

No. 51/STAE/VIII/09

CODE OF CONDUCT FOR OBSERVERS OF THE ELECTION FOR COMMUNITY LEADERS

Pursuant to sub-paragraph c), Article 8, of Law No. 5/2006 of 28 December, combined with Article 30 of Law No. 3/2009 of 8 July, THE NATIONAL ELECTORAL COMMISSION approves the following to have the force of a code:

CHAPTER I General provisions

Article 1 Scope

The present code of conduct shall govern the acquisition of the status, the exercise of the functions, as well as the rights and the duties of national and international observers.

Article 2 Definition

Electoral observer shall mean an individual or somebody representing a national or international organization who requests his or her registration as such with STAE and is accepted.

CHAPTER III Observers

Article 3 Competences of observers

1. Electoral observation shall consist of collection of systematic, complete and accurate information on the laws, processes, institutions and other factors related to the holding of elections, the impartial and professional analysis of such information, as well as the drawing of conclusions based on criteria of absolute strictness in relation to its accuracy and impartiality, including the formulation of recommendations intended for improving the integrity and efficacy of the electoral process.
2. The functions of an observer shall namely be the following:

- a) To observe all the electoral acts;
- b) To follow-up, from a separate vehicle, the transportation of the ballot boxes and other items from the polling centre or polling station;
- c) to prepare a report of the observation and send a copy thereof to the electoral bodies.

Article 4

Duties of observers

National and international observers shall respect the following duties:

- a) Respect the sovereignty of the Timorese State, the Constitution of the Democratic Republic of Timor-Leste, and the legislation in force;
- b) Not interfere nor obstruct the development of the electoral process and refrain from giving instructions or orders to polling officers;
- c) Refrain from issuing public statements that jeopardize the normalcy of the electoral process;
- d) Provide the National Electoral Commission and STAE with a copy of the report of information they may produce;
- e) Observe strict impartiality in the exercise of their duties, avoid any partiality or preference in relation to national authorities or candidates;
- f) Not exhibit or use symbols of lists of candidacies;
- g) Not accept nor attempt to obtain any gifts, favors or incentives from any candidate, their agents or any other organization or individual involved in the electoral process;
- h) Reveal any relation susceptible of creating conflict of interests with their functions or with the process of electoral observation and evaluation;
- i) Not receive funds from any body or holder of a Timorese body either public or private;
- j) Base all their reports, information and conclusions on documented, factual and verifiable evidence originating from credible sources or on information from idoneous eyewitnesses;
- k) Carry the identification issued by STAE at all times and identify themselves

before any authority or electoral officer whenever so requested.

Article 5

Rights of observers

1. National and international observers shall enjoy the following rights:
 - a) The right to freedom of movement throughout all the national territory;
 - b) The right to ask for clarification from all structures intervening in the electoral process on matters linked to the electoral process and to obtain from such structures the corresponding clarifications in due time;
 - c) The right to freedom of communication with all the candidates and social segments of the suco structure in the country;
 - d) The right to follow up on all electoral processes;
 - e) The right to have access to official documentation relating to the electoral process;
 - f) The right to visit CNE and STAE facilities with a view to verifying the conformity of the means for use in the electoral process;
 - g) Freedom of access to, and of communication with, media representatives;
 - h) Freedom of access to all the laws and regulations governing the electoral process;
 - i) Freedom of access to all polling centres and tabulation stations;
 - j) The right to communicate with, and have access to, CNE, STAE, or other appropriate electoral authorities;
2. In order for the observers to adequately accomplish their functions, the electoral authorities shall:
 - a) Guarantee that observers have freedom to issue public statements and present the reports they deem appropriate without any kind of interference;
 - b) Guarantee that there is no interference in the selection and quantity of the electoral observers;
 - c) Guarantee that there will be no interference in their activities;
 - d) Guarantee that there will be no pressures, threats, or reprisals over any national or foreign citizen working for an observer or observer mission, whether national or

international, and over all those people providing assistance or information to observers and electoral observer missions.

Article 6
Registration of observers

1. STAE shall grant observer credential to any person who requests such status by filling out a specific form available at STAE and presents valid identification documents.
2. National citizens shall be required to present their voting card as well as the form referred to in the preceding paragraph duly filled out.
3. Foreign observers shall be required to present their passport as well as the form referred to in paragraph 1 above duly filled out.

CHAPTER V
FINAL PROVISIONS

Article 7
Removal of credential

CNE may request STAE to cancel any credential granted to any national or international observer who does not comply with the provisions of the present regulation.

Article 8
Revocations

Any provision on national and international observers for suco elections that is contrary to the present regulation is hereby revoked.

Article 9
Entry into force

The present code of conduct shall enter into force on the date of its publication.

Code proposed by STAE
Dili, 13 august 2009

Tomás do Rosário Cabral

Director

Approved in Dili on 17 August 2009

By the National Electoral Commission

No.	Name	Signature
1	Faustino Cardoso Gomes	
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3	Joana Maria Dulce Victor	
4	Maria Angelina Lopes Sarmento	
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6	Silvester Xavier Sufa	
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8	Teresinha Maria Noronha Cardoso	
9	Tome Xavier Jeronimo	
10	Deolindo dos Santos	
11	Vicente F. Brites	
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15	Manuela Leong Pereira	

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- d) Provide the National Electoral Commission and STAE with a copy of the information report they may produce;
- e) Observe strict impartiality in the exercise of their duties, avoid any partiality or preference in relation to national authorities or candidates;
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- h) Reveal of any relation susceptible of creating conflict of interests with their functions or with the process of electoral observation and evaluation;
- i) Not receive funds from any body or holder of a Timorese body organ either public or private;
- j) Base all their reports, information and conclusions on documented, factual and verifiable evidence originating from credible sources or on information from idoneous eyewitnesses;
- k) Carry the identification issued by STAE at all times and identify themselves before any authority or electoral officer whenever so requested.

For the exercise of electoral observation, the observers shall enjoy the following rights:

- a) The right to freedom of movement throughout all the national territory;

- b) The right to ask for clarification from all structures intervening in the electoral process on matters linked to the electoral process and to obtain from such structures the corresponding clarifications in due time;
- c) The right to freedom of communication with all the candidates and social segments of the suco structure in the country;
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