



ELECTION MONITOR

**National Citizens' Movement
for Free Elections
(NAMFREL)**

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Arroyo linked to 2007 poll fraud

The Commission on Elections (COMELEC) and the Department of Justice (DOJ) presented to the public on October 3 a new set of witnesses in connection with the alleged irregularities that marred the 2007 mid-term elections.

The witnesses served as election officers (EOs) and provincial administrator from Maguindanao during the 2007 elections. Provincial administrator Norie Unas, along with 14 EOs were presented to members of the press.

Unas said that Arroyo hosted a dinner in Malacanang a few days before the elections and allegedly reminded them that it should be a 12-0 vote tally result in Maguindanao province in favor of the senators running under Arroyo's party. She also said that GMA gave instructions to Andal Ampatuan, Sr. to make sure that all Team Unity senatorial candidates will win at any and all cost, while ensuring as well that then-candidate Alan Peter Cayetano will not get a single vote. The Provincial Election Supervisor at that time was Lintang Bedol, who, according to Unas, was getting instructions from Andal Ampatuan, Sr., one of the henchmen of the Arroyo couple. The election officers executed sworn affidavits saying they did not prepare the election returns (ERs) for the senatorial positions, but were made to sign the documents. They said they only prepared the ERs for the local positions, which was an easy thing to do since local officials ran unopposed.

Former president Arroyo's camp questioned the merits of presenting the witnesses to the media. They claimed that the current administration orchestrated the poll fraud case to pin Arroyo and her allies.

Abalos' offer to testify re 2007 poll fraud snubbed

Former COMELEC chairman Benjamin Abalos' offer to testify as witness in connection with the 2007 election fraud was belittled by DOJ Secretary Leila De Lima and called it a scheme to elude his liability in the alleged election irregularity.

This report came after two witnesses appeared and claimed that Abalos orchestrated the manipulation of the results of the 2007 elections to make sure that all the twelve senators of Team Unity, the political party of then-president Gloria Macapagal-Arroyo will win in Mindanao. The witnesses are Lilian Radam and Yogi Martirizar, former election supervisors of North and South Cotabato, respectively.

Sec. De Lima said that the two witnesses' claim about Abalos should be taken into serious consideration in the investigation of the fraud. She further said that the former poll body chief should not try to elude the allegations against him by turning himself into a witness and testifying against Radam and Martirizar. Martirizar is a former client of Comelec Chairman Sixto Brillantes, Jr.



The DOJ-COMELEC joint investigative panel, tasked to probe the poll irregularities in 2007, is now looking into the claims of the former election supervisors, De Lima added. The investigation aims to determine if there is probable cause for filing criminal case before the proper courts, and after gathering substantial facts, the joint panel will then make recommendations as to who will be charged of election offense.

(Various news sources)

Brillantes' appointment confirmed

The appointment of Sixto Brillantes, Jr. as Chairman of the Commission on Elections (COMELEC) has finally been confirmed during the fourth hearing on his confirmation at the Commission on Appointments (CA) on October 5. After Brillantes' confirmation was endorsed by Sen. Jose "Jinggoy" Estrada, co-chair of the Senate Committee on Constitutional Commissions and Offices, no other members of the CA opposed. Sen. Alan Peter Cayetano, who had been against Brillantes' confirmation, chose to abstain during the voting.

Brillantes gave his word to the CA that if he fails to implement reforms in the COMELEC, he will relinquish his post, reports said.

In the previous hearings, the poll body chief's endorsement was delayed as the senators asked him to explain the amount of Php 15.8 million stated in his statement of assets, liabilities and net assets (SALN). Senator Franklin Drilon said that the CA would like to give Brillantes time to explain how he acquired his Php 15.8 million income by submitting his Income Tax Return (ITR) for the last five years.

The CA also gave way to the affidavit opposing Brillantes' confirmation. The affidavit (<http://bit.ly/pGYGIT>) was submitted by Atty. Ferdinand Rafanan, former COMELEC Law Department Director, who has accused Brillantes of convincing him to expedite the mitigation of the penalties imposed on the personnel that were involved in the ballot secrecy folder scam worth Php 690 million.

Rafanan also claims that the poll body chief asked him to convince the Ombudsman to reduce the suspension of the people involved from one (1) year to just six (6) months. Suspended by the Office of the Ombudsman were Attys. Maria Lea Alarcon and Allen Francis Abaya for the bid irregularities concerning the secrecy folders to be used during the 2010 general elections. Rafanan headed the investigation of the case in 2010.

