion.

1.2. Voter Registers

During 2000, the Albanian authorities with the help of the international community undertook to create a computerized national voter registry. While this registry was a significant step to bring the country closer to European practices in ascertaining the eligibility of voters, shortcomings remained, including: duplicate or missing records; records assigned to the wrong polling station; records with wrong birth dates; and other data entry errors.

Nonetheless, some of the deficiencies in the voter registers were partly remedied during the run up to the current elections. In addition, the requirement for indelible ink was introduced in the electoral code as a safeguard to prevent multiple voting. Moreover, on the basis of an agreement between political parties, the authorities conducted a wide scale operation to review the preliminary voter register by three member teams, including representatives of the governing party, the opposition and the local administration. This initiative was supported by an intensive voter education campaign in the media, billboards and posters. While further improvements to the voter registers are required, the authorities must be commended for this sustained effort.

In order to further ensure that voters could exercise their right to vote, the electoral code was amended in May 2001 to allow eligible citizens to update their voter registry data up to 24 hours prior to election day by appealing to the District Courts. However, three certificates were required to prove eligibility. In the end, the turnout at the courts was modest. Another factor for the lingering errors in the voter registers was the failure of large parts of the population to report in a timely manner, if at all, their changes of permanent residence, or more generally to abide by existing civil registration procedures. Additionally, imperfect technology, lack of experience and sometimes negligence, also contributed to introduce errors in the initial version of the voter registry database.

The number of verified registered voters for the 2000 local elections, used to design the zone boundaries was 2,329,639. The preliminary voter lists for the 2001 elections increased to 2,449,404, while the final list included 2,499,238 entries as of 15 June. Out of country voting was not permitted. Although some experts would argue that this figure overestimates the number of voters in Albania, including those who are abroad but have their in-country residence still registered, the IEOM continued to receive complaints that high numbers of voters were deliberately excluded from the voter registers.

The Campaign

Twenty-eight political parties were registered for the Assembly elections, fielding 1,114 candidates in the 100 single member zones. Of these, 149 were registered as independent candidates. Following the CEC decisions during the week preceding election day, 107 of these independent candidates were acknowledged to be supported by the Socialist Party or the coalition "Union for Victory". In addition, 28 political parties and coalition with 823 candidates competed for the 40 proportional mandates.

The campaign was largely conducted in a calm atmosphere with few reports of violence or intimidation. There were a large number of regional rallies and signs of local level campaign activity in most areas. The two main contestants were noticeably restrained in their campaign rhetoric, reducing the overall tension during the campaign.

Opposition parties complained about harassment and minor obstruction such as the removal of posters. The IEOM also received reports of inappropriate use of State resources for campaign purposes, isolated allegations of police harassment, and State interference with the work of election commissions. Although regrettable, these actions did not appear to be significant enough to undermine the overall integrity of the elections.

1.3. The Media

A large spectrum of media gave voters the opportunity to make an informed choice. The tone used by journalists and candidates was moderate, far from the aggressive tone characterizing previous elections. The public broadcaster and some private media allocated time to the main election contestants with a generally fair coverage. Most private media, however, supported one of the two main competitors.

The National Council of Radio and Television (NCRT) – an agency entrusted with monitoring and supervising the media – functioned in a transparent and fair manner, trying not to interfere in the electoral campaign.

The IEOM monitored three television channels and five newspapers for four weeks prior to the election. The public broadcaster TVSH allocated to the Socialist Party 30% of time devoted to politics and elections, 17% to the Government, 24% to the “Union for Victory”, and the remaining 29% to the smaller parties. The tone of the coverage was neutral or positive for all. However, during the last days of the campaign, the coverage and tone were more biased.

One of the private TV stations, TV Shjiak, openly supported the “Union for Victory” with 74% of the time allocated to politics and elections, 90% of which was positive, and 9% to the Socialist Party, mostly negative. The other private TV station monitored, TV Klan, provided a more balanced coverage: the Socialist Party receiving 21%, the Government 20%, and the “Union for Victory” 29%. This coverage was mainly positive or neutral.

Newspapers monitored provided the “Union for Victory” 39% of the space devoted to politics and the elections, the Socialist Party 30%, and the Government 14%. The coverage showed a more evident tendency to negative polemical reports and comments than the broadcasting media, the main targets being the Socialist Party and the Government.

Almost all media violated the campaign silence period during the 24 hours before election day.

