



## **Human Rights Defenders – for Free Elections!**

1 October 2010

### **Election of the President of Belarus 2010: Preliminary Monitoring Report on Formation of Territorial Election Commissions**

#### GENERAL CONCLUSIONS

1. The Territorial Election Commissions (TECs) make a key mechanism of the electoral process.<sup>1</sup> They define, together with the Central Election Commission (CEC), whether the 2010 presidential election will be free and fair.

2. Formation of TECs is entirely in the hands of Executive Committees, which are elements of the power "vertical" built by the incumbent President, and local Soviets of Deputies elected at 2010 local elections, which passed with serious systemic departures from democratic standards and were neither free nor fair.

3. The electoral legislation empowers the bodies that form the TECs – Presidiums of local Soviets of Deputies and local Executive Committees – with almost unlimited discrediting authority and drastically restricts the chances for the civil society to influence their operation.

4. The new wording of the Electoral Code (enacted in January 2010) has changed almost nothing in the legislation, which governs the TEC formation; its main features being as follows: voluntary restrictions for political parties and public associations to nominate their representatives into commissions; absence of criteria to be met by members of commissions; absence of guarantees of transparency at the stage of nomination of candidates to commissions; restrictions on opportunities to monitor the process of approval of membership of commissions.

5. A number of positive innovations (restriction of the number of state servants in commissions; reduced number of citizens and quantitative composition of a labour collective, required to nominate a candidate to a commission and a possibility to appeal against decisions on forming commissions in the court; the guarantee of inclusion of at least one third representatives of political party and public associations into commissions) have changed nothing in the essence of legal norms, which regulate TEC formations.

6. Local elections in 2010 showed that in practice the new wording of the Electoral Code made nothing in promoting greater openness and democratic process of formation of election commissions. Only very few candidates nominated by opposition parties and independent public organizations were included into election commissions at the local elections – same as during the last presidential and parliamentary elections. The norm assuming a possibility of appealing against decisions on formation of commissions failed to work, because the absence of clear criteria for choosing candidates to election commissions has made such appeals virtually senseless.

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<sup>1</sup> For example, the Regional and Minsk City Election Commissions organize the election process, control observance of the electoral legislation, supervise and manage their subordinate election commissions, control compilation of voters' lists, manage the monetary funds allocated on the elections and control spending them, supervise collection of voter signatures in support of candidates and guarantee equal terms for all presidential candidates.

7. Nomination of candidates to TECs was free, but remained almost uncovered by state-run mass media. Candidates from four opposition parties made 3.4 percent of all the candidates to territorial commissions, which was largely due to limited opportunities to nominate candidates at the district level.

8. Sitzings of the bodies, which formed the TECs, as a whole took place in the conditions of limited information about the place and time of sitting, and of limited access to observers. They were very formal in nature and actually comprised approval of non-alternative membership lists, compiled at the backstage by local representative and executive bodies on the eve of the sitting. On the positive side, it should be noted that some observers sent to sittings of these bodies by the Belarusian Helsinki Committee were nevertheless invited to such sittings.

9. The number of representatives of opposition parties nominated to TECs made 3.4 percent of all nominees (92 out of 2,681 persons); of them only 14 persons, or 0.7 percent out of 2,000 members of TECs, got into commissions, which is better than during the 2006 presidential election, when only 2 or 3 representatives of opposition parties got into TECs, and is almost the same as during the 2010 local elections (15 persons). Thus, only 15 percent of all the nominees from opposition political parties got into commissions. For comparison: at 2010 local elections, TECs included 25 percent of all the nominees of opposition political parties.

10. A preliminary analysis of TEC composition shows that the country has formed a group of "professional" TEC members, who are nominated and included into them year after year almost without exception. From time to time they change the way the candidates are nominated in order to formally hide their dependence on the executive branch of power.

11. Thus, the formation process of Territorial Election Commissions (TECs) during the 2010 presidential election is almost indistinguishable from the similar process at 2001 and 2006 presidential elections, as well as for the previous local (2010) and parliamentary (2008) elections, and does not respond to principles of openness and fairness of the electoral process.

## I. LEGAL FRAMEWORK

In accordance with Article 27 of the Electoral Code, preparation and holding the presidential election shall be ensured by territorial election commissions – the Regional, Minsk City, District, Urban (in towns of regional subordination, except for the cities divided into districts), City District and Precinct Election Commissions.

According to Article 34 of the Electoral Code, commission at presidential elections are formed from representatives of political parties, other public associations, labour collectives, as well as from representatives of citizens nominated to commissions by citizens. The following bodies and persons have the right to nominate their representatives to election commissions (1 representative to a respective commission):

1) The governing bodies of Regional, Minsk City, District, Urban (in towns of regional subordination), City District organizational structures of political parties and other public

associations – to appropriate Regional Minsk City, District, Urban (in towns of regional subordination), City District Territorial Commissions, as well as to Precinct Commissions;<sup>2</sup>

2) Meetings of labour collectives or collectives of their structural units, which are located in the territory of the district, city or district in the city and which comprise at least 10 workers shall have the right to nominate their representatives to territorial commissions.

