

FM's Observations during the Second Round of Presidential Election 2022, and Implications for Security and Democracy

Fundasaun Mahein, 13 May 2022



source: Tatoli

Fundasaun Mahein (FM) as a national non-governmental organisation conducted observation during the 2022 presidential election. On 19 April 2022, the Timorese people participated in the second round of the presidential election, with the result that Dr José Ramos Horta gained 62% of votes, compared to the current President Francisco Guterres “Lú-Olo” who received almost 38%. FM observed the election at several voting centres, including in Dili and in rural areas. From our observations on voting day, there was no vertical conflict between leaders and they accepted the results. The state electoral organs also worked effectively related to the administration of the election. At the same time, FM observed several problems which occurred during the election process, including in the campaign, preparation and voting phases. This article summarises FM's observations during the second round of the presidential election, and discusses some of the implications for security and democracy in Timor-Leste.

During the campaign process for the second round, FM observes several irregularities. For example, on 8 April 2022, when Dr Ramos Horta campaigned in Atsabe, Ermera, the National Committee for Elections (CNE) observed that candidate Horta violated the Electoral Law because he campaigned outside the official campaign hours. According to the Electoral Law, campaigns begin at 8am and end at 6:30pm. However, in Atsabe Dr Horta continued to conduct a “mini campaign” until 8pm. Elsewhere, some militants showed negative behaviour towards electoral team staff, such as occurred in RAEOA-ZEEMS (Oecusse) on 7 April when members of FRETILIN's “team success” chased a CNE team. Also, young children continued to participate in campaigns of both Dr Horta and Lú-Olo in Covalima municipality, even though the law disallows children to participate in election campaigns.

Before the preparation for voting, FM observed some other problems. For example, the election administration staff from Brigades, CNE, STAE and national observers were forced to sleep in tents on 18 April at Lesuhati voting centre, Holarua Suku, Same, Manufahi, as there was no place for them to sleep. In addition, there was only one PNTL officer allocated to provide security at this voting centre.

During the voting process, FM observed criminal actions of groups intending to create instability, such as occurred in Primary School No. 2 in Bidau Santana, Dili at 9pm on 19 April. When STAE staff were delivering the voting cards, a group of youths drinking alcohol attempted to kick down the door of the school. However, that night two PNTL officers from Cristo Rei squadron caught several of these youths. They were detained for 72 hours and PNTL continues its investigation. FM also heard from CNE staff in Gleno that an individual or group threw stones at them in Humboe at 11:45pm on 19 April, while an unknown group attacked a CNE staff member in Hera voting centre. Another case occurred in Nitibe, RAEOA in which a community member's house was burned during after the election results were announced, is still being investigated.

Election security is an essential part of building peace and democracy, and it is especially important that election results are valid and that all citizens accept them. However, FM observed that some militants were not satisfied with the election results, such as in Makadiki Suku, Viqueque. After the voting finished on 19 April, some militants tried to disrupt the counting process at this voting centre, and PNTL detained two citizens for attempting to impede vote counting.

In addition to the security problems during the electoral process, FM is also concerned about several barriers to ensuring maximum participation of citizens in elections. One issue is that facilities for disabled people are still limited – for example, there is no Braille facility for voting cards, meaning that people with eyesight problems require another person’s assistance to cast their vote, which has implications for voting secrecy and privacy. FM calls attention to Article 47 of RDTL’s Constitution which states that citizens 17 years old and over have the right to vote and be elected, and this right to choose is private and an obligation for all citizens.

During the second round of the presidential election, many voters were able to vote, but many also could not go to vote in their home municipalities, especially those from remote areas, due to transport limitations and economic and financial conditions. Even though the Government and political parties provided transport facilities such as trucks and buses, these only brought people to the Municipal capital and did not reach the administrative post, suku or aldeia. The registration process also continues to be too complicated, which demotivates many people, while electoral authorities do not give priority to people in prison, hospital, people with mental illness and students who live in Dili and cannot travel to vote because of the distance and time limitation. These problems therefore raise implications for security and democracy in Timor-Leste, as they weaken the people’s respect for state institutions and democratic rule of law.