Brillantes on the other hand firmly denied Rafanan's accusations as lies. The poll body chief hinted that Rafanan is trying to get even because of his removal from the law department. Earlier reports said that the COMELEC en banc decided to reassign Rafanan because of his being "uncontrollable" especially in criticizing the commission on issues it has gotten involved in. Rafanan currently heads the planning department of the COMELEC.

Brillantes was also told by Sen. Alan Peter Cayetano to prove his worth by implementing reforms in the election commission. The senator told the poll body chief that if he will be able to institute reforms, the senator himself will push for his confirmation in the CA.

There were other issues for which Brillantes was asked to explain by the CA, like the COMELEC's decision to remove Rafanan from the COMELEC- DOJ joint panel. He was also asked about the election commission's presumed inaction on the "Hello Garci" controversy, among other issues. In earlier statements after his appointment, Brillantes said that investigating the alleged poll fraud in 2004 and 2007 was not his priority.

A coalition of election monitoring organizations and concerned civil society organizations and individuals also issued a "Statement of Concern" regarding the CA's confirmation of Brillantes. In the statement (<http://bit.ly/obaLCw>), the group doubts whether Brillantes will be objective in carrying out his duties. *"His past association with officials of the COMELEC makes him too familiar with the game*

play, the intrigues, and the personalities in the institution: he may have accumulated favors to return, debts to settle, and accounts to collect.” The group also states that there might be conflict of interest as Brillantes was a prominent election lawyer who has *“lawyered for many competing families through the years and this past association necessarily drew him into a complicated web of political and judicial issues. Even if he were to try to always act in the best interest of truth and justice, his decisions will always be seen as colored by his past association.”* The statement concludes that though Brillantes had shown legal skills while lawyering for candidates and political parties, *“they have no place in the Commission, much less in the post of Chairman of COMELEC.”* The Statement of Concern was signed by officers of AES Watch, CenPEG, the Concerned Citizens' Movement, LENTE, Namfrel, Transparency International, the UP Information Technology and Training Center, the Philippine Council for Evangelical Churches, and Manila auxiliary bishop Broderick S. Pabillo.

Now that Brillantes' appointment as COMELEC chairman is confirmed, he is expected to expedite the reforms that he has promised to institute.

NDI/UNEAD Meeting



The Global Network for Domestic Election Monitors (GNDEM), through the initiative of the National Democratic Institute for International Affairs (NDI), saw the need for a “set of standards for self-awareness and accountability among nonpartisan election monitoring organizations.” Thus, a drafting committee was organized sometime in May 2010 and met at Johannesburg, South Africa to “define the activities and delineate ethical obligations concerning impartiality, independence, accuracy transparency, nondiscrimination, respect for the rule of law and cooperation with other electoral stakeholders...” The “Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations and Code

of Conduct for Non-Partisan Citizen Election Observers and Monitors” (<http://bit.ly/qSBg0w>) was adopted by more than 140 members of GNDEM spread across five continents. The process surrounding the development of the Declaration of Global principles was facilitated by NDI and the UN Electoral Assistance Division (UNEAD).

The meeting in New York in September at the offices of the UNEAD was called to plan for the launch of the Declaration of Principles in fitting ceremonies to be graced by the UN Secretary General and some high profile guests from the US government. The launch is tentatively scheduled sometime in March 2012 depending on the availability of the invited guests.

Likewise the meeting provided for a discussion on how to strengthen the implementation of the principles, the roles the member organizations in launch and post launch activities.

The meeting participants came from regional networks from Africa, Eastern Europe, Latin America, the Middle East and Asia. Mr. Damaso G. Magbual of NAMFREL and ANFREL (Asian Network for Free Elections) represented Asia.

Golput (Boycott)

by Paolo B. Maligaya, NAMFREL Senior Operations Associate

Like in any other election I observed in the past, we set out early. With the driver, interpreter, and a local guide, we hit the road before 6:30am because we wanted to observe the opening of polls prior to

the prescribed start of voting at 7am. In the Philippines, by 6:30am, the people hired by candidates to distribute sample ballots and campaign materials outside polling centers (in complete disregard for election rules) would already be out in full force. In countries like Nepal and Afghanistan, the voters, mostly men, would already be gathering outside polling places with glasses of tea in hand, to await the start of voting.