3) Citizens – by submitting an application, which shall be signed by at least 10 citizens, which have the right to vote and reside in the respective territory.

Territorial election commissions are formed by the following bodies:

- The Regional and Minsk City Commissions – by Presidiums of the Regional and Minsk City Soviets of Deputies, and by the Regional Minsk City Executive Committee in the number of 9-13 members of the commission;
- District and Urban Commissions – by Presidiums of the District and Urban Soviets of Deputies, and by the District and Urban (Town) Executive Committees in the number of 9-13 members of the commission;
- City District Commissions – by Presidiums of City Soviets of Deputies and City Executive Committees in the number of 9-13 members of the commission.

As a rule, at least one third of the commission must be composed of representatives of political parties and other public associations. State officials shall make no more than one third of the commission. Judges, prosecutors and heads of local executive and administrative bodies cannot be members of commissions.

The sittings of the bodies, which form commissions, may be attended by representatives of the subjects, eligible to nominate their representatives to the committees (political parties, public associations, labour collectives and citizens, who had nominated their representative to the commission). The decision on formation of the commission shall be published in the press within seven days after adoption.

The decision of the body, which forms the commission, may be appealed against within three days after its adoption, respectively, at the Regional and Minsk City, District, Urban (Town) Courts by the subjects, who had nominated their representatives to the commission. The court shall consider the complaint within three days; its decision is final.

## II. ELECTORAL CODE WITH AMENDMENTS AND ADDITIONS

Formation of the territorial election commissions on election of President in 2010 – as compared to the 2006 presidential election – goes under the Electoral Code of 2000, as amended on January 4, 2010. The main changes in the procedure of nomination for territorial election commissions and formation thereof concerned the following:

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<sup>2</sup> The procedure of sending representatives of political parties and other public associations was also explained by the Decision of the Central Election Commission (CEC) No. 48 of September 15, 2010, "On Explanation of the Use of Part 2, Article 35 of the Electoral Code of the Republic of Belarus, which Assumes Nomination of Members to Commissions at Election of President of the Republic of Belarus in 2010".

1) Article 34 assumes that, as a rule, at least one third of commissions should be made by representatives of political parties and public associations. However, in this case, same as in the previous wording of the Electoral Code, the criteria for selecting candidates to territorial election commissions are not established. As shown by the recent local elections, the absence of these criteria allowed the bodies in charge of forming commissions to take arbitrary decisions on the inclusion or non-inclusion of certain nominated persons into commissions. Like during previous election campaigns, representatives of opposition political parties were almost not included into territorial commissions;

2) A novelty is also a ban on inclusion of heads of local executive and administrative bodies, judges and prosecutors into election commissions and a provision stating that state officials should not make more than a third of the commission;

3) The new wording of Article 35 changes the number of citizens, who can nominate their representative to the territorial commission – 10 persons (instead of 30 in the old wording). The same applies to labour collectives – they must be at least 10 persons strong (instead of 30 in the old wording);

4) Essential amendments were made in Article 34, which fixed the right of representatives of the subjects, which have nominated their representatives to commissions, to be present at the sittings of the bodies, which form commissions. In practice, representatives of public associations, who monitor elections, often face rejections made by representatives of local executive committees of their right to attend the sittings on formation of election commissions. They motivated their refusals by the fact that these representatives of public associations did not represent those subjects, which had nominated representatives to election commissions. Representatives of the Belarusian Helsinki Committee (BHC) also confronted such unjustified refusals of their right to attend the sittings of the bodies, which form commissions. One of the statute activities of the BHC is monitoring and observation of elections. It should be noted here that according to Article 20 of the Law "On Public Associations", a public association shall have the right to freely receive information about the operation of state bodies. Formation of election commissions is, of course, directly related to organization of elections and is an important step in the campaign. The process of forming commissions should be maximally transparent; and the sittings of the state bodies, which form commissions, should be held in the presence of all the interested persons and subjects, including representatives of those public organizations, which monitor elections;

5) The new wording of Article 34 gives a possibility of judicial appeal against the decision of the body on forming the commission. The subjects who had nominated their representatives to commissions now have the right to appeal against the decision of the respective body at the Regional, Minsk City, District or Urban (Town) Courts;

6) The possibility for political parties and other public associations to nominate their representatives to territorial election commissions is, as before, subject to the requirement to have their organizational structures in places.

### III. PROCESS OF NOMINATING CANDIDATES TO MEMBERS OF COMMISSIONS

According to the Calendar Schedule of Preparation and Holding Presidential Election, approved by the CEC's Decision No. 43 of September 15, 2010, nomination of representatives to territorial election commissions was to be completed on September 26, 2010, inclusive.

