

**LADE**  
**The Lebanese Association for Democratic Elections**

**Monitoring the Elections Process 09**

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**Hotline: 71-121408**

**Email address: [observe@ladeleb.org](mailto:observe@ladeleb.org)**

**Website: [www.observe.ladeleb.org](http://www.observe.ladeleb.org)**

## **Report on the Elections Process April 7 – May 7**

Every citizen is an observer and has the right to monitor the elections

The Lebanese Association for Democratic Elections seeks through the observation process to consolidate the rule of law and guarantee the democracy of the electoral process, despite the evident gaps in election law no. 25/2008. Furthermore, the Association considers the release of regular publications on election observation a contribution to building a new political culture among citizens and public officials, and aims to establish healthy practices and ensure the commitment to the law by all administrative, political, and civil parties.

The Association is issuing its second report in which it lists 133 violations observed, 17 of which have been validated. Most documented violations pertain to articles 59, 68, and 71 of the law, which are concerned with election spending, distribution of services and favors for electoral purposes, electoral speeches and advertisement campaigns filled with slander and libel, intimidation and stirring sectarianism, in addition to exploiting public facilities and resources for electoral purposes.

This happens at a time when candidates should instead focus their speeches on their electoral platforms including developmental, economic, and social issues. The Lebanese Association for Democratic Elections hopes that the electoral process will become an opportunity for portraying a vision, launching constructive national dialogue on political, economic, social, and cultural controversial issues, and thus enabling citizens to choose their representatives according to their platforms and aspirations.

The Association does not expect any candidate who does not comply by the law when he is running for office to do so after his election, and calls upon all Lebanese citizens to urge their candidates to comply by the law and not to tolerate infringements.

The Association would like to point out that the first report issued on April 23, 2009 triggered many responses from a number of official bodies such as the Ministry of the Interior, which took appropriate actions to remedy numerous violations, as well as several candidates and campaign teams.

As a follow up, the Association visited a number of campaign officials, aiming to communicate and cooperate with electoral machines, exchange information to validate the reported violations, and observe electoral activities. The Association encountered favorable reaction from a number of concerned parties, especially regarding the Association's request to examine the candidates' financial reports.

The Association would like to emphasize the importance of considering its regular reports in their entirety. It further emphasizes the fact that its reports do not aim to defame or insult anybody, rather they seek to guarantee the full transparency and impartiality of the electoral process, ensuring equality for both candidates and voters through the application of the adopted electoral law, despite the serious reservations regarding that law that the Association has previously mentioned on several occasions.

To date, the Association has succeeded in recruiting 2,325 volunteers and in training 1,744 of them. Furthermore, it equipped 25 centers and opened 14 coordination offices in the following districts: Saida, Tyre, Shouf, Aley, Tripoli, West Bekaa-Rachaya, Baalbeck, Nabatiyeh, Metn, Jezzine, Bint Jbeil, Batroun and Koura. Twenty-eight candidates and 16 electoral machines attended those events.

Within this context, the Association would like to express its concern and strong condemnation of the delay in appointing the Constitutional Council members. We hold the Cabinet of Ministers responsible for any adverse consequences following the elections and resulting from this situation. We further request from the President of the Republic and the Cabinet immediate action to include this topic in the upcoming Council of Ministers agenda. Such an action would be in agreement with the President's speech on April 6, 2009 when he said, "Accepting the election results is far more important than the election itself. We should not forget the responsibility of the political blocs and the Cabinet in the appointments pertaining to the electoral process; these appointments are extremely important in providing a fundamental guarantee role, most important of which beings the Constitutional Council".

Moreover, we consider the delay in concluding the constitutional amendment regarding lowering the voting age as a violation of the rights of a number of citizens in practicing their political participation and self-determination.

The report includes the following sections:

- Positive remarks and developments regarding the electoral process since the publication of the first report;
- The complaints report;
- The violations report;
- The elections administration performance report;
- Media compliance with and commitment to the law;
- The judiciary's role in handling the violations;
- Civil society's role one day prior to Election Day.

We hope that this will contribute to rectifying the course of a democratic electoral process in accordance with observed laws.

### **Remarks on the Democracy of the Electoral Process**

Following the issuance of LADE's first report on April 24, 2009, a number of practices, decisions, and public circulars were observed and contributed to the consolidation of the democratic electoral process; this is in addition to a number of remarks that require immediate from the relevant authorities.

#### **1. The Positive Developments**

- On May 2, 2009 the Supervisory Commission for Election Campaigns (SCEC) issued a reminder clarifying that municipal locations, playgrounds, and public gardens are considered public facilities, and that churches, mosques, *Hussainiyats*, and their annexes are considered places of worship.
- On April 29, 2009 the Minister of Interior and Municipalities (MOIM) issued a public notice calling on the prosecutor general to combat bribery.

- On May 7, 2009, the MOIM issued a decision authorizing citizens who are between 18 and 21 years old to observe the electoral process.
- The MOIM appointed a unit in charge of coordinating with the local and international observers. The said unit will be responsible for managing the liaison between the administration and the observers, as well as issuing accreditation cards for the observers. Furthermore, the unit issued a code of ethics to be signed by each and every observer.
- The MOIM issued a circular calling for the publication of electoral advertising prices that were delivered to the supervising committee by the media.

As for the electoral machines and candidates, the Association received the following information from some of them:

- Cessation of using places of worship and their annexes, including the *Husseiniyat* and churches' public halls for electoral promotion.
- Cessation of providing financial and material contributions during the electoral campaign.
- Laying off current representatives who are currently working as employees in the public sector.
- Calling on their supporters to take down pictures from public places.

In addition, a number of local authorities took the initiative of specifying the locations assigned for electoral ads and publicity.

It is worth mentioning that while the Association would like to take this opportunity to express its satisfaction regarding the media's coverage of its first report and activities, it hopes that it does not curtail that report but present it as whole; thus contributing to raising the public's awareness to better understand what the electoral law entails.

The Association would like to point out the importance of these positive developments, as they contribute to pushing forward the course of compliance by the law in such a manner as to guarantee a democratic electoral process, which is the objective of the election observation process for the 2009 elections.

### **General Remarks**

- The Association noted the occurrence of a number of incidents in some of the districts, which will have a negative effect on the democracy of the elections and the voters' freedom. A few of these districts that had witnessed these incidents are: Marjayoun-Hasbaya, Tripoli, Minyeh-Denniyeh, Zahlé, and Koura.

For that matter the Association calls upon security forces to impose the necessary procedures that would limit the occurrence of such incidents; it further demands from the judiciary authorities to take appropriate punitive measures against the instigators and keep the public informed about the course of judicial procedures.

- Although the first report pointed out the interference of religious figures, some of them are still holding meetings and delivering speeches supporting one political party against the other; this will influence the voter's choices and the democracy of the elections, further giving it a sectarian aspect.

We call on religious figures not to intervene in the electoral process and not to give candidates the opportunity to use places of worship for electoral purposes.

- Some candidates, especially current ministers, have precedence over other candidates, especially regarding activities related to their respective ministries. Such activities have common returns for these candidates that are not calculated from their own personal funds allocated for their campaign. Needless to say, this situation violates the equality principle without being considered a direct breach of the law, and thus constitutes a gap in the current electoral legislation that needs to be amended when drafting the future electoral law.
- Some candidates, especially current MPs and ministers, use state resources and their own political influence for electoral purposes, which is against Article 71. We call on candidates to stop these practices and urge SCEC, the oversight institutions, and the relevant judiciary authorities to tighten control on public institutions and to take legal procedures against perpetrators.
- A number of pictures are being torn off from billboards, or insulting words are being written over some pictures in areas including but not limited to: Bint Jbeil, Baalbeck, Tripoli, Mniyeh-Denniyeh, and Zahlé.

The Association calls on the Lebanese citizens to refrain from such actions that contradict the freedom of speech.

- A number of political parties distribute financial donations and medical assistance, which is considered as a violation of Article 59 unless, "they are granted by candidates or institutions owned or run by candidates who have been doing so on a regular basis for not less than three years prior to the beginning of the electoral campaign."

The Association calls on the parties concerned to discontinue such practices, unless they have been providing these services for more than three years.

- Some electoral machines' ads and promotional campaigns make use of violent pictures that bring back bad memories of past wars, as a means of gaining people's votes. The Association wishes that all parties refrain from such actions, as these methods create feelings of hostility, stir sectarian instincts, and promote violence and provocation.
- A number of candidates have been placing pictures of certain candidates over municipal buildings, which is considered a violation of Article 71. The Association calls on all local authorities to specify the locations designated for electoral ads, and urge people not to use public buildings and resources for electoral purposes.

- A number of local audiovisual and printed media outlets publish electoral material supporting certain candidates which is considered a violation of Article 66. The media outlets that had submitted to the Commission a declaration expressing their wish to participate in campaign advertising, along with a price list and information on the ‘spaces’ they intend to consecrate for electoral promotions are the only ones entitled to such services; these include such a but not limited to: Sada Al-Bekaa, Al-Ray, Marhaba, and Photonet.

## **Report on Electoral Campaigns’ Violations of from April 7 – May 7**

The Association monitors the campaigns, lists, and political parties, to observe whether they are complying with the law and with the electoral spending and advertising criteria. The Association observed 133 violations during the period from April 7 – May 7 which are being validated. In this report we will publish only 15 confirmed violations.

The Association does not pretend that the observation process has been comprehensive and conducted in all districts. We may have omitted many violations. Therefore, we request that all concerned parties provide us with all the violations observed, and LADE will publish them once they are validated. The following report is a presentation of some but not all violations committed against the soundness of the electoral process.

### **Violations Related to Illegal Campaign Spending**

#### **Violation of Article 59:**

##### **Article 59:**

Financial donations including service provision or payment of money to voters as (inter alia) in kind and cash donations, and support to individuals, charity, social, cultural, religious organizations or other, or sports clubs and all non public organizations shall be prohibited during the campaign period.

The above mentioned donations shall not be prohibited if they are granted by candidates or institutions owned or run by candidates who have been doing so on a regular basis for not less than three years prior to the commencement of the electoral campaign.

There are two points to this matter:

- The first is related to the electoral spending ceiling: this matter is within the authority of SCEC. Validating a violation of the spending cap is impossible prior to obtaining the final upshot of electoral spending after election day. Thus the Association’s role in this context is limited to observing and validating whatever information is available on this matter and making such information accessible to the concerned authorities.
- The second is related to Article 59, which is concerned with illegal provision of funds and services during the elections, which are used as means to influence citizens’

choices by providing certain services or payments of money or in kind donations if the candidate has not been doing so in the past three years.

LADE's teams throughout the country observed a common practice in which all candidates regardless of their affiliations set out by providing services or promising to do so. Furthermore, the teams received information related directly to electoral bribery. When the need arises, the team will work on validating this information, without going beyond the limits set on a civil society organization. Thus, the examples portrayed in this report are very limited and are just the tip of the iceberg of this phenomenon.

Following are a few example of observed and validated practices of this violation: one candidate paid in full the tuition fees of students residing within his electoral district; political party offices distributed medicine and provided health care free of charge; one candidate offered monetary donations to schools within his electoral district; this in addition to cash payments to citizens or a promise of such payments in return for their votes.

LADE has detailed information and documents supporting the above mentioned cases. It is worth mentioning in this context, that a number of candidates and electoral machines contacted us expressing their favorable reaction to our ideals, pledging to avoid the violations indicated in the first report. **Needless to say this is a positive noteworthy sign.**

**LADE will be submitting all available evidence to the Ministry of Interior and Municipalities entrusted with the administration of the elections, to be forwarded to the relevant judiciary authorities.**

## **On Electoral Advertising**

### **Violation of Article 68:**

#### **Article 68:**

**Clause 4:** During the electoral campaign, the audiovisual media outlets, lists and candidates shall abide by the following obligations:

- \* Refrain from any act of libel, slander and defamation towards any list or candidate.
- \* Refrain from broadcasting anything that might trigger religious, confessionnal, ethnic sensitivities or acts of violence or riots or support for terrorism, crime or sabotage.
- \* Refrain from broadcasting anything that might be a means of pressure, intimidation, mistrust, allusion or promise of material or in-kind benefits.
- \* Refrain from distorting, screening, falsifying, omitting, or misrepresenting information.

The Lebanese Association for Democratic Elections formed a team to monitoring electoral campaigns' advertisements, to assess media neutrality and political balance, and the candidates' commitment to complying by the law in their public speech. Furthermore, LADE welcomes the issuance of the first SCEC report that succeeded in monitoring and validating numerous violations of the electoral law thanks to its prerogatives and resources.

As for the present LADE report, it does not include an integrated presentation covering the media, due to the fact that our team just started its work a few days ago; however it does contain a number of remarks that were formed as a result of observing a number of newspapers, and always within the limits stipulated by the law.

The present report does present a number of remarks that were gathered through monitoring media coverage from April 6–29 in the ten following newspapers: *An-Nahar*, *As-Safir*, *Al-Akhbar*, *Ad-Diyar*, *Al-Balad*, *Al-Sharq*, *Al-Liwa'*, *Al-Mustaqbal*, *Iztaak*, and *Ararat*.

The following are the most significant remarks:

- Current electoral speech exaggerates in defaming the political opponent; this is true for the majority of party affiliated media outlets or those supporting a certain political party.
- Some candidates exaggerate in overstating the adversary's agenda, with the objective of stirring the fears of their own audience and thus pushing it to stand by them; or they overstate their strength to frighten the adversary. This practice borders provocation, intimidation, or stirring sectarian instincts.
- Some media channels resort shirk from their responsibilities regarding publishing texts that violate the law, by publishing the candidates' agitating statements or news attributed to other sources; while article 68 clearly stipulates that **the newspaper is solely responsible** for publishing such texts regardless of its sources.

Within this context of political speech and electoral rivalry, certain statements and attitudes border direct violation of article 68, through instigation, defamation, slander in describing the political opponent, or accusing a candidate of financial embezzlement.

The above mentioned are some examples of clear violation of article 68; the media monitoring team will be preparing a more methodical process of media observation, along with an analytical report of the performance of the various media channels and the candidates' speech, which will be published at a later date.

## **On Violation of Public Facilities and Places of Worship**

### **Violation of Article 71:**

#### **Article 71:**

**Clause 1:** Public utilities, government institutions, private or public universities, faculties, colleges, schools, and houses of worship may not be used for electoral events and rallies or for posting pictures or for electoral promotion purposes.

**Clause 2:** Civil servants and employees of public institutions, municipalities and municipal federations may not use their power in favor of any candidate or list.

LADE validated a persistent violation by most parties of Article 71: numerous candidates had used houses of worship and their annexes, universities, municipalities, schools, public institutions for electoral purposes.

The validated examples gathered by LADE are as follows: visits to religious sites and delivering statements at the entrance of the said sites, organizing electoral activities at religious locations, religious figures' support of a certain candidate or list during religious occasions or prayer, using the municipalities and their cadre for direct or indirect electoral activity, use of official and public institutions for election related activities and posting candidates' pictures in public places.

The following are just a few outstanding examples:

1. Prime Minister and candidate for the Sunni seat in Saida, Mr. Fouad Siniora received his guests at the government palace for electoral purposes; just to mention a few cases: on May 4, 2009 he received a member of the Jamaa Islamiya leadership and on April 29, 2009 he received the Union of Beirut Families.
2. On April 18, 2009, the candidate for the Sunni seat in Saida Mr. Fouad Siniora visited Al-Hariri mosque in Sidon, and went directly to the Jaafari Grand Mufti saying that, "he had never sought to become a Member of Parliament, however certain circumstances forced him to follow this course..."
3. On April 28, 2009, the Baalbeck Hermel candidates' list was launched in front of the Bacchus temple at the Citadel of Baalbek; which is a public tourist landmark.
4. On May 3, 2009, under the patronage of the Speaker of the Parliament, Mr. Nabih Berri, a rally was organized in cooperation with the municipality of Hermel, at a private University – the American University for Education and Learning. Berri was represented by former Minister Ali Hussein Abdullah, who confirmed the success of the opposition list.
5. Electoral activities held at various houses of worship and their annexes: On April 27, 2009 the candidate for the Sunni seat in Chouf, Mr. Mohammad Hajjar held a meeting with women affiliated to the Future Movement, at Bsaba Mosque in Iklim Al-Kharroub. On May 8, 2009 candidates for the two Shiite seats in Tyre district Mr. Mohammad Fneish and Mr. Ali Khreis held an electoral meeting at the *Husseiniya* in the village of Abbassiya where they sought support for the Resistance list. On April 19, 2009, the candidate for the Shiite seat in Nabatiyeh Mr. Mohammad Raad held a meeting at the *Husseiniya* in Dwair. On April 25, 2009 Tyre candidate Jammal Safieddine gave a statement in front of the Maronite Patriarchate in Tyre; the candidate for the Greek Orthodox seat in the Marjayoun-Hasbaya district visited Sheikh Naim Hassan at his office in Verdun where he emphasized the importance of the coming electoral elections and the citizen's role in decision making.
6. The electoral machine of the Free Patriotic Movement put a picture for candidate Michel Aoun's at the Lebanese University in Fanar.

The above mentioned incidents require immediate action by the relevant authorities regarding the violations committed against the regulations set by electoral law number 25 dated October 9, 2008.

## **The Elections Management Performance Report**

The Lebanese Association for Democratic Elections is pleased to commend the creation of the Supervisory Commission for Electoral Campaign (SCEC), which is considered a reformist accomplishment and a contributing factor for developing democratic practices in the electoral process. It is worth mentioning that the election law no. 25/2008 entrusted the said Commission with the task of monitoring electoral spending and advertisement.

LADE held regular meetings with SCEC to answer various questions regarding its activities and course of action. Following are the written answers to 45 questions submitted by SCEC.

### **Questions Addressed to the Commission**

#### **On Organizing the Commission's work**

1. Did the Commission publish its monitoring mechanism? The Commission is currently working on publishing two booklets: the first contains all the Commission's organizational decisions related to electoral spending and advertisement, and the second explains the methodology of monitoring the media.
2. Did the Commission publish its work chart? The Commission's work chart is derived from the law.
3. Did the Commission's Chairman and members face any problems in performing their daily tasks? No, we have not faced any such problems.
4. Did the Commission form committees to facilitate the executions of the tasks assigned to it in the law? Yes, the Commission had formed four committees: a legal committee, an electoral spending committee, a media committee, and an administrative committee.
5. Did the Commission categorize the locations it considers as houses of worship? The Commission issued a resolution according to which churches, mosques, *Husseiniyat*, and all related annexes and public halls are to be considered as houses of worship.

#### **On Electoral Expenditures**

1. Will civil society be allowed to examine the 'electoral campaign's accounts' pertaining to the candidates? No, the Commission has sole right to such accounts.
2. What is the monitoring mechanism and computation of expenditures stipulated in Article 58 of the electoral law? The mechanism is found in the booklet.
3. Did the Commission assign an independent committee to monitor the electoral campaign's accounts and contributions? Yes, this committee is known as the electoral expenditure committee in addition to the financial team contracted with the Commission.

#### **On Electoral Media and Advertisement**

1. Did the Commission publish the electoral media and advertisement methodology? The Commission is currently working on issuing a booklet explaining this issue.

2. How does the Committee handle the issue of posting ads in locations not specified for this matter? The Commission in coordination with the Ministry of Interior and Municipalities issued a public notice reminding the local authorities of the necessity of specifying locations for posting electoral ads.
3. Did the Commission notify the billboards' companies of the importance of adopting a balancing attitude regarding renting and selling their billboards to the competing candidates? Yes.
4. Did the Commission record any violations of the rulings and provisions as stipulated by the law regarding the billboards' issue? No, the Commission has not been notified of any such violations.
5. Have you received any complaints regarding the media channels not complying with the acknowledged price list? No, the Commission has not been notified of any such violations.
6. Did the Commission take any legal procedures against any media channel that is supporting one candidate against another? No, the Commission has not received any such complaints.
7. Did the Commission observe the renouncement of any one candidate of his/her designated location for electoral promotion for the sake another candidate or list? No.
8. How many complaints did the Commission receive regarding violations committed by the media? Around 12 violations.
9. Have any complaints been submitted to the Press Court? No.
10. What are the procedures adopted by the Commission to ensure equal appearances of the candidates in the media? The Commission will adopt such procedures following the issuance of its first report.
11. Did the Commission observe any media channel publishing promotional material without clarifying the paid financial fee? Yes, the Commission did observe two such cases that were resolved with the advertising companies and newspapers.
12. Did the Commission observe any ads for candidates that were not clarified as promotional material? Yes, the Commission did observe two such cases that were resolved with the advertising companies and newspapers.
13. Was the Commission notified of any media channel that refused any electoral ad pertaining to any one candidate? No.
14. Did the Commission observe any media channels disrespecting the freedom of speech and expression of various opinions? The answer to this question will be published in the Commission's first report.
15. Did the Commission observe any cases of prejudiced treatment directed against any of the competing candidates or lists? The answer to this question will be published in the Commission's first report.
16. Did the Commission observe any media channel expressing its support for specific candidates? The answer to this question will be published in the Commission's first report.
17. Did the Commission observe any discrimination cases practiced by the media channels in their treatment of the competing candidates and the lists? The answer to this question will be published in the Commission's first report.

18. Did the Commission observe any media channel broadcasting material aimed at stirring sectarian, ethnic or confessional instincts? The answer to this question will be published in the Commission's first report.
19. Did the Commission observe any media channel broadcasting provocative material inciting assassinations and violence? The answer to this question will be published in the Commission's first report.
20. Did the Commission observe any media channel refusing to host any candidate along with his opponent? The answer to this question will be published in the Commission's first report.
21. Did the Commission observe any unauthorized media channel participating in paid advertisement, specifically local media channels? No.
22. Did the Commission observe the publication, or broadcasting or distribution of opinion polls that contradict Article 74 of the law and resolution 4 issued on 29/2/2009 by the Supervision Commission? Yes, a memo has been sent to the company that carried out the opinion poll.
23. Does the Commission consider portraying opinion polls' results during a television interview equal to publishing the results? This topic is linked to whether the politician is providing an example of the polls' results that were carried out on his behalf – in this case the answer will be no; while if an opinion polls' representative was portraying the results, then the Commission's answer would be yes.

## **On Handling Violations and Complaints**

1. Did the Commission receive any complaints from competing parties? What was the number of those complaints and who were those parties? Yes, the Commission received complaints and replies to each and every complaint within 48 hours.
2. Was the Commission aware that a public utility, or government department, or public institution, or university, or college, or institute or public and/or private school, or house of worship had been used for electoral rallies and campaigns? Who and how many were they? How was this matter handled? One single complaint was received regarding this matter; the Commission at once issued a public notice (73) as a reminder of the necessity of complying with Article 71 of the law.
3. Was the Commission aware of posting pictures and promotional electoral material in a public utility, or government department, or public institution, or university, or college, or institute or public and/or private school, or house of worship? Who and how many were there? How was this matter handled? Today the Commission received one complaint regarding posting a huge picture in one public utility.
4. How does the Commission respond to candidates who do not refrain from acts of libel, slander, and defamation and tend to trigger confessional sensitivities during their electoral campaigns? The Commission observes the candidates on the media channels; it monitors and records violations in its published reports.
5. Has the Commission been notified of complaints submitted by the media channels? What and how many of these complaints? How were these complaints handled? The Commission did not receive any complaints form the media channels.

6. Did the Commission refer any violating party to the judicial authorities concerned? What and how many were they? How were these complaints handled? No.

## **The Role of the Judiciary Institutions in Handling Complaints**

The above mentioned cases call for prompt action by the judicial and administrative authorities concerned, in accordance with observed laws and regulations, specifically the parliamentary election law no. 25/2008, the penal code, the audio-visual media channels, and the press law.

## **The Civil Society's Role in Activating the Democratic System**

Traditionally, some organizations and clubs accept financial and in-kind donations from candidates during the electoral campaigns; LADE considers civil society's role as a basic element in guaranteeing the rule of law, specifically the electoral reforms, thus we call upon civil society groups to reject any donations that might carry with them the electoral stamp.

We call upon civil organizations during the elections period to urge candidates and politicians to modify their agendas, so as to include practical response to our social, economic, and daily life issues. On the other hand we urge all civil society organizations such as: unions, economic organizations, and associations to visit candidates and demand the implementation of the social, economic, and political reforms that would consolidate the democratic system, and guarantee public interest in accordance with the voting criterion and within the accountability principle.

These issues include among others: reforming the electoral law as to include pre-printed ballots, the women's quota, and proportional representation... access to information bill, women's right to grant nationality to their children, developing an economic policy that curbs unemployment and emigration, ensuring health and social coverage, establishing a decentralization system, and removing the mention of the sect from the civil registry.

**To inform the Association of any violation, please contact us at:**

Hotline: 71-121408

E-mail: [observe@ladeleb.org](mailto:observe@ladeleb.org)

Website: [www.observe.ladeleb.org](http://www.observe.ladeleb.org)