Election Disputes

The response to complaints and appeals relating to election processes fell short on two accounts. First, most complaints and appeals presented to the CEC included insufficient evidence, resulting in unnecessary delays or inappropriate decisions. Second, the legal framework

includes gaps relating to deadlines, and as a result, important decisions were not enforced. The controversy around the use of the initials “DP” on the ballot is an example. The CEC issued a decision that the initials “DP” would appear on the ballot with both the Democrat Party and the “Union for Victory” coalition. On 29 May before the ballots were printed, the Tirana Court of Appeals reversed the CEC decision and granted the Democrat Party the exclusive right to the initials “DP”. The Tirana Court of Appeals decision was then appealed and is still pending. Relying on a provision in the code of civil procedures that stays the execution of a court decision on appeal, the CEC refused to change the design of the ballot, notwithstanding the decision of the Tirana Court of Appeals.

With a number of complex disputes that developed during these elections, some raising constitutional issues, only one case was filed for adjudication by the Constitutional Court.

Gender Balance in Elections

Nearly all political parties and coalitions included references to gender related concerns in their political programs and several organized election events targeted specifically at women voters. Some of these events were reported in national newspapers. The State television also organized a number of special programs targeting women voters that featured prominent women politicians.

However, women were generally underrepresented in the elections with only 78 out of 1,114 (7%) of the candidates in single member zones and 120 out of 823 (15%) in the proportional lists, with even fewer in positions high enough on the list to stand a chance to be elected. Only the Liberal Alternate Party had a woman leading its party list. Women were also underrepresented in the administrative structures for the elections. There were no women among the full members of the CEC. Women comprise just over 7% of the zone election commissions membership and 8% of polling station commissions observed on election day.

Domestic Observers

The electoral code provides domestic observers with full access to all levels of the electoral administration and relevant documents. Domestic observers are also able to submit written comments to any election commission about any irregularity that they witness.

Three domestic observation non-governmental organizations, the Society for Democratic Culture in collaboration with CeSID (Center for Free Elections and Democracy), the Albanian Helsinki Committee, and the Albanian Human Rights Group registered over 1,000 observers to monitor the elections. The groups reported no problems in receiving accreditation for their observers, or in gaining access to any aspect of the electoral process. The groups also reported improved relations with political parties.

Election Day & Vote Count

On election day, international observers gave a positive assessment for the conduct of the poll in 88% of polling stations visited. The main difficulty encountered was a small number of persons in over half the polling stations visited not finding their names on voter registers and turned away.

Indicative of the political balance in polling stations, commission Chairpersons were affiliated with the Socialist Party in 40% of polling stations observed, and the “Union for Victory” in 53%. Domestic observers were present in only 20% of polling stations observed.

In terms of safeguarding the integrity of the voting process, voter identification was checked properly in 85% of polling stations observed, voters properly signed the register in 93%, proxy voting was seen in 12%, problems with inking of voter’s thumb in 14% and checking the ink in 21%. The secrecy of the voting was violated in 5% of polling stations observed, and group voting was observed in 30%.

Unauthorized persons, mainly party supporters, were present in 10% of polling stations observed. Campaign material was seen in 14% of polling stations visited, campaign activity taking place in only 2%, tension was noted in 6%, intimidation of voters in only 2%, and violent incidents in 1%.

The vote count was assessed “poor” in 5% of polling stations observed, where the result protocols were not completed in ink (5%), polling station commission members refused to sign the protocols (8%) and submitted a written complain (7%), and polling station commission members obstructed the process (3%). Unauthorized persons, party activists or police, were present in 11% of the polling stations where the vote count was observed. Tension was noted in or around 14% of polling stations where the vote count was observed, but violent incident noted in only one case, and no case of intimidation of polling station commission members noted. The tabulation of results at the zone level was also assessed positively in general.

***This statement is also available in Albanian.
However, the English version remains the only official document.***

MISSION INFORMATION & ACKNOWLEDGEMENT

Mr. Bruce George, Vice-president of the OSCE PA and Special Coordinator for the elections in Albania designated by the OSCE Chairperson-in-Office to lead the OSCE short-term observers. Mr. Jerzy Smorawinski leads the Parliamentary Assembly of the Council of Europe delegation. Ms. Doris Pack leads the European Parliament delegation. Mr. Nikolai Vulchanov heads the OSCE/ODIHR Election Observation Mission.