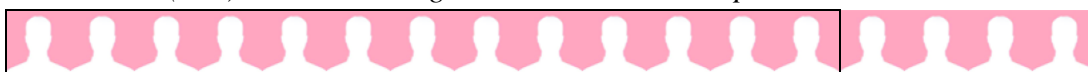
Same as during the 2006 presidential election, nomination of candidates to territorial commissions took place in information vacuum. Beginning from the announcement of the election (September 14) and till the last day, when it was possible to nominate candidates to commissions (September 26), neither authorities responsible for formation of commissions nor state-controlled mass media provided any information regarding the nomination process.

The main problem faced by political parties in nominating their representatives to territorial commissions was the absence of their organizational structures, registered or accounted at the district and city (town) levels. In recent years, many organizational structures of political parties were liquidated under claims lodged by departments of justice, because they had been registered in the premises of the housing fund. This fact has affected their capability to nominate representatives of political parties to respective TECs.

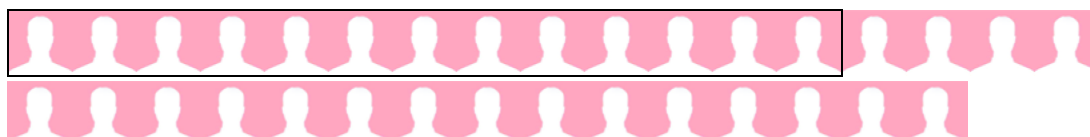
According to long-term observers of the campaign "Human Rights Defenders for Free Elections", the bodies in charge of forming commissions, as a whole, did not create obstacles for submission of documents for those subjects, who had nominated their representatives to territorial commissions. Observers reported that almost all the subjects were able to submit the required documents and were informed about the time and place of accepting them. However, one fact of refusal to accept an application for nomination to the territorial commission was registered (in Mozyr, Gomel Region).<sup>3</sup>

According to the CEC, a total of 2,681 candidates were nominated to 155 territorial election commissions (6 regional and Minsk city commissions, 6 commissions in towns of regional subordination,<sup>4</sup> 24 urban district commissions and 118 district commissions):

*All the TECs (155) – on the average 17 candidates on 13 places in the commission:*



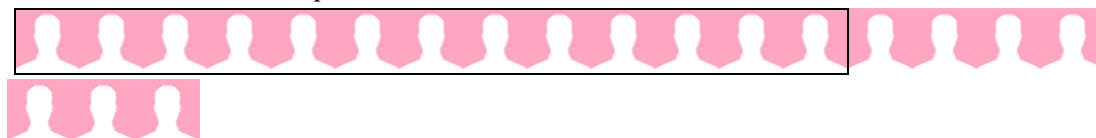
*The regional and Minsk city commissions (7) – on the average 32 candidates on 13 places in the commission:*



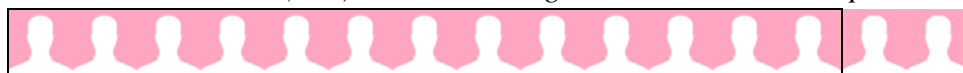
<sup>3</sup> A group of 13 citizens nominated Vladimir Telepun, a representative of the United Democratic Forces, to the Mozyr Territorial Election Commission. On September 25, 2010, at 9:30-10:30 a.m. R. Krivitskiy, a representative of the citizens, brought an application to the District Executive Committee; however, in Room 101, which works as "single window", it was not accepted; the process of registering the application was not explained. A security of the executive committee did not let Mr Krivitskiy into the reception of the Committee, saying that "there was nobody there."

<sup>4</sup> In Orsha, Borisov, Pinsk, Polotsk, Novopolotsk and Zhodino

*Urban (in towns of regional subordination) and district commissions in cities (30) – on the average 19-20 candidates on 13 places in the commission:*



*District commissions (118) – on the average 15 candidates on 13 places in the commission:*



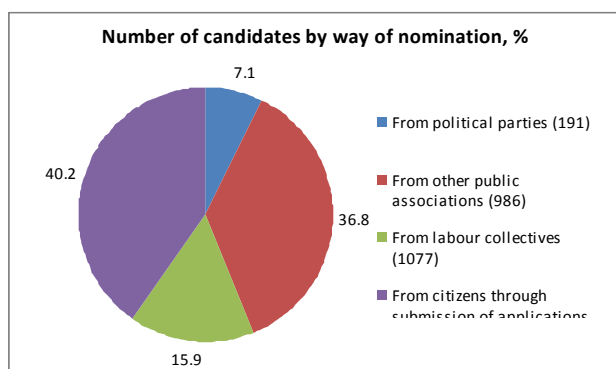
Thus, the number of candidates to territorial election commissions slightly exceeded the number of places in these commissions, and the average "rivalry for place" in commissions was in direct dependence from the level of the commission: the higher the level, the stronger the competition (as will be shown below, mainly due to the activity of opposition parties).