In addition to the issues identified above, FM also observes that PNTL faces major challenges related to resource limitations, especially in communication, transport and equipment, which are essential for PNTL to carry out its responsibilities during political and electoral processes. FM sees that even through PNTL was deployed to 1,191 voting centres and stations, and most voting was done peacefully and without major incidents, there are several gaps which raise implications for election security. For example, at several voting centres on the south coast in Manufahi municipality, only one Suku Police Officer (OPS) was deployed to each voting centre. As also occurred during the first round of the election, FM observed that PNTL members failed to maintain 25 metres distance from voting in several voting centres, such as in Fohorem, Tilomar and Wetaba Salele.

Based on these observations, FM gives the following recommendations to Timor-Leste’s election authorities and decision makers to prevent these problems from occurring again in the future:

- Election authorities must create improved conditions to increase election participation in the whole territory, thereby strengthening the democratic system in Timor-Leste. Unfortunately, out of a total of 859,692 registered voters, only 664,106 voted in the first round, while only 649,389 voted in the second round. This main reasons for the reduced participation was a lack of transport, financial and economic difficulties, long distances, limited time and a complicated registration process. Therefore, in addition to facilitating people to vote in their home areas, election authorities should simplify the registration process, such as creating a simple online system which people can use to change their registered voting location. This can reduce problems of transport, time, distance and money, and guarantee maximum voter participation.
- FM recommends to state security institutions to exert maximum control to avoid conflicts such as those which occurred during the election campaigns, including assaults committed by militants and recorded threats which went “viral” among the public. The people who committed these acts must submit to sanctions in line with Timor-Leste’s Penal Code, therefore FM asks PNTL to conduct thorough investigations into these cases.
- The Government must strengthen PNTL’s facilities and capacities such as transport, communication, equipment and other essential components, so that when there are indications that individuals or groups are attempting to create instability during election periods, PNTL can respond quickly and effectively. Thus, PNTL’s operations can promote peace, unity and friendship, so that democracy, stability, security and national development can be secured.
- Fundasaun Mahein recommends that election authorities should create viable and realistic conditions for prisoners, disabled people, and people with physical or mental illnesses who are in hospitals, clinics and health posts in remote areas.
- FM asks security institutions to apply laws equally to all citizens during election campaigns and ensure that PNTL investigates all violations which occur.

FM nia Observasaun iha Segunda Ronde Eleisaun Prezidensial 2022 no nia Implikasaun ba Seguransa no Demokrasi

Fundasaun Mahein, 13 Maiu 2022



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Fundasaun Mahein (FM) nu'udar organizasaun naun-governmental nasional halo observasaun durante eleisaun prezidensial 2022. Iha dia 19 Abril 2022, povu Timor-Leste partisipa iha eleisaun prezidensial ba segunda ronde, no rezultadu hatudu Dr José Ramos Horta maka manan votus barak liu (62%), kompara ho Prezidente atual Francisco Guterres "Lú-Olo" ne'ebé simu besik 38%. FM hala'o duni observasaun sira iha sentru votasaun oi-oin, inklui sentru votasaun sira iha kapital Dili no mos iha area rural. Husi observasaun ne'ebé ami hala'o durante loron votasaun, laiha konflitu vertikal entre lideransa sira no sira simu rezultadu ho haksolok no dignu. Orgaun eleitoral estadu sira mos servisu diak tebes iha sistema administrasaun eleisaun nian. Maibé, FM observa problema balun ne'ebé akontese liga ho prosesu eleitoral iha faze kampaña, preparasaun no votasaun ninian. Artigu ida ne'e sumariza FM nia observasaun durante periodu eleisaun prezidensial ba segunda ronde, no diskute implikasaun balun ba seguransa no demokrasi iha Timor-Leste.

Durante prosesu kampaña ba segunda ronde nian, FM observa katak iha duni irregularidade oi-oin. Pur ezemplu iha dia 8 Abril 2022 wainhira Dr. José Ramos Horta halo kampaña iha Postu Administrativu Atsabe, Munisípiu Ermera, Comição Nacional das Eleições (CNE) hare'e katak kandidatu Horta viola Lei Eleitoral tanba halo kampaña liu oras ofisial kampaña nian. Tuir Lei Eleitoral kampaña hahu tuku 08:00 dader to'o tuku 18:30, maibe momentu ne'ebá iha Atsabe Dr. Horta halo "mini kampaña" até tuku 20:00 kalan. Iha parte seluk maka militante balun hatudu hahalok aat ba ekipa eleitoral nian, hanesan akontese iha RAEOA-ZEEMS (Oecusse), iha ne'ebá loron 7 Abril ekipa susesu partidu FRETILIN duni ekipa CNE. No mós iha kampaña eleitoral iha Munisípiu Covalima kontinua labarik kiik oan sira partisipa iha kampaña entre kandidatu PR Dr. Jose Ramos Horta no Dr. Francisco Guterres "Lú-Olo", maske lei la autoriza atu labarik sira hola parte durante kampaña eleitorais.