We chose to first observe a polling station along the main road; being close to the market, we expected a good number of people when polls open. When we arrived at 6:45am, we were surprised to find that the polling station had not been set up. 7 am. Only a handful of passers-by to buy bread for breakfast, and the occasional stray dog. 10 minutes more.

Nothing, nobody.

The idea was to cover a remote area of West Papua on election day. There were three of us on this observation mission from the Asian Network for Free Elections (ANFREL): one was to cover an area near Sorong, the most populated city in West Papua province; another was to cover a hot spot area that saw some election-related violence in the run-up to the July 20 polls; while I was assigned to cover a tribal area in the Arfak mountains, with the provincial capital of Manokwari as jump-off point.

The prospect of observing how elections are carried out in traditional tribal societies was very intriguing. We were aware of the influence that tribal elders wield over their tribesmen, including whom to vote for during elections. How does a democratic exercise such as an election translate in said societies? We were not even sure if people in traditional tribal areas get to have their own choice, or actually get to go out to vote on election day, and fill up their ballots individually. We were very curious.

We decided that I would be going to Anggi, an area that would take almost a full day to reach by vehicle. The prospect of finding a guesthouse there (!) is close to nil, so we bought sleeping bags, raincoats, enough water to last us the entire observation period, food. We expected to hike, which did not thrill me at all, but I liked the idea of doing something I haven't done before in the course of election observation.

However, there was the matter of the *surat jalan*, or permission to travel. In many places in Indonesia, foreigners especially are required to get the permit from the local police. Indeed, there was a time when the whole of Western Papua was off limits to travelers. Permits are required to go to places that are considered conflict areas; Anggi apparently is one of those areas. Or was it really? Many activists allege that in many areas in Papua, the Indonesian police are committing human rights violations against the native Papuans.

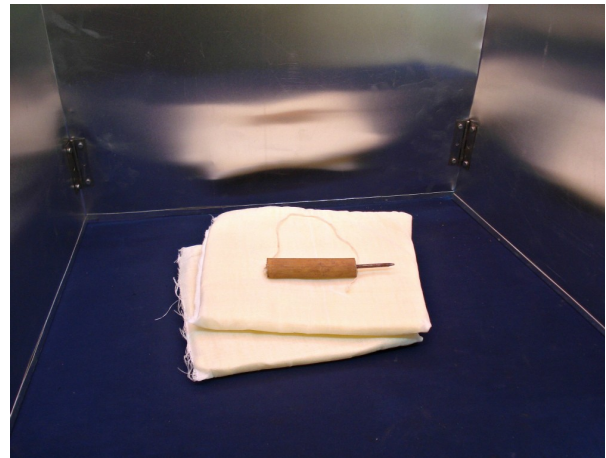
We dropped by the local police office, where I was told that somebody was going to give me the permit in my hotel later in the day; I was requested to give my particulars, where I was staying, including my room number. I did not like the idea of giving the police even my room number. In 2004, when I observed the Indonesian presidential elections in Papua, the hotel manager in Jayapura said that plainclothes police officers dropped by while I was out to ask about me and my activities; they even asked about the driver, his phone number, and my itinerary. Wisely, the manager said she did not know. The Indonesian police in Papua are known for closely monitoring the activities of foreigners, even Indonesian church people, in suspicion that they are giving assistance to Papuan organizations calling for independence. In 2004, I thought such practices were just remnants of the Suharto era that the authorities who were so far away from Jakarta still had not shaken off; now I can't be sure. A plainclothes police man, whom I would never have mistaken for a police man because he looked like a twentysomething student from the local college, promptly appeared in the hotel that afternoon and asked for a few minutes to chat. Thumbing through my passport, he noted that I have been to some conflict areas; sensing where this could be headed, I volunteered the information that I was in Burma just for a vacation. Eventually I got my permit.