Observers has noted a characteristic feature of forming TECs: if a nominee of an opposition party was nominated to a commission, then, as a rule, the number of candidates to the TEC exceeded the maximum number of places in it (13), but where opposition parties did not nominate their representatives, the number of nominees almost exactly coincided with the maximum number of places in the commission. Most indicative in this respect were election commissions in 22 districts of the Minsk Region, where the average contest was 13.4 candidates on 13 places in the commission:



Checking the total number of nominees is impossible, since the authorities in charge of forming commissions notified the observers – in the best case – only about the number of nominated candidates, without disclosing their names and not allowing observers to see the initial documents. It is also impossible to know whether all the due formalities had been observed at nomination of candidates to commissions.

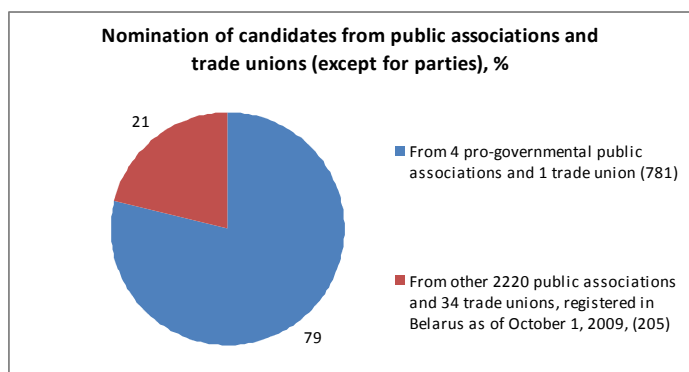
The CEC gave the following data on the number of candidates according to the way of nomination:



According to the CEC, out of 15 political parties registered in the country, 10 had nominated their representatives to territorial commissions, including 4 opposition parties: the Belarusian Left-Wing Party (BLWP) "Fair World" (36 candidates), United Civil Party (UCP) (24), Party of the

Belarusian National Front (BNF) (7) and Belarusian Social Democratic Party (Gramada) (4). While, according to the CEC, in total 71 candidates were nominated by the above four opposition parties, the party headquarters give another figure – 92 persons. It means that the 21 party candidates were nominated by citizens.

More than a third of the candidates to territorial election commissions were nominees of public associations and trade unions; and only 5 organizations – the PA (Public Association) "Belaya Rus", PA "Belarusian Republic's Youth Union, Federation of Trade Unions of Belarus, Belarusian Women's Union and the Belarusian Public Association of Veterans – had nominated 79 percent of all the candidates from public associations and trade unions:



#### IV. SITTING OF BODIES, WHICH FORM COMMISSIONS

Joint sittings of Presidiums of the Regional and Minsk City, District, Town (in towns of regional subordination), and City District Soviets of Deputies and the respective Executive Committees were held in accordance with the Calendar Schedule of Preparation and Holding Presidential Election – no later than September 29, 2010. A total of 155 TECs were formed.<sup>5</sup>

The information about when and where the joint sittings of Soviets of Deputies and Executive Committees, where the staff of commissions was to be approved, was hardly available (observers of the "Human Rights Defenders for Free Elections" had to specifically apply to the local authorities with requests to that effect).

At the sittings of the bodies, which formed commissions, the quorum was achieved everywhere. Like during previous election campaigns, the duration of the sittings of the bodies, which form commissions, in many places was minimal. For example, 4 commissions of the Tsentralny, Sovetskii, Railway and Novobelitskiy Districts of Gomel were formed within 38 minutes, which made less than 10 minutes per commission. It should be noted here that according to Irina Abramtseva, head of the division for organizational work and personnel of the Gomel City Executive Committee, only 119 members were nominated to the Gomel district commissions. In view of the required number of 52 persons, we see a contest of more than 2 persons per place. Such "fast" formation of district election commissions in Gomel is a typical example of a formal nature

<sup>5</sup> There were some exclusions from the rule: for example, the observer from the "Human Rights Defenders for Free Elections" was specifically invited to the joint sitting of the Presidium of the Tolochin Soviet of Deputies and Tolochin District Executive Committee, appointed on September 27, 2010, at 10 a.m. (representatives of opposition parties were not nominated to this commission).

of the sittings, approval of commissions without presenting the candidates, discussion and competition. Almost all the sittings, where long-term observers of the campaign could be present, were held in this manner.

Observers evidence that, for example, in the Grodno Region, the Grodno District TEC and the Mosty and Skidelsky District TECs were formed in 8 minutes; the Svisloch District TEC – in 13 minutes. The Oktiabrskiy and Leninskiy District TECs of the city of Grodno were formed in 15 minutes on the average, the Grodno Regional TEC – in 20 minutes.