The OSCE/ODIHR Election Observation Mission (EOM) was established in Tirana on 22 May and shortly thereafter started monitoring the electoral process with 28 experts and long-term observers deployed in the capital and eight regional centers. On election day, the EOM deployed some 250 short-term observers from 30 OSCE participating States, including 39 from the OSCE PA, 17 from the Council of Europe’s Parliamentary Assembly and 7 from the European Parliament, from across the political spectrum. Also, the *Organisation Internationale de la Francophonie* contributed 14 observers to the IEOM for election day. The IEOM monitored the polling and vote count in over 1,000 voting centers throughout Albania out of a total 4,578.

This statement of preliminary findings and conclusions is issued before the final certification of the results and before a complete analysis of the observation findings. The OSCE/ODIHR will

issue a comprehensive report on these elections approximately one month after the completion of the process.

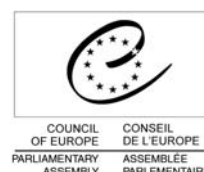
The IEOM wishes to thank the OSCE Presence in Albania as well as the international organizations and embassies for their support throughout the duration of the mission,.

The IEOM wishes to express appreciation to the Ministry of Foreign Affairs, the Central Election Commission, and other national and local authorities for their assistance and cooperation during the course of the observation.

For further information, please contact:

- Nikolai Vulchanov, Head of the OSCE/ODIHR EOM, in Tirana (+355-42-230012);
- John Hartland or Vladimir Vronov, Parliamentary Assembly of the Council of Europe, in Strasbourg (+33-607-427298);
- Alex Staun, Press Officer, OSCE PA, in Copenhagen (+ 45-403-04985);
- Sabina Mazzi-Zissis, Administrator, European Parliament, in Strasbourg (+32-496-599-473);
- Jens-Hagen Eschenbaecher, Spokesperson, OSCE/ODIHR, in Warsaw (+48-603-693122);

**Tirana International Hotel, Rooms 604-607
Skanderbeg Square, Tirana, Albania**



International Election Observation Mission

For information – not an official document

1.1.1.1.3. PRESS RELEASE

Albanian second round election confirms progress in some areas, but problems remain

Tirana, 9 July 2001 – Yesterday’s second round of the Albanian parliamentary elections confirmed progress towards international standards for democratic elections in a number of important areas, but problems remain, concluded the International Election Observation Mission in a preliminary statement issued today (attached).

“Looking at the election as a whole, we can say there has been progress in the areas of election administration, media and campaign conduct”, said Nikolai Vulchanov, Head of the Observation Mission of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). “However, problems remain which show that further substantial improvements are needed to fully meet international standards for democratic elections.”

“The political parties deserve credit for their restraint during the campaign and for seeking redress on contentious issues and irregularities through the available institutional framework for complaints”, said Jerzy Smorawinski, Head of the delegation of the Council of Europe’s Parliamentary Assembly.

On second round election day, 8 July, most polling stations functioned well and generally voting proceeded without incident. However, the international observers reported a number of serious concerns, including isolated cases of police interference, detentions of election commission members, and ballot stuffing. Voting could not take place in a number of electoral zones due to disruption of preparations by election commission members. Elsewhere, the counting was completed quickly, but technical procedures were frequently not followed correctly.

The international observers have reported a number of irregularities stemming from the first round elections, in particular in some hotly disputed constituencies. In these constituencies, conflicting counting protocols raised concerns about the accuracy of the results. To date, the relevant election commissions and courts have failed to adequately investigate questionable protocols and other alleged irregularities in these constituencies. Isolated but significant incidents of abuse of power and interference by police in the election process in favour of candidates of the ruling party have been confirmed.

“These irregularities must be fully investigated and addressed by the authorities”, said Mr. Vulchanov. “The final assessment of these elections will depend on how this is carried out by the relevant national institutions as well as on the remaining steps of the post-election process, including the tabulation of results, the allocation of compensatory mandates, and the conduct of further rounds of voting.”

Mission information

The International Election Observation Mission for the second round of the parliamentary elections in Albania is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Parliamentary Assembly of the Council of Europe. An OSCE/ODIHR Election Observation Mission with 10 election experts in the Tirana headquarters and 18 long-term observers deployed to the regions was established in late May to assess the legal framework, the election administration, the media environment, and conditions for the election campaign. For election day, the International Election Observation Mission has deployed some 130 short-term observers, including eight parliamentarians from the Council of Europe's Parliamentary Assembly to monitor voting and counting procedures in polling stations and election commissions across Albania.

For further information, please contact:

- Nikolai Vulchanov, Head of the OSCE/ODIHR Election Observation Mission in Tirana, +(355 4) 230979, -232523, -232524, -232525
- Jens-Hagen Eschenbächer, OSCE/ODIHR Spokesperson, +48-603 683 122 (mobile)
- Christine Meunier or Farida Jamal, Council of Europe, +(33) 3 88 41 20 90



1.1.1.1.4. INTERNATIONAL ELECTION OBSERVATION MISSION

1.3.1.1. 2001 ELECTIONS TO THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

1.3.2.

1.3.3. STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

1.3.3.1. ELECTIONS TO THE PARLIAMENT OF THE REPUBLIC OF ALBANIA SECOND ROUND – 8 JULY 2001

Tirana, 9 July 2001 - The International Election Observation Mission (IEOM), consisting of the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Parliamentary Assembly of the Council of Europe, issues this statement of preliminary findings and conclusions on developments since the first round of the parliamentary elections in the Republic of Albania and on the second round, before the final certification of the election results and before a complete analysis of the observation findings.

This statement should be considered in conjunction with the statement of preliminary findings and conclusions issued on 25 June after the first round of voting. The OSCE/ODIHR will issue a comprehensive report approximately one month after the completion of the electoral process.

PRELIMINARY CONCLUSIONS

The June 2001 parliamentary elections in Albania marked progress from past elections particularly in the areas of campaign conduct, media and election administration. Generally, the ballots in the first round elections appear to have been counted and tabulated in accordance with the legal framework. However in a number of politically sensitive constituencies the performance of Zone Election Commissions (ZEC) was problematic. The existence of duplicate protocols with different vote totals from a number of Voting Centre Commissions (VCC) raises concerns about the accuracy of the results in these constituencies and undermines confidence in the process. In these problematic constituencies the elections failed to be fully transparent and accountable.

To date, national institutions including the Central Election Commission (CEC) and the courts have generally failed to adequately investigate questionable protocols and alleged irregularities in these politically sensitive constituencies. The CEC was divided on several controversial cases and apparently came under undue political pressure, resulting in credible allegations that some mandates were not properly allocated and that some second round contests that should have taken place were prevented. This confirms the need for further improvement in order to fully meet OSCE commitments. These irregularities should be fully investigated and addressed. Political parties deserve considerable credit for seeking redress on these issues through the available institutional framework for complaints.

The following observations are also notable concerning the period between the two rounds:

- Campaign activity, although noticeably diminished, remained generally peaceful; an exception was a bomb blast in Lushnje which may have been politically motivated;
- Isolated but significant incidents of abuse of power and interference by police and local authorities in favour of ruling party candidates were confirmed;
- Media coverage on the State TV was more biased in favour of the governing party than before the first round.

On the second round election day, 8 July, most polling stations functioned professionally and voting generally proceeded without incident. However, international observers reported a number of serious concerns, including isolated cases of police interference, detention of election commission members, and ballot stuffing. Voting could not take place in a number of electoral zones due to disruption of preparations by ZEC or VCC members. The counting was completed quickly, although technical procedures were frequently not followed correctly.

The final conclusions on the parliamentary elections will depend on how the tabulation of results is completed; the manner in which the 40 compensatory mandates for the national multi-member constituency are allocated; the role of the national authorities, including the CEC and the courts, in handling of complaints and redressing irregularities; and the conduct of further rounds of voting.

OSCE/ODIHR and the Council of Europe are prepared to work with the administration, judiciary and civil society to address the remaining challenges.

PRELIMINARY FINDINGS

1.3.3.2.

1.3.3.3. First Round Results

The 2001 parliamentary elections first round results in the single member constituencies elected 33 Socialist Party candidates, 16 Union for Victory candidates, and one independent candidate. The high number of second round contests and the extremely close margins between the leading candidates in many of these meant that the 8 July voting would significantly affect the final result. Moreover, the repeat polling on the national proportional representation ballot in a few polling stations had the potential to change the overall proportional results from the first round.

Second round run-offs were required in 43 constituencies, and repeat polling was required to varying degrees in seven constituencies due to irregularities. Based on results available, it appears that the Socialist Party, Union for Victory, the new Democrat Party and the Social Democratic Party will cross the 2.5% legal threshold for the allocation of compensatory mandates. The Human Rights Union Party, Democrat Alliance Party, and Agrarian Party are close to the threshold.

1.4. Tabulation of the First Round Results in Politically Sensitive Constituencies

1.5.

1.6. **Tabulation of first round results from polling stations was contentious in some ZECs, where the commissions were faced with differing protocols for the same polling station. This was a result of tampering with VCC protocols after the completion of the work of the VCCs. Tabulation of first round results was generally slow and sometimes contentious; as a consequence, a number of ZECs failed to meet legal deadlines for declaring results.**

The tabulation of results in a number of constituencies raised serious concerns. The ZEC in Zone 40 accepted a polling station protocol presented by the Socialist Party representative instead of the protocol in the ballot box. Differing protocols for the same polling station and other irregularities raise concerns with the tabulation of results in the single mandate elections in Zones 11, 19, 24, 25, 33, 40 and 67. In each of these instances the differing protocols suggested different winners. The double protocols in Zone 33 also raise concern about the national proportional representation result in this constituency.

There was a lack of transparency in determining results in some constituencies. The Constitutional Court twice excluded party representatives and observers from its recounts of ballots; one recount, in Zone 63, changed the initial outcome. On two other occasions the CEC met ZEC members behind closed doors, in apparent contravention of the election law. Results from controversial zones were in some cases decided during late-night sessions of the CEC, impacting negatively on the transparency of the process.

1.7. Adjudication of First Round Complaints and Appeals

After the first round, political parties filed a large number of complaints with the election commissions and the courts, including 27 with the Constitutional Court. Many were not decided by 8 July, creating uncertainty as to precisely which zones would be holding elections and when elections for undecided cases may take place.

At times the election complaints procedure did not provide an effective means of redress. The CEC and the courts generally accepted protocols presented by ZECs at face value and did not scrutinise cases where there was credible evidence that voting results may have been illegally changed. Many candidates and political parties were unsure of where to file complaints and some simultaneously addressed election commissions, courts, the CEC, and the Constitutional Court. There was also inconsistency in how courts considered complaints, with some refusing

to exercise jurisdiction. The Constitutional Court therefore acted as a court of first instance in a number of cases.

The ODIHR Election Observation Mission received and followed up on a large number of complaints and reports of irregularities, but in most cases, these complaints could not be substantiated.

1.8. Election Administration for the Second Round

The professionalism of some ZECs was questionable. The inability of representatives of the major parties to work together in the election administration and the last minute changes in membership of some ZECs and VCCs impacted negatively on the process. There was continued lack of communication with the CEC, resulting in non-uniform interpretation of CEC decisions and instructions. Between the two rounds the CEC dismissed, at times appropriately, a number of ZEC members. On frequent occasions the CEC intervened professionally to resolve problems at the ZEC level.

The CEC adopted important new instructions aimed at reducing the number of invalid ballots; improving transparency in issuing identity documents, application of ink to voters' fingers to prevent double voting, and preventing irregular communication between commission members and third parties. However, these positive instructions were adopted very late in the process, reducing the likelihood of their uniform application and thus their overall usefulness.

1.9. The Campaign for the Second Round

The election campaign between the two rounds of voting was generally low key, and for the most part was conducted in a calm and peaceful atmosphere. Fewer rallies and meetings took place than in the period leading up to the first round. Some increase in aggressive rhetoric was noted in the final days of the campaign. Much of the debate between the rounds focused on the first round results and related complaints and the formation of alliances for the second round. The Socialist Party received varying degrees of support from its former "Alliance for the State" governing partners. In Zone 60, where voting for the nationwide proportional ballot would take place for the first time, the Socialist Party called on its supporters to vote for its former allies in government, the Democratic Alliance Party, the Agrarian Party and the Human Rights Union Party to enable them to pass the 2.5% threshold and enter parliament. The Union for Victory approached the Democrat Party for support in the second round, but the Democrat Party left it up to its local branches to decide whether to provide this support.

1.9.1.1. Interference by Police and Local Authorities in the First Round

Isolated but significant incidents of pressure and interference by police and local authorities in the first round were confirmed in the post-election period. Some of these incidents involved action in favour of local ruling party candidates. In numerous cases police presence was reported to be excessive and police were seen to be behaving in an inappropriate and biased manner. In a few cases police were involved in manipulation of election material. For example in Zone 49 police were observed stuffing a ballot box. In Zone 60 police interrupted the distribution of election material. In Zone 19 an ODIHR observer was denied access to ZEC 19 by the head of the local police.

1.9.1.2. Media Coverage for the Second Round

A large spectrum of media provided diverse information about the elections, continuing the positive trend from the first round. In the electronic media, however, time provided to candidates was reduced. Coverage was concentrated in TV news, while electoral debates, were curtailed. There was a similar, but less significant reduction of space devoted to the elections in the print media. Both print and electronic media reported on the key issues, including accusations of electoral manipulation from both ruling and opposition positions. Most coverage was devoted to the Socialist Party and the Union for Victory, while the only other party to receive any significant coverage was the new Democrat Party.

Between the rounds most TV stations provided the Socialist Party with increased coverage. Significantly TVSH was more biased in favor of the Socialist Party, thereby failing to meet its responsibility for even-handedness as a public broadcaster. TVSH devoted 40% of its political coverage to the Socialist Party, and only 11% to the Union for Victory. The private station TV Klan, which has a large area of coverage, also provided less balanced coverage between the rounds, favouring the Socialist Party. Private TV Shijak, which has a smaller coverage area, was overtly partisan in favour of the Union for Victory.

Newspapers provided equitable coverage to both the ruling and opposition positions. A tendency of some print media towards negative polemical reports and comments, particularly with respect to the Socialist Party and Government, continued.

1.10. Voters Lists Problems

Voter lists were not updated since no legal procedure was in place for persons to be added to the lists for the second round. The CEC announced and published in print media that voters could be added to the list by obtaining a court decision until 24 hours before election day. However, most district courts interpreted the law to mean 24 hours before the first round of elections, thus preventing additional registrations.

1.11. Election Day & Vote Count

Polling was generally conducted in a calm atmosphere. International observers reported more tension than in the first round, particularly in parts of Tirana and Durres, and generally during the counting of votes. On occasion observers felt intimidated (in constituencies 35, 97) and one team was obstructed whilst carrying out its tasks (in constituency 95). Most VCC members were able to set aside their political differences, co-operating to ensure voters could express their will. However, the IEOM is concerned regarding a few serious violations, including ballot stuffing reported in Zones 25 and 28 and cases of pre-marked ballots discovered in Zones 25, 60 and 61.

Elections did not take place in Zone 86, or at a number of polling stations in Zones 2, 4, 22, 49 and 61 due to the disruption of election preparations by ZEC or VCC members. Polling in Zone 60 only took place after the intervention of the CEC the previous night. Police maintained a high visibility throughout election day and on occasion interfered in the election process,

sometimes seriously for instance a stolen box at a polling station in Zone 35. Also of concern are reports of police harassment and detention of some ZEC and VCC members mainly from the Democratic Party, and the presence of unauthorised party activists in polling stations.

VCCs generally followed correct polling procedures and observers assessed the conduct of the vote positively at most polling stations. However, the requirement to check for and apply ink to voters' fingers was often disregarded, and voters were occasionally observed in possession of more than one ballot paper. Observers reported a very high instance of group voting, compromising the principle of secrecy and potentially disenfranchising citizens, particularly women. As in the first round, a limited number of citizens arrived at polling stations to find their names missing from the voter list; no effective procedure was implemented to correct this failing.

Observers reported that counting was completed quickly, although technical procedures were frequently not followed correctly. Some observers were concerned with the number of invalid ballots in some polling stations. After counting, VCCs generally transferred the results promptly to the ZECs, most of which began to tabulate the results. However, ZECs (for example in Zones 35, 49, and 69) stopped working once all the ballot boxes had been received and did not complete the results protocols. Both the Socialist Party and the Democratic Party prematurely announced "election results" before any ZEC declared results.

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However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGEMENT

The International Election Observation Mission (IEOM) for the second round of the parliamentary elections in Albania is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Parliamentary Assembly of the Council of Europe. An OSCE/ODIHR Election Observation Mission, with Nikolai Vulchanov as Head of Mission, 10 election experts in the Tirana headquarters and 18 long-term observers deployed to the regions, was established in late May to assess the legal framework, the election administration, the media environment, and conditions for the election campaign. For the second round election day, the IEOM deployed some 130 short-term observers, including eight parliamentarians from the Council of Europe's Parliamentary Assembly to monitor voting and counting procedures in polling stations and election commissions across Albania.

The IEOM wishes to thank the OSCE Presence in Albania for its support throughout the duration of the mission, as well as the international organizations and embassies for their support on election day.

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For further information, please contact:

Nikolai Vulchanov, Head of the OSCE/ODIHR EOM, in Tirana (Tel: +355-42-230012; Fax:+355-42-32522)

Jens-Hagen Eschenbächer, Spokesperson, OSCE/ODIHR, in Warsaw (Tel: +48-603-693122)
Christine Meunier or Farida Jamal, Council of Europe, (Tel: +33-388-41-2090)

Tirana International Hotel, Rooms 604-607, Skanderbeg Square, Tirana, Albania