A meeting with the chief of police later in the evening would change all that. I wanted to give him a courtesy call before going to Anggi the next day, as is customary for election observers. The chief of police said that the situation in Anggi is "hot" right now, and, in what felt almost like a scolding, strongly advised me to not go, stressing that if something bad happens to me, it would be a shame not just for West Papua (and also for him) but also for the country. Instead, there were some areas near Manokwari that I could observe. For some reason, I did not believe him. As an independent observer, I

also did not like that I was being told where I could and could not do my work, although I knew that if it's a question of security, I had to follow. However, it did not end there. Aside from taking back the permit already given to me by a subordinate, to be replaced by another indicating three places where I am allowed to go, he said I would also be required to sign a waiver stating to the effect that since I "insist to observe" despite the warning (which I thought was just not accurate at all), whatever happens to me, the police would be free of any responsibility. I thought this was too much as security of not just the locals but of everybody in their jurisdiction is their responsibility, without exception. (I also could not help but think that a security waiver is a permission to assault.) After conferring with colleagues and contacts in the province, I turned in the signed waiver the following day, but only after indicating that the waiver would only apply in the three areas mentioned in the permit.

And that was how I ended up in Ransiki.

It was 8am and no voters had arrived in the lone polling station in Kampung Ambon. The election paraphernalia, delivered at 5pm the day before by the local office of the election commission, had not been opened because no witnesses from the four candidate pairs had arrived. The head of the village dropped by to advise the staff to start the voting once the voters come in, even if there were no witnesses from the four candidate pairs for governor. At 8:20, the last of the polling staff arrived, and the lone witness for the day (from the incumbents), arrived five minutes later. Voting started shortly thereafter as voters trickled in; there were eight who came before we left for the next polling station. Curiously, all eight voters were transmigrants; no native Papuans had come to vote by the time we left.

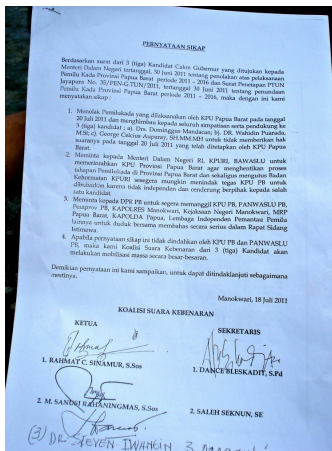


Voters would only need to pierce the photo of the candidate team of their choice.

Witnesses of the incumbents were also the only ones present in the next two polling stations we visited. In Nuhuwey, we bumped into the head of the district, who had been going around and visiting polling stations, asking the poll officers not just to start but to *open* the polling stations. According to him, the head of the village was afraid to open the station because of the white paper that had been going around.

Ransiki is a small, rural coastal town three hours from the provincial capital Manokwari. During World War II, Ransiki served as a Japanese base camp which, in 1944 alone, was attacked by US forces numerous times. Before that, Ransiki was mainly a plantation for cacao, which to this day occupy a large part of the town. The people in Ransiki are generally poor, with agriculture and fishing as the main source of income. Sparsely populated, the town officially has only 6,100 voters.

Its relative remoteness did not make it free from the political controversies surrounding the July 20 West Papua gubernatorial election. A few weeks before the election, three of the four candidate pairs, led by the former regent of Manokwari -- Domingus Mandacan -- formed a coalition to oppose the candidacies of long-time governor Abraham Atuturi and incumbent vice governor Rahimin Katjong, on the grounds that the governor does not satisfy a recent requirement that candidates have to have college degrees, and that the vice-governor is not a native Papuan, even though there is no legal document that states who may be considered a native Papuan. The three pairs also refused to actively campaign, though their billboards were not taken down. When they were unsuccessful in blocking the candidacies, they called for the postponement and even cancellation of the election, which had already been postponed three times. A few days before July 20, upon their coming back from Jakarta after one last unsuccessful attempt to lobby for the postponement of the election, their supporters descended upon and closed the local parliament building as well as the office of the Panwaslu (election supervisory committee) in Manokwari. At this time, it was reported in the media that members of the election commission, the Panwaslu, and even the police started receiving death threats. The provincial election commission had to leave their offices out of fear, and had to run the election from a hotel room in the city.



It was also at this time when a [white paper](#) started circulating, telling people to boycott the polls. As an election observer, I always find it a problem when candidates ask voters to boycott an election: you have not been put in office, yet you are already asking them to give up one of their basic rights, which many in the developing world are still struggling to demand for themselves. In Indonesia, there is the concept of "golput" ("golongan putih" or "the white group") which roughly means the exercise of the right to not vote and remain pure or unstained. Essentially, it means to boycott participating in an election or to cast blank votes, a form of protest for some. In the past, golput had been a problem in Indonesian elections; in 2004, figures showed that the percentage of the voters who went golput for whatever reason was higher than the percentage of those who voted for the winning party.