According to the observers, same as at previous election campaigns, the discussion when deciding on the inclusion of the persons nominated to commission was limited mainly by the statement on the number of members (13). In some cases, the list of suggested commission members was read aloud, which did not change the essence of the process. Thus, Alexei Rakhunok, head of the division for organizational and personnel work of the Mosty District Executive Committee, Grodno Region, announced the number and names of nominated persons, the ways they were nominated, and emphasized the list had been recommended for approval and includes all the nominees from political parties, trade unions and other public organizations. Alexei Shafarevich, Chairman of the Mosty District Executive Committee, who chaired the sitting, offered the audience to vote for the list as a whole. The proposal was supported and voted unanimously.

Practically no characterization of the persons nominated to commissions was made at the sittings in Skidel, Svisloch (Grodno Region), Smolevichi (Minsk Region), Mozyr (Gomel Region), Novopolotsk (Vitebsk Region), Bobruisk (Mogilyov Region), Pinsk (Brest Region) and others. It was announced only that all those suggested for inclusion were well-known members of election commissions and have "enough experience"; then, it was offered to vote for the predefined list as a whole.

Absence of clear criteria has allowed local authorities to form TECs solely out of their own considerations. The authorities, which formed the TEC of the Svetlogorsk District, refused to name the criteria they used to reject the representative of the initiative group of V. Nekliayev: "under the law, we are not obliged to explain our decision to you."

Observers in some cities have fixed a scheme of "democratic rejection" of opposition candidates to TECs: a high-ranking official is nominated to the TEC, and the bodies, which form the commission, reject this official and an opposition candidate on equal terms. For example, Pavel Grafutok, head of the ideology division of the Smolevichi District Executive Committee, and P. Vashkovskiy, who was nominated by opposition-minded citizens, were rejected from TEC membership for violating the deadline for submitting applications (both did it at the very end of the term).

The Pinsk City TEC included 5 representatives of public organizations (Pinsk City Organization of the Belarusian Trade Union of Workers of State and other Bodies, Pinsk City Organization of the Public Association (PA) "Belarusian Society of Invalids", Pinsk City Organization of the PA "Belarusian Republic's Youth Union" (known as "BRSM"), Pinsk City Organization of the PA "Union of Afghanistan War Veterans" and Pinsk City Organization of the PA "Belaya Rus"). It was announced at the sitting that the quota set forth by the law was sustained;

therefore, representatives of the opposition Belarusian Left-Wing Party (BLWP) "Fair World" and of the pro-government CPB (Communist Party of Belarus) were rejected. The observer in Pinsk notes that the rejected candidate from the CPB was Alexander Kanevskiy, first deputy chairman of the Pinsk City Executive Committee. Thus, representative of the opposition were not included into both commissions.

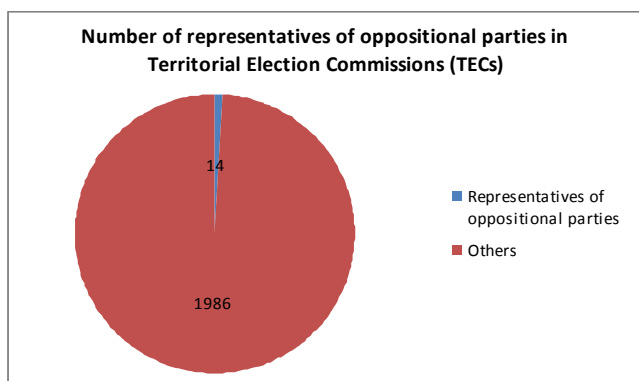
Observers report that unlike previous elections, some of them could get acquainted in advance with the materials of nomination to TECs. Such possibility was provided to them in Vileika, Smolevichi (Minsk Region), Tolochin (Vitebsk Region), Mozyr (Gomel Region), and in some other towns and cities. Observers received refusals to do it from Alexander Zhebrun, first deputy head of the office of the Grodno Regional Executive Committee; Vladimir Baufalik, head of the division of organizational and personnel work of the Svisloch Executive Committee, and from officials of the Molodechno, Mosty, Svetlogorsk, Novopolotsk Executive Committees and others.

#### V. MEMBERSHIP OF FORMED COMMISSIONS

Since the complete data on the membership of the territorial election commissions will be known, probably, not earlier than October 6, 2010, the following figures and estimates are preliminary. On the other hand, the campaign "Human Rights Defenders for Free Elections" is sure, already today, that the final figures will make no serious amendments in today's assessment of the formed commissions.

2,000 persons were elected into 155 TECs, 20.4 percent of them – state servants. On September 30, N. Lozovik, Secretary of the Central Election Commission (CEC) said that "the activity of political parties at this stage was low; they nominated few representatives. Almost all of their representatives were included into commissions." This statement is true only in respect of the six parties, which are loyal to the current government (Communist Party of Belarus, Republican Party of Labour and Justice, Liberal Democratic Party, Agrarian Party, Republican Party and Belarusian Social Sports Party). Indeed, out of 121 candidates nominated by these parties, 106 persons became members of TECs (87.6 percent of total nominees of those parties).