Molok tama ba iha preparasaun ba vota nian maka, iha difikuldade seluk ne'eb'e FM anota maka staff servisu sistema administrasaun eleisaun nian hanesan Brigada, CNE, Sekretariado Tékniku Administrasaun Eleitoral (STAE), no observador nasional sira toba deit iha lona kemping nia laran iha loron 18 Abril iha Munisipiu Manufahi, Sentru Votasaun Lesuhati, Suco Holarua, Posto Administrativu Same. Sira dehan toba fatin diak laiha, tanba ne'e sira toba iha kemping laran deit ona. Aleinde problema toba fatin la iha, iha sentru votasaun refere membru PNTL ida deit maka hein halo vijilansia.

Iha prosesu votasaun nian FM observa iha duni indikasaun ba krime nian hanesan grupu balun tenta kria instabilidade, hanesan akontense iha sentru votasaun Esokla Primaria No. 2 iha Suku Bidau Santana, Dili, iha tuku 9 kalan loron 19 Abril. Bainhira staf husi STAE sura hela boletin votu sira, iha grupu joven balu hemu tua lanu hodi tebe odamatan Eskola Primaria No. 2 nian. Maibé iha kalan ne'e membru PNTL nain rua husi eskuadra Kristu Rei kaer no lori joven balun ba sela durante 72 oras, no PNTL kontinua halo investigasaun. Informasaun seluk maka FM rekolla husi staff CNE iha Gleno maka sira hetan tuda husi movimentu individu ou grupu balun iha parte Humboe tuku 11:45 kalan, loron 19 Abril, no mos grupu deskoñesidu balun halo ataka ba staff CNE ida iha Sentru Votasaun Hera. Kazu seluk iha RAEOA-ZEEMS parte Nitibe sei iha hela prosesu investigasaun tanba membru comunidade ida ninia uma maka ahi han hafoin rona rezultadu eleisaun final.

Seguransa iha eleisaun sai fatór determinante iha prosesu ba konstrusaun paz no demokrasia, liu-liu rezultadu prosesu eleitoral tenke válidu no ema hotu tenke simu. Maibé, FM observa militante balun la satisfas ho rezultadu eleisaun nian hanesan akontese iha munisipiu Viqueque, suku Makadiki. Iha ne'eba hafoin prosesu votasaun remata iha loron 19 Abril, iha grupu balun tenta halo ur-basaun, barullu no baralla iha prosesu kontagen nian iha sentru votasaun Munisipiu Viqueque, no PNTL detein kedas sidadaun nain rua ne'ebé tenta impede kontajen votus.

Aleinde problema seguransa durante prosesu eleitoral, FM mós preokupa tanba fator balun sai bareria ba ema atu partisipa ho másimu iha eleisaun. Ida mak facilidade ba ema deficiente nafatin limitadu liu-liu ba ema ho defisénsia matan tanba facilidade Braille iha kartaun votus seidak iha, signifika ema ho defisénsia matan prezisa ema seluk atu vota. Fundasaun Mahein hakarak dada atensaun ba Artigu 47 Konstituisaun RDTL: 1. Sidadaun ne'ebé iha tinan 17 iha direitu atu vota no hetan eleitu 2. Implementa direitu atu hili ne'e direitu privadu no ne'e obrigasaun ba sidadaun hotu-hotu.

Iha segunda ronde ba eleisaun prezidensial, votantes barak mak konsege halao ninian direitu siviku, maibe sidadaun barak mos la konsege vota tamba sira ne'ebé vota iha munisipiu liu-liu zona remotas labele ba vota ho razaun problema transporte, kondisaun ekonomia, no problema finanseiru. Maske Governu no partidu balun kria ona kondisaun no facilidade hanesan transporte trek no bus, maibé to'o deit iha Munisipiu nia Kapital la to'o ba postu-administrativu, suku no aldeia sira. Prosesu rejistrasaun mos komplikadu demais ne'ebé desmotiva ema barak, no mós orgaun eleitorais la fo prioridade ba ema hamutuk nain 90 resin ne'ebé [agora hela iha prizaun](#), ema balun ne'ebé moras todan hela iha hospital, no ema balun ne'ebé konsidera "moras mental", no mos estudantes sira ne'ebé hela iha Dili labele ba vota tanba distansia no tempu. Kestaun ne'e mos implika ba seguransa no demokrasia iha Timor-Leste tanba hafraku povu nia respeitu ba instituisaun estadu no estadu direitu demokratiku.