However, it may be difficult to gauge whether the case of West Papua was a case of golput, or plain intimidation, or something else entirely in the

context of Papua. The white paper was signed by representatives of the three candidate pairs, led by Mandacan, an elite of the Arfak tribe. Ransiki is predominantly Arfak. Twice I saw this paper in the hands of village chiefs, once in the market, and another time while we were about to cross a river in a far-flung area in Ransiki. At both times, the village chiefs told us casually that they will bring the paper to their villages for the people's information. The paper called for the cancellation of the election, the dissolution of the local election commission for being "not independent," and threatened mass mobilization of people if demands are not met.

It was 10:30am and voting in the polling station in Hamawi village had not started. Only one witness came, predictably from the incumbents' party. The polling officers said they had not started because they were still waiting for information from the city. One of them was more blunt: he said they were waiting for instructions from the three candidates. There were also not much voters to speak of waiting to vote.

In Kampung Sabri, though the polling station opened at 8:30am, nobody had voted as of 11am. The polling officers told us that nobody could vote because no party witnesses came, even the incumbents'. They also said that if it's already 1pm (the close of voting) and nobody had voted, they will just return all the election paraphernalia untouched. There were maybe 10 or so people milling about.

In the official list provided by the election commission, Sabri supposedly had the highest number of registered voters among the villages in Ransiki, with 498. However, we found that difficult to believe: there were only a handful of small houses in the area. The voters list in West Papua was based on the records from the civil registrar's office, given to the provincial election commission in advance for them to clean, verify and update with regard the names of those eligible to vote for this year's election. The voters list had been criticized for containing duplicate names and for being inflated. Our driver, whose family lives in Ransiki, said that even if all the pigs and chickens in town were taken into account, it would still had been difficult to arrive at the total number of voters in Ransiki as indicated in the official list.



No voting was taking place in the next two villages we visited. While in the other polling stations, the reasons given for non-conduct of polls were lack of voters, absence of watchers, and confusion as to whether the election would indeed push through that day, in the village of Hamor, the polling officials were more honest: they didn't want to. "Just ask the three candidates," they said. They added that they will just return the materials at 1pm. Hamor had 260 registered voters. In Bamaha village, the polling officers were just as straightforward with us. 314 registered voters. I could not help but think how I would react if I were one of those voters, and I would not be able to vote because the polling officers did not want me to. In the Philippines, there would have been a riot. But this was Papua.

As the voting period winded down, more people had come out to vote, with some polling stations indicating that they had more than a hundred voters coming in by lunchtime. (A fellow observer said though that there were cases of proxy voting that may not have been obvious to roving observers like us, which means that the figures for voters who actually voted may have been inflated.) In the course of the day, we learned that no voting took place in many areas of West Papua, with many villages rejecting the election paraphernalia when they were delivered, hence they were brought back unused. One of the districts that reportedly sent back the materials was Anggi, the place we originally intended to observe.

(To be concluded)

Focus on West Papua

Part I - <http://bit.ly/okrxOn>

Part II - <http://bit.ly/psMWRI>

GALLERY



NAMFREL and other partner national & Mindanao-based civil society organizations (CSOs) attended a Methodology Training Workshop held on September 14 to 16, 2011 at the Linden Suites. The workshop is part of preparations for the project to assess the State of Local Democracy (SOLD) in the Autonomous Region of Muslim Mindanao. Besides local CSOs, the SOLD project proponents include the Stockholm-based International Institute for Democracy & Electoral Assistance (International IDEA), University of the Philippines - National College for Public Administration & Governance (UP-NCPAG), and the Philippine Center for Islam & Democracy (PCID) headed by NAMFREL National Council member Ms. Amina Rasul.



NAMFREL National Council member and ANFREL Chairperson Mr. Damaso Magbual (4th from left) with delegates to the NDI/UNEAD meeting in New York. Also in the photo is Mr. Craig Jenness, Director of the UN Electoral Assistance Division (2nd from left), and NDI Electoral Programs Director Mr. Patrick Merloe (5th from left).



A patient and a prisoner cast their votes during the July 23 re-scheduled election in Manokwari, West Papua, Indonesia.



NAMFREL Senior Operations Associate Paolo Maligaya crosses the river to Yamboi village in Ransiki, West Papua the day before the July 20 gubernatorial election.

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