But out of 92 representatives of four opposition parties nominated into territorial election commissions (3.4 percent of the total number of candidates) only 14 candidates (0.7 percent of the total number of TEC members, or 15 percent of the total number of nominated representatives of opposition parties) were included into commissions. Thus, representatives of opposition parties will be present only in 14 commissions out of 155.



The prejudice of the bodies that formed election commission against representatives of opposition political parties is obvious: while three out of four average-statistical candidates got into election commissions, in the case of opposition political parties – only one out of seven. However, 9 of every 10 candidates of pro-government parties were included into commissions.

As for the other members of territorial election commissions, regardless of how they were nominated, almost all of them are candidates from the authorities. Most of them (according to preliminary estimates, at least 50-60 percent) already at least once had been members of territorial election commissions at previous local, parliamentary or presidential elections. As a rule, commissions comprise 3-5 state officials, mostly – members of Executive Committees and Soviet of Deputies, that is, of those structures, which formed the commissions. Others are representatives of pro-government civic organizations, budgetary institutions (first of all – of education and public health), as well as managers of state-owned (or state-controlled) enterprises.

A typical TEC is the Railway District Election Commission of the city of Gomel:

Name <sup>6</sup> , position <sup>7</sup>	Who nominated to election commission at 2010 presidential election <sup>8</sup>	Who nominated to election commission at 2010 local elections <sup>9</sup>	Who nominated to election commission at 2006 presidential election <sup>10</sup>
Adamovich, Tatiana Ivanovna, Chair of the Railway District Belarusian Public Association (BPA) of Veterans	BPA of Veterans	BPA of Veterans	
Zenkevich, Alexander Georgievich	BPA "Belaya Rus"	By citizens through submitting application	BPA "Belaya Rus"
Kasaverskaya Galina Alievna, Deputy of the Gomel City Soviet of Deputies	By citizens through submitting application	-	By citizens through submitting application
Korneev, Sergey Vasilievich, head of the housing –communal division of the Railway District of Gomel	PA "Belarusian Republic's Youth Union"	Trade Union of Workers of State and Other Bodies	By citizens through submitting application
Kuritsina, Natalia Mikhailovna	Labour collective of the OJSC "Tabakvintorg"	Trade Union of Trade Workers	-
Prodzeina, Anna Grigorievna	By citizens through submitting application	Trade Union of Chemical, Mining and Oil Industries	-
Raskazova, Liudmila Andreevna, Deputy Chair of the Railway Executive Committee of Gomel	By citizens through submitting application	Trade Union of Workers of State and Other Bodies	Gomel Regional Executive Committee
Sitailo, Pyotr Filipovich, head of the Housing-Communal Department of the RUE "Gomselmash"	Communist Party of Belarus	Communist Party of Belarus	-
Surovy, Victor Adamovich, head of logistics division of the Gomel Branch of Belarusian Railways	By citizens through submitting application	By citizens through submitting application	-
Khoidina, Nadezhda Vitalyevna, leading engineer of the production-technical division of the Communal Housing Repair-Maintenance Unitary Enterprise "Railway" of Gomel	Belarusian Red Cross Society	Trade Union of Workers of Local Industry and Communal Enterprises	By citizens through submitting application

<sup>6</sup> "Gomelskie Vedomisti" (September 28, 2010).

<sup>7</sup> Data from open sources.

<sup>8</sup> "Gomelskie Vedomisti" (September 28, 2010).

<sup>9</sup> "Appendix to Decision of the Presidium of the Gomel Regional Soviet of Deputies and Gomel Regional Executive Committee".

<sup>10</sup> [www.belaruspartizan.org](http://www.belaruspartizan.org).

Shambur, Vladimir Nikolaevich	By citizens through submitting application	Trade Union of Chemical, Mining and Oil Industries	Presidium of the Gomel Regional Soviet of Deputies
Shvedov, Gennady Fyodorovich, Deputy Head of the Interior Division of the Administration of the Railway District of Gomel for Ideology and Personnel	By citizens through submitting application	By citizens through submitting application	By citizens through submitting application
Shutov, Victor Filipovich, Deputy of the Gomel City Soviet of Deputies	Labour collective of the OJSC "Gomel Bus Park No. 26"	-	Labour collective of the OJSC "Gomel Bus Park No. 26"

## VI. APPEALING AGAINST DECISION OF THE BODIES, WHICH FORMED COMMISSIONS

In accordance with Part 6, Article 34, of the Electoral Code, the decision of the bodies, which have formed a commission, may be appealed against within three days from the date of its adoption, respectively, at the Regional and Minsk City, District or Urban Court by the subjects who had nominated their representatives to the respective commission. The complaint must be signed respectively by the leader of the political party (its organizational structure), another public association (its organizational structure), head of another organization (structural subdivision), or by citizens, who had nominated their representative to the commission by submitting an application. The court shall consider the complaint within three days; and its verdict is final.