Iha aspeitu seguransa nian FM observa PNTL mós hasoru dezafiu oi-oin hanesan rekursus ne'ebé menus, laiha liña komunikasaun, difikuldade ba asesu iha transporte, no ekipamentus, ne'ebé sai esensial ba PNTL durante iha komisiu politiku to'o votasaun nian. FM hare'e katak maske deslokasaun PNTL preparadu ba iha sentru votasaun 1,191 no estasaun votu, lao ho kalma no hakmatek to'o ohin loron, maibé iha lakunas ne'ebé fó implikasaun ba seguransa eleisaun nian. Pur ezemplu seguransa iha sentru votasaun balun hanesan iha kosta sul nian (Munisipiu Manufahi) destaka membru OPS ida deit ba iha kada sentru votasaun sira. Irregularidade ne'ebé parte seguransa hala'o maka PNTL balun la mantein distansia 25 metrus husi sentru votasaun hanesan iha sentru Votasaun Fohorem, Tilomar no Wetaba Salele inklui mós iha fatin sira seluk.

Bazeia ba observasaun hirak ne'e, FM fó rekomendasaun tuir mai ba TimorLeste nia autoridade eleitoral no desizaun na'in sira hodi prevene problema sira ne'e akontese tan iha futuru:

- Autoridade eleitoral sira tenke kria kondisaun ida ne'ebé diak liu no realistiku hodi hasa'e taxa partisipasaun iha teritoriu laran tomak hodi nune'e haforsa sistema demokrasia iha Timor-Leste. Infelizmente, husi total votante nain 859,692, so ema nain 664,106 mak vota iha primeira ronde, no taxa partisipasaun tuun iha segunda ronde to'o iha ema nain 649,389. Kauza sira ne'e FM haree maka problema transporte, problema finanseiru no ekonomia, distansia ne'ebé dook, tempu la iha, no prosesu rejistu komplikadu demais. Tanba ne'e, presiza simplifika no fasilita prosesu rejistrasaun, hanesan uza kira sistema online (internet) ne'ebé simples no ema bele uza hodi muda sira nia sentru votasaun ba fatin ne'ebé besik. Ida ne'e bele evita problema transporte, tempu, distansia no finanseiru, no garante taxa partisipasaun másimu.
- Fundasaun Mahein mós rekomenda atu instituisaun seguransa estadu halo kontrolu másimu hodi evita konfliktu ne'ebé akontese hanesan durante kampaña, hanesan asaltu balun ne'ebé komete husi militante sira inklui gravasaun ameasa ne'ebé viral iha públiku nia le'et. Ema ne'ebé mak komete ameasa ne'e tenke submete ba sansaun tuir Kódigu Penál Timor-Leste nian, nune'e FM husu PNTL atu halo investigasaun másimu ba kazu refere.
- Governu tenke hakbiit fasilidade ba PNTL sira hanesan transporte, rede komunikasaun, no atrebutu esensial sira seluk. Nune bainhira iha indikasaun krime ou movimentu individu ou grupu balun ne'ebe mak tenta kria instabilidade iha periodu Eleisaun Presidencial tuir mai, PNTL bele response lalais ho efetivu. Nune'e PNTL nia atuasaun bele promove paz, unidade, amizade, haburas demokrasia, hodi asegura estabilidade, seguransa no dezvoltamentu nasional.
- Fundasaun Mahein mós rekomenda atu kria kondisaun ida ne'ebé viabel no realistiku ba prizioneiru sira, ema ho dificiente matan, ema ho moras mental, no mós ema sira ne'ebé moras todan iha Ospital Nasionál to'o sentru saude iha munisipiu to'o area remotas.
- FM husu atu instituisaun seguransa tenke aplika lei ho igual ba sidadaun hotu iha tempu kampaña eleitoral, no asegura katak PNTL investiga violasaun hotu-hotu ne'ebé akontese.