Since formation of TECs has just completed, and the deadline for appeals has not come yet, as of now, very few people could file their complaints to appropriate authorities. More is known about intents to do so.

However, even by now, observers have noted a few cases of appealing against decisions of the bodies, which form territorial election commissions. This is largely due to the fact that the opposition political parties, independent public organizations and other subjects have nominated not so many representatives to the election commissions of this level. This is because the changes in the law on political parties, which now prohibit registering the structures of political parties at the addresses of the housing fund, have virtually liquidated structures of political parties, having deprived them of registration. While nomination of representatives to district commissions is made now, unlike the recent local elections not by city organizations of parties, but by their district structures, which registration was liquidated well in advance. This has greatly reduces chances for nomination of representatives of opposition parties to commissions.

Besides, the fewness of complaints from opposition political parties, public organizations and their members is caused by the fact that the judicial procedure of appeal against the cases of non-inclusion into election commissions is non-effective. The absence in the Electoral Code of criteria for inclusion of a particular candidate into a commission leads to the fact that a judicial consideration of such complaint is reduced to a formal check of the presence in the election commission of at least one-third of the representatives of political parties and public associations.

The United Democratic Forces (UDF) of the Gomel Region from the very beginning expressed their intention to appeal against the formation of four District TECs in the city of Gomel. By means of nomination by citizens, the UDF nominated their representatives to each of the four district commissions. None of them was included.

The Gomel Regional organization of the United Civil Party (UCP) has appealed against the joint decision of the Presidium of the Gomel Regional Soviet of Deputies and the Gomel Regional Executive Committee on the formation of the Gomel Regional Election Commission. These bodies formed a commission of 13 persons. 6 representatives of political parties and public associations had been nominated to this commission, one of them – Vladimir Katsora, representative of the UCP, who is also a member of the Presidium of the Gomel City Soviet of Deputies, and he has experience of working in election commissions. As stated in the complaint of the Gomel Regional Organization of the UCP, "at forming the election commission of 13 members, and provided that six representatives from political parties had been nominated, the interested persons were obliged, by virtue of part, Article 34, of the Electoral Code of Belarus, to include representatives of the main subjects of the electoral process, including a representative from our democratic political party, into the commission." Besides, one of the reasons of the complaint was that during the sitting of the bodies, forming the commission, the candidates nominated by political parties were not discussed, and the voting took place on the list compiled in advance.

Similar complaints were filed by the Gomel Regional Committee of the Belarusian Left-Wing Party (BLWP) "Fair World" and the Gomel Regional Organization of the BNF (Belarusian National Front) Party. The commission did not include Viktor Khomich, a representative of the "Fair World" and a former member of the Supreme Soviet of the 13<sup>th</sup> Convocation, and representative of the BPF Party.

On the same grounds, the Grodno Regional Committee of the Belarusian Left-Wing Party "Fair World" challenged the joint decision of the Grodno Regional Soviet of Deputies and the Grodno Regional Executive Committee of September 29, 2010, on formation of the Grodno Regional Commission on Election of the President of the Republic of Belarus. Without giving any reasons, Anatoly Ivanchikov, a representative of the "Fair World" was not included into the commission.

Cases were registered of appealing against joint decisions of forming territorial commissions in Orsha and Polotsk, where complaints were also filed by activists of the BLWP "Fair World".

It is also necessary to mention some cases of appealing against decisions of the bodies forming election commissions lodged by citizens' groups, who had nominated their representatives to election commissions. Thus, a group of citizens had nominated Pavel Levinov as a representative to the Vitebsk Regional and Pervomaitskiy District Election Commissions of Vitebsk. However, by the joint decisions, respectively, of the Presidium of the Vitebsk Regional Soviet of Deputies and the Vitebsk Regional Executive Committee, and the Presidium of the Vitebsk City Soviet of Deputies and the Vitebsk City Executive Committee, the citizens were refused to include their representative into any of these commissions. In this regard, citizens lodged complaints to the Vitebsk Regional Court and the Court of the Oktyabrskiy District of Vitebsk.

At the moment, complaints have been filed by the Orsha City and Orsha District Organizations of the BLWP "Fair World" to regional election commission, courts and prosecutor's office.

In Minsk, the "Fair World" appealed against non-inclusion of Valery Ukhnyalov into the Minsk City Commission. Representatives of the party were not present at the sitting on formation of the TEC, because they were not invited and did not know about the time of the sitting. The respective complaints were sent to N. V. Ladutsko, Chairman of the Minsk City Executive Committee, the CEC and the Minsk City Court. The court statement demands that the decision made by the joint sitting of the Presidium of the Minsk City Soviet of Deputies and the Minsk City Executive Committee shall be nullified and a new decision shall be made – on inclusion into the commission of the "Fair World" representative. Similar complaints and demands to the same structures were lodged by Vintsuk Vyachorka and the BNF Party against no-inclusion of Mr Vyachorka, a member of the BNF Party into Minsk City TEC.

## VII. MONITORING OF COMMISSION FORMATION PROCESS

In comparison with the 2006 election, the bodies forming the TECs were now more attentive to the persons who expressed their intention to attend, as observers, the sittings of these bodies, where the territorial commissions were approved. Most of the observers were admitted to the sittings and timely notified about the time and place of the sittings.

At the same time, we know a great number of cases, when observers were unable to get to the sitting, because officials did not want it. Observers report about a variety of methods, used by officials to create obstacles to observers' presence at the sittings dedicated to formation of territorial election commissions. Similar methods were used during previous election campaigns.

Most often, observers were notified so late about the time of the sitting that it makes the presence of an observer at the sitting physically impossible.

In the city of Orsha, the officials of the Orsha City Executive Committee notified Igor Kazmerchak, an observer from the BHC, one hour before the start of the sitting; while the Orsha District Executive Committee notified another observer from the BHC – Vassily Levchenkov – 35 minutes before the sitting.

A similar situation occurred at the Belynych District Administration. Observer Boris Vyrvich was assured that he would be invited to the sitting, the time of which was unknown until the last moment, but the invitation was made shortly before the start of the sitting.

In the city of Mozyr, Gomel Region, the official information about the time of the sitting appeared only in the form of advertisement, posted at the board in the building of the local Executive Committee. The advertisement appeared on the board only at 9:00 a.m. on September 27, while the sitting was scheduled for 10:00 a.m. of the same day.

In some cases, observers were not warned at all about the sitting, and it took place almost in secret. Thus, in Molodechno, Minsk Region, Eduard Balanchuk, who was sent by the BHC to the sitting on formation of the Molodechno Urban Election Commission, was not warned at all.

A number of citizens applied for permits to be present at the process of TEC formation as citizens of the Republic of Belarus. All of them were rejected with reference to Article 13 of the

Electoral Code, which, in the opinion of the bodies, which form commissions, does not allow ordinary citizens to be observers, which "can only be representatives of somebody." This situation was observed in the Grodno, Berestovitsa and Volkovysk Districts of the Grodno Region. On September 28 at 8:00 a.m. citizen Alyona Prygara addressed orally and in writing to the Grodno Regional Executive Committee referring to Article 13 of the Electoral Code. Half an hour later she received a reply from Valery Balashov, head of the division of organizational and personnel work, that the applicant cannot be present at the sitting, because she represents nobody and, in the opinion of the Grodno Regional Executive Committee, cannot be an observer. Alyona's question whether there was a mechanism allowing her to get to the sitting simply as a citizen was left unanswered. A similar rejection was awarded to Ivan Kurchevskiy in the Berestovitsa District. Observer Lyavon Karpovich was denied the right to be present at the sitting on the grounds that "observers can only be representatives from those structures, whose representatives had nominated their candidate to the TEC" (words of S. Pryadko, Chairman of the Volkovysk District Soviet of Deputies).

The city of Bobruisk, Mogilyov Region, not for the first election campaign already stands out for flagrant disregard of the norms of the electoral legislation in combination with brutal attitude to work with observers. Igor Khodzka, an observer from the BHC, was physically (by using force) not admitted to the joint sitting of the Presidium of the Bobruisk City Soviet of Deputies and the City Executive Committee on formation of the territorial commission by Sergey, head of the division of organizational and personnel work of the Bobruisk City Executive Committee.

In the same manner – physically, with the help of a militiaman – they tried not to admit observer Vladimir Velichkin to the joint sitting of the Presidium of the Brest Regional Soviet of Deputies and the Brest Regional Executive Committee. Mr Velichkin managed to get to the sitting. Later, Natalia Grigorieva, deputy head of the organizational division of the chief department of organizational and personnel work of the Brest Regional Executive Committee, who was elected at the sitting to be a member of the Brest Regional Territorial Commission, offered Vladimir to write in his registration application to admit him to the sitting that "the sitting was open, public and without hindrance" and put his personal signature under this statement.

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*The aim of the campaign "Human Rights Defenders for Free Elections" is observation of the election of the President of the Republic of Belarus, assessment of the electoral process from the viewpoint of Belarusian electoral legislation and international standards of free and democratic elections, and keeping the Belarusian public and international community duly informed about our conclusions. The campaign is independent and politically non-engaged. More information about the campaign may be found in the websites of the Human Rights Centre "Viasna" (<http://spring96.org>) and Belarusian Helsinki Committee (<http://www.belhelcom.